

MEETING

PLANNING COMMITTEE C

DATE AND TIME

TUESDAY 14TH DECEMBER, 2021

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF PLANNING COMMITTEE C (Quorum 3)

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

Councillors

Claire Farrier	Linda Freedman	Laurie Williams
Nizza Fluss	Nagus Narenthira	

Substitute Members

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

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

Andrew Charlwood – Head of Governance

ASSURANCE GROUP

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

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

Media Relations contact: Tristan Garrick 020 8359 2454

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	5 - 8
2.	Absence of Members	
3.	Declaration of Members' Disclosable Pecuniary Interests and Other Interests (if any)	
4.	Report of the Monitoring Office (if any)	
5.	Addendum (if applicable)	
6.	21/2920/FUL Land North Of Graham Lodge Graham Road London NW4 3DG (West Hendon)	9 - 30
7.	20/4194/FUL 698 Finchley Road, London, NW11 7NE (Garden Suburb)	31 - 64
8.	21/3373/FUL 40 Egerton Gardens London NW4 4BA (Hendon)	65 - 86
9.	20/5845/FUL Saint Johns Church Hall Friern Barnet Lane London N20 0LP (Totteridge)	87 - 130
10.	21/1524/FUL 1 - 2 The Approach London NW4 2HT (Hendon)	131 - 154
11.	21/2231/HSE 39 Haslemere Avenue Barnet EN4 8EY (Brunswick Park)	155 - 164
12.	21/2602/FUL Land Rear Of The Bobath Centre 250 East End Road London N2 8AU (East Finchley)	165 - 194
13.	21/4636/FUL 189 Regents Park Road London N3 3PB (Finchley Church End)	195 - 200
14.	21/3799/HSE 16 Danescroft Gardens 16 Danescroft Gardens London NW4 2ND (Hendon)	201 - 208
15.	21/4178/FUL o/s 836 High Road London N12 9RE (Woodhouse)	209 - 216
16.	21/4191/ADV o/s 836 High Road London N12 9RE (Woodhouse)	217 - 224

17.	Any item(s) that the Chairman decides are urgent	

FACILITIES FOR PEOPLE WITH DISABILITIES

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Decisions of the Planning Committee C

25 November 2021

Members Present:-

AGENDA ITEM 1

Councillor John Marshall -
Vice Chairman (in the Chair)

Councillor Claire Farrier
Councillor Nizza Fluss
Councillor Linda Freedman

Councillor Nagus Narenthira
Councillor Laurie Williams
Councillor Jennifer Grocock (Substitute for
Councillor Stephen Sowerby)

Apologies for Absence

Councillor Stephen Sowerby

1. MINUTES OF THE LAST MEETING

It was RESOLVED that the minutes of the previous meeting held on 11 October 2021 be agreed as a correct record.

2. ABSENCE OF MEMBERS

Apologies were received from Cllr Stephen Sowerby who was substituted by Cllr Jennifer Grocock.

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

None.

4. REPORT OF THE MONITORING OFFICE (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

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

6. BRENT COTTAGE BRENT PARK ROAD LONDON NW9 7AP 21/2485/FUL

The Planning Officer presented the report and addendum.

Mr Martin Reifer addressed the committee in objection to the application.

Ms Emma White, agent for the applicant, addressed the committee.

Further to discussion of the item, the Chairman moved a motion that the application be referred to the Strategic Planning Committee for detailed consideration of the security of the neighbouring school.

This was seconded by Cllr Freedman.

The committee voted on the motion and the vote was recorded as follows:

For (referral) – 7 - unanimous

RESOLVED that the application be referred to Strategic Planning Committee.

7. 107 WEST HENDON BROADWAY LONDON NW9 7BN 21/0932/FUL

The planning officer presented the report and addendum.

Mr Richard Henley, agent for the applicant addressed the committee.

Further to a discussion the Chairman moved to the vote

For (approval) – 7

RESOLVED that the committee approved the application.

8. 163 SUNNY GARDENS ROAD LONDON NW4 1SG 20/3282/HSE

The planning officer presented the report.

The Governance Officer read out a statement on behalf of Ms Lana Humphrys in objection to the application.

The agent, Mr James Cohen, addressed the committee.

Further to a discussion the Chairman moved to a vote on the officer's recommendation. Cllr Fluss did not vote as she had not been present for the entire time that the item had been heard.

The vote was recorded as follows:

For (approval) – 6

RESOLVED that the Committee approved the application with the amended wording for condition 5 which should be amended to read as follows:-

Before the building hereby permitted is first occupied the proposed side dormer window facing 165 Sunny Gardens Road and the proposed first floor side master bedroom window facing 161 Sunny gardens Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

9. 170 HOLDERS HILL ROAD LONDON NW7 1LU 20/5478/FUL

The Planning Officer presented the report.

Mr Dominic Dear, agent for the applicant, addressed the committee.

Further to a discussion the Chairman moved to a vote on the planning officer's recommendation.

For (approval) – 7

RESOLVED that the application was approved.

10. O/S 836 HIGH ROAD LONDON N12 9RE 21/4178/FUL

The Chairman noted that the item had been withdrawn from the agenda due to insufficient notice being given to the applicant about the meeting. The application would be heard at a meeting in the near future.

11. O/S 836 HIGH ROAD LONDON N12 9RE 21/4191/ADV

The Chairman noted that the item had been withdrawn from the agenda due to insufficient notice being given to the applicant about the meeting. The application would be heard at a meeting in the near future.

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

None.

The meeting finished at 8.45 pm

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Location Land North Of Graham Lodge Graham Road London NW4 3DG

Reference: 21/2920/FUL Received: 26th May 2021
Accepted: 26th May 2021

Ward: West Hendon Expiry 21st July 2021

AGENDA ITEM 6

Case Officer: Mansoor Cohen

Applicant: Luca Bertali

Proposal: Erection of a three-storey block of comprising 9 new self-contained flats over an existing car park. Associated parking, cycle store, amenity space and refuse and recycling

OFFICER'S RECOMMENDATION

Approve subject to s106

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

RECOMMENDATION I:

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

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

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

Amendment to the Traffic Management Order:

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

-Meeting the Council's costs of monitoring the planning obligation

RECOMMENDATION II:

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

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

01 - Site survey

04/531 Loc 01

04/531 P-100B

04/531 P-101A

04/531 P-102A

04/531 P-103B

04/531 P-104A

04/531 P-105A

04/531 P-110 C

04/531 P-111

04/531 P-112C

04/531 P-113B

04/531 P-114A

04/531 P-115B

04/531 P-116B

2202-40-SIT-05 Rev P2

04/531 P13

2202-57-01 Rev T3, 2202-57-02R Rev T1, 2202-57-02 Rev T3

Document titled '04/531: Back Land Development Graham Lodge 2 - 4 Graham Road London NW4 3DG'

Transport Statement, dated May 2021

Parking Assessment, dated September 2021

Planning Statement/Design and Access Statement dated 25 May 2021

Cover letter and aboricultural report by John Cromat's Aboricultural Company LTD, dated 19 May 2021

Construction Management Plan by Designalign Construction

Cover letter by Right of Light Consulting, dated 18 May 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) The development shall be implemented in accordance with the details of the materials to be used for the external surfaces of the building(s) as submitted and hereby approved under this application document entitled '04/531: Back Land Development Graham Lodge 2 - 4 Graham Road London NW4 3DG'.

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) 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).

- 5 No construction work resulting from the planning permission shall be carried out on

the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

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

- 6 a) Notwithstanding the submitted details under drawing no. 04/531 P-100B, before the development hereby permitted is first occupied, details of a minimum 15no. long stay and 2no. short stay spaces in accordance with the London Plan Cycle Parking Standards 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.

- 7 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 04/531 P-100B shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

- 8 The development shall be implemented in full accordance with the measures detailed within the hereby submitted Construction Management Plan by Designalign Construction.

Reason: In the interests of highway safety 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.

- 9 a) Notwithstanding the submitted details, 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 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.

- 11 Prior to occupation of the development disabled parking spaces shall be provided in accordance with the London Plan Parking Standards. Thereafter, the parking spaces shall be retained and only be used as agreed and not for any purpose other than parking and turning of vehicles for the disabled use in connection with approved development.

Reason: To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy T6.1 of the London Plan.

- 12 a) The development shall be implemented in full accordance with the details of the hard and soft landscaping, including details of existing trees to be retained and size, levels around the retained trees, species, planting heights, densities and positions of any soft landscaping, as approved under 20/4328/CON, dated 23 December 2020.

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 G1 and G6 of the London Plan.

- 13 The development shall be carried out in full accordance with the details of excavation for services as approved under 20/4328/CON dated 23 December 2020.

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 G1 and G7 of the London Plan.

- 14 a) The development shall be implemented in full accordance with the details of the tree protection plan and method statement as submitted and approved under 20/4328/CON, dated 23 December 2020.

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 20/4328/CON 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.

- 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 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.

- 18 Before the building hereby permitted is first occupied the proposed window(s) in the north elevation facing the rear garden of 34 Allington Road and as detailed in the hereby approved plans 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).

- 19 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.

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

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

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

- 21 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

RECOMMENDATION III:

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

- 2 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 12th April 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 provide a legal agreement to mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and highway safety, contrary to Policy T6.1 of the London Plan (2021), Policy CS9 of the Adopted Core Strategy and Policy DM17 of the Adopted Development Management Policies DPD

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 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.

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

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

OFFICER'S ASSESSMENT

1. Site Description

The site is located to the north of Graham Road and Graham Lodge, a purpose built flatted development housing 18 units. Formerly the site comprised of hardstanding with car parking spaces for residents of the existing flatted development at Graham Lodge. The site is currently under construction following the approval of two storey block of flats for 7 self contained units (19/4458/FUL).

Graham Lodge's primary frontage is on Graham Road. It is located near Hendon Central and is accessed off the A41 Hendon Way northbound. The site benefits from a good level of public transport accessibility represented by a PTAL rating of 5.

The residential gardens of properties along Allington Road are located along the western and northern boundary of the site. There is a car parking area for the adjoining block of flats which is located along the eastern boundary of the site and amenity space for existing residents of Graham Lodge located along the southern boundary of the site.

The area surrounding the application site features a mixture of flats and single dwellinghouses.

The site is not located in conservation area and the building is not listed.

2. Relevant Site History

Reference: 20/4328/CON

Address: Land Rear Of Graham Lodge, 2 - 4 Graham Road, NW4 3DG

Decision: Approved

Decision Date: 23.12.2020

Description: Submission of details of conditions 3 (Materials), 4 (Enclosure/boundary treatment), 6 (Extraction/ventilation), 9 (Demolition and Construction Management and Logistics Plan), 10 (Refuse), 13 (Landscaping), 14 (Service excavations), 15 (Tree protection plan) pursuant to planning permission 19/4458/FUL dated 29/10/19.

Reference: 19/4458/FUL

Address: Graham Lodge, Graham Road, London, NW4 3DG

Decision: Approved following legal agreement

Decision Date: 29 October 2019

Description: Erection of a two storey block of comprising 7 new self-contained flats over an existing car park. Associated parking, cycle store, amenity space and refuse and recycling

Reference: H/03463/14
Address: Graham Lodge, Graham Road, London, NW4 3DG
Decision: Approved subject to conditions
Description: Erection of a two storey block of flats (7 units) over an existing car park

Reference: 16/6088/CON
Address: Graham Lodge, Graham Road, London, NW4 3DG
Decision: Split Decision
Decision Date: 23 December 2016
Description: Submission of details of condition 3 (Materials) 4 (Levels) 6 (Extraction And Ventilation) 7 (Landscaping Details) 9 (Refuse) 10 (Green Roof Details) 11 (Enclosure and Boundary Treatment) 13 (Lifetime Homes) 17 (Cycle Parking) 18 (Turning And Parking Spaces) pursuant to planning permission H/03463/14 dated 17/08/15 for "Erection of a two storey block of flats (7 units) over an existing car park"

Reference: 19/0417/CON
Address: Graham Lodge, Graham Road, London, NW4 3DG
Decision: Approved
Decision Date: 8 March 2019
Description: Submission of details of condition 6 (Demolition and Construction Method statement) pursuant to planning permission H/03463/14 dated 17/08/15

Reference: 19/3355/191
Address: Graham Lodge, Graham Road, London, NW4 3DG
Decision: Unlawful
Decision Date: 28 August 2019
Description: Erection of new meter housing in connection with planning permission H/03463/14 dated 17/08/15 for a two storey block of flats (7 units)

Reference: W11604C/03
Address: Graham Lodge, Graham Road, London, NW4 3DG
Decision: Approved
Decision Date: 16 July 2003
Description: Submission of details pursuant to condition 4 of planning permission W11604A/00.

Reference: W11604D/04
Address: Graham Lodge, Graham Road, London, NW4 3DG
Decision: Approved
Decision Date: 26 October 2005
Description: Submission of details pursuant to condition 2 (parking) & condition 5 (security lighting) of planning permission W11604A/00 for " Pitched roof to front of building forming new floor to rear incorporating two flats. New floor & pitched roof to rear wing to form one flat. Increasing height to staircase block, front canopy and rearrangements of parking & landscaping to rear" granted 17.05.2000.

Reference: W11604B/01
Address: Graham Lodge, Graham Road, London, NW4 3DG
Decision: Approved subject to conditions
Decision Date: 8 February 2002

Description: Addition of 1 x 1 bedroom flat in roofspace of approved pitched roof on rear block (see approval W11604A/00), requiring 2 x side facing dormer windows and 2 x rear facing rooflights, in addition to modifications to the approved connecting stairblock to include a revised stairwell and liftshaft.

3. Proposal

This application proposes the "Erection of a three-storey block of flats comprising 9 new self-contained flats over an existing car park. Associated parking, cycle store, amenity space and refuse and recycling".

The application follows a recently approved scheme reference 19/4458/FUL the 'Erection of a two storey block of comprising 7 new self-contained flats over an existing car park. Associated parking, cycle store, amenity space and refuse and recycling'. The current proposal seeks to build upon the extant scheme by incorporating an additional floor of residential accommodation increasing the number of units from 7 to 9 flats. The footprint and siting of the proposed building would remain as per the extant scheme as would parking provisions.

The proposed building would measure approximately 23.6 metres deep, 18.5 metres wide, 6.4 metres to the eaves, 9 metres to the ridge and an overall height of 9.5 metres.

The proposed development would provide a total of 20no parking spaces for future occupiers of the 9no new flats and residents of Graham Lodge.

The 9no flats would comprise of the following:

- Flat 1 (ground floor) - 1 bed/ 2persons
- Flat 2 (ground floor) - Studio unit
- Flat 3 (ground floor) - 1 bed/2persons
- Flat 4 (ground floor) - 1 bed/2persons
- Flat 5 (First/second floor) - 1 bed/2persons
- Flat 6 (First/second floor) - 2 bed/4persons
- Flat 7 (First/second floor) - 2 bed/3persons
- Flat 8 (First floor) - 2 bed/3persons
- Flat 9 (second floor) - 1 bed/2persons

A designated communal amenity space would be provided for the new development as well as areas of private amenity spaces for all flats.

4. Public Consultation

Consultation letters were sent to 116 neighbouring properties. A site notice was also erected on 10 June 2021.

A total of 6 responses were received in objection to the application. The comments can be summarised as follows:

- Concerns regarding increased demand for parking and associated congestion in an already congested area with a net loss in parking spaces.
- 9no flats would exacerbate the current overcrowding and impact negatively on the quality of life in the vicinity.
- Concerns over access for emergency vehicles

- Concerns regarding overlooking into neighbouring gardens and loss of privacy.
- Development would result in an overbuilt area and a sense of enclosure.
- Too many conversion into flats has congested the area.
- The building is not a good 'fit' for the surrounding residential area which should be preserved.
- Increase in noise and dust nuisance as a result of construction works as well as any associated damage to neighbouring properties.
- Concerns regarding refuse and waste disposal including increased fly tipping.
- Noise and disruption caused by garden maintenance.
- Commencement of demolition of garages without planning permission .

Internal /Other Consultations:

Highways - No objection subject to a legal agreement to restrict future occupiers from obtaining resident parking permits.

Arboricultural - No objection, the proposal footprint remains broadly the same as the approved scheme and therefore any impact on trees would not increase.

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

The Mayor's London Plan 2021

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

Barnet's Local Plan (2012)

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

Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5.

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

Barnet's Draft Local Plan (Reg 19) 2021

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

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

Supplementary Planning Documents

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

Principle of the proposed development

The area is mixed in character with a variety of housing typologies and purpose built flatted development. The principle of flatted development in this location has been firmly established by the previous permission H/03463/14 and extant scheme 19/4458/FUL. Furthermore, this is combined with the sites good level of accessibility to public transport indicated by the high PTAL rating and is therefore sited in a sustainable location.

As such, the principle of flatted development in this location is acceptable subject to the considerations as set out below.

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

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

In addition, Policy CS5 of the Core Strategy states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'.

It is noted that the current proposal builds from the extant scheme by the addition of another storey to accommodate a further two flats. The footprint and siting of the building would remain broadly as per the extant scheme.

The submitted documents demonstrate how the proposal would relate to the neighbouring building Graham Lodge. The ridge height of the proposed block would sit 1m below that of the Graham Lodge, similarly the eaves height of the proposed building would sit close to 0.7m beneath that of Graham Lodge. The respective set downs would sufficiently ensure that the proposed building would read as a subservient addition and of an appropriate scale in relation to Graham Lodge.

Furthermore, comparatively, the height of building when measured from the southern elevation would increase a marginal 0.5m above that of the approved scheme under 19/4458/FUL and would be comparable in eaves height. Furthermore, whilst the proposal description describes the development as 'three storey block', officers consider that in actuality the design of building would resemble more of a two storey block with rooms in the roofspace. This effectively reduces the scale, mass and bulk of the building so that it would be placed well within site.

The proposed roofing would consist of a series of staggered pitched roofs and crown top which would be blend in with mixed array of roofing structures surrounding the site. Furthermore, given the siting of the building to the rear of Graham Lodge and flanked to the east by a parade of frontage buildings four stories in height, limited visibility of the proposal would be had from the surrounding area.

Dormer windows within the proposed roofslope would feature as subordinate additions and in compliance with Residential Design Guidance.

Materials would consist of London stock brick with decorative banding, painted render finish and roof tiles which would reflect materials used within Graham Lodge and therefore acceptable.

In conclusion, by reason of design, the proposed additional storey would sit well within the surrounding environment, the development as a whole would have an acceptable impact on the character and appearance of the locality in terms of size, scale, siting and appearance and therefore acceptable.

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 west and north by the residential rear gardens of Allington Road, to the east by four storey buildings comprising of shops at ground floor level and residential/commercial units above, and to the south by Graham Lodge, a purpose built flatted development of 18 units.

The western elevation is staggered from the common boundary with the rear gardens of Allington Road and the roof pitch slopes away from the boundary. This would adequately reduce the overall perceived mass when viewed from the neighbouring gardens. There are two windows within this elevation at first floor level, however, these would either be obscure glazed (which will be conditioned) or recessed more than 10m away from the boundary and therefore would not raise any concerns of overlooking or loss of privacy.

The rear garden of 34 Allington Road would extend past the northern end of the site. However, there would not be any amenity impact to this garden as the proposed development has been sensitively designed to ensure no loss of privacy would arise by way of obscure glazing and/or angled windows in the northern elevation facing this garden. A condition will be imposed to ensure this remains so.

To the east, the separation distance to neighbouring windows afforded by the neighbouring car park would exceed 21m and as such would not raise concerns of overlooking or loss of privacy.

To the south the siting of the proposal in relation to Graham Lodge remains the same as the previously approved scheme and location of the south facing windows remain the same as the previously approved scheme. Notwithstanding this, the nearest facing windows which align with the projecting outrigger of Graham Lodge are high level windows and have been annotated to being obscure glazed. As such, it is not considered to result in any additional or detrimental impact on the amenities of these neighbouring occupiers.

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

All development proposals are expected to provide an adequate level of amenity for future occupiers, in accordance with the Sustainable Design and Construction SPD and The London Plan 2021.

The development would create 9no self-contained flats as follows:

Flat 1 (ground floor) - 1 bed/ 2persons GIA 54m² (required 50m²)

Flat 2 (ground floor) - studio GIA 39.8m² (required 39m²)

Flat 3 (ground floor) - 1 bed/2persons GIA 63m² (required 50m²)

Flat 4 (ground floor) - 1 bed/2persons GIA 55.8m² (required 50m²)

Flat 5 (First/second floor) - 1 bed/2persons GIA 76.5m² (required 58m²)

Flat 6 (First/second floor) - 2 bed/4persons GIA 80.8m² (required 79m²)

Flat 7 (First/second floor) - 2 bed/3persons GIA 70m² (required 70m²)

Flat 8 (First floor) - 2 bed/3persons GIA 74.5m² (required 61m²)
Flat 9 (second floor) - 1 bed/2persons GIA 59.4m² (required 50m²)

All of the proposed units would meet the minimum floor space standards as set out in the London Plan.

Daylight/Outlook:

All units would receive a sufficient level of daylight and outlook.

Amenity Space:

Provision of amenity space for the development would consist of a communal garden area (80sqm) located within the shared communal area for Graham Lodge. This aspect replicates the extant scheme and was considered acceptable. In addition, all units would be provided with private outdoor amenity space in the form of terraces, balconies or rooftop courtyards. The combination of communal garden space and private spaces would meet the requirements and provide a good level of amenity for future occupiers.

In conclusion, the proposed development would provide satisfactory living conditions for future occupiers.

Whether harm would be caused to highway safety

By way of background, Graham Lodge consists of 18 residential units and the application site formerly contained an area of car parking for the existing residents of Graham Lodge amounting to 16 spaces. Graham Lodge also benefits from 9no. spaces to its front forecourt adjacent to Graham Road.

The consented scheme involved the loss of the 16no. spaces to facilitate the development and the re-provision of 11no. spaces within the basement, providing a total net loss of 5 spaces. The 9 spaces to the front forecourt were to be retained, however a site rationalisation of parking spaces was approved in which, 1 parking space would be allocated to each unit of Graham Lodge and the remaining 2 spaces were to be allocated to the consented development of 7 flats. The Highways team, taking into consideration the PTAL 5 zone, Controlled Parking Zone and legal agreement to restrict future occupiers from obtaining parking permits considered the provision acceptable.

The proposal in this respect does not differ in which, a total of 18 spaces would be retained for Graham Lodge (9 to the front forecourt and 9 within the basement level) with the balance of 2 spaces being provided for the proposed development, however, the proposed development incorporates an uplift of two additional flats.

Highway officers therefore required a parking survey to be conducted to demonstrate that the net uplift of 2 parking spaces could be accommodated on street. A parking survey was conducted in accordance with the Lambeth Methodology. The survey showed that the average parking 'stress' of safe and legal 'HC1' kerb side parking opportunities identified within the survey area is 30%. Of the 62 identified kerb side parking opportunities, an average of 19 cars have been observed to be parked leaving 43 free spaces during the overnight surveys. As such, the overspill of 2 spaces could be adequately accommodated on street.

Highways therefore considered the proposal acceptable subject to a legal agreement to restrict future occupiers from obtaining resident parking permits. The applicant is willing to enter into such an agreement.

In light of the above, subject to the undertaking of a legal agreement, officers consider the proposal would provide a sufficient level of parking allocation and would not impact adversely on highway safety.

Cycle parking:

In accordance with the London Plan 2021, a provision of 15 long stay and 2 short stay cycle spaces would be required for the proposed development. Plans show an area within the basement for cycle storage that could accommodate the requirement, however, it would need to be demonstrated that there would be sufficient access to and from the cycle store in light of the surrounding vehicle parking. This could be addressed by way of a suitable condition.

Refuse and Recycling:

In accordance with refuse and recycling requirements a provision of 1100L of refuse and 1100L of recycling would be required. The submitted basement plan shows bins in accordance with this requirement. Further details including a refuse management plan will be secured by way of a condition.

Tree Impacts

The proposed footprint broadly reflects the consented scheme as such there would be no additional harm to any trees as a result of this development.

Other material considerations

As noted earlier, the proposed development builds on the extant scheme currently under implementation. The consented scheme was subject to a series of conditions subsequently discharged under reference 20/4328/CON. Given there are broadly no changes to the footprint of the consented scheme, the applicant has re-submitted the same details as approved under 20/4328/CON to avoid the need for imposing conditions on the current application. The details as such are considered acceptable and relevant conditions will be imposed to ensure the development is carried out in accordance with these details. The officers delegated report for 20/4328/CON is available on the public forum.

5.4 Response to Public Consultation

Mainly addressed in the body of the report.

- Concerns over access for emergency vehicles.

The proposal does not alter access arrangements from that of the approved scheme. Sufficient access for emergency vehicles could be provided by the adjacent access road to the direct east of the site.

- Concerns regarding overlooking into neighbouring gardens and loss of privacy

The proposed development, (as well as the extant), have been carefully designed to avoid

any loss of privacy of adjoining gardens. This has included careful location of windows, angled windows and opaque glazing.

-Too many conversion into flats has congested the area.

The application has been assessed on its own merits and in accordance with adopted policies and guidance.

-Increase in noise and dust nuisance as a result of construction works as well as any associated damage to neighbouring properties.

This aspect can be controlled by way of a Construction Management and Logistic Plan to mitigate any adverse impact in terms of construction hours and dust. Concerns relating to damage are not material planning considerations and need to be addressed through civil means.

-Concerns regarding refuse and waste disposal including increased fly tipping.

The proposal incorporates self contained refuse stores within the basement level which is in accordance with adopted policies, a refuse management condition will also be imposed. Broader concerns of fly tipping need to be addressed to the Council and fall outside the remit of the planning application.

-Noise and disruption caused by garden maintenance.

The proposed development is by an existing communal garden and self contained private terraces, it is therefore not considered that this would add to the issue to such an extent that would adversely impact neighbours.

-Commencement of demolition of garages without planning permission.

The site benefits from an extant permission (ref: 19/4458/FUL) to which the demolition works relate too.

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 subject to a legal agreement the proposal would have an acceptable impact on the character and appearance of the locality and would not result in an adverse impact to neighbouring occupiers. The application is therefore recommended for APPROVAL subject to a legal agreement.



Location **698 Finchley Road, London, NW11 7NE**

AGENDA ITEM 7

Reference:

20/4194/FUL	Received:	01.10.2020
	Accepted:	01.10.2020
Ward:		
Garden Suburb	Expiry	18.12.2020

Applicant:

Flakevale Ltd

Proposal:

Demolition of the existing building and erection of a part single, part two and part five storey building comprising of A2 office space at ground floor level with 9no. self-contained flats (comprising of 7x 2 bed & 2 x 3 bed units) on the upper floors; and 11 car parking spaces at basement level accessed via Hoop Lane associated amenity space, refuse storage and cycle parking.

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. 1. Greenspace Contributions - £ 10,500 towards off site child playspace; Capital Asset Value for Amenity Trees (CAVAT) is 109,554 T1 and £92, 445 for T2. These moneys would be sought and spent on tree planting elsewhere within the vicinity of the site should the health of the existing two trees be compromised as a result of the proposed development within a period of five years of the completion of the development.
 2. Section 106 Monitoring contribution: £4, 249, 98
 3. Non- financial obligation- restricts car parking permits.

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – 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 – Planning and Building Control:

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

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

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

- Site Location Plan;
- Drawing numbers: AP03 Rev D (proposed elevations); AP02 Rev E (proposed floor plans); and AP04 Rev A (proposed sections).
- Planning Statement dated September 2020 by Burrough Associates
- Heritage Statement; Townscape Visual Assessment by Stephen Levrant Heritage Architecture Ltd dated May 2019
- Survey Plans: drawing numbers S01; S02

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

3. a) No development 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 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.

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

- (iii) (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

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

6. Notwithstanding the parking site layout plan submitted with the planning application, prior to commencement of the development; a detailed parking layout plan showing the exact dimensions of the existing/proposed access shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, 11 off-street parking spaces including 2 disabled parking bay shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with the approved development. The applicant shall obtain a s184/278 for all off-site highway works including the construction of the proposed access and renewal of the footway around the perimeter of the site.

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. Notwithstanding the parking site layout plan submitted with the planning application, prior to commencement of the development; a stage 1 safety audit of the proposed vehicular access and basement car park layout shall be submitted to and approved in writing by the Local Planning Authority.

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

8. Before the permitted development is occupied, details of parking management plan shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved parking management plan.

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

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

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

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

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

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

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

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

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

12. 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 G7 of the London Plan (2021).

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

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

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and

Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012).

14. a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

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

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

15. The level of noise emitted from the specify machinery plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property. If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012) and policy D14 of the London Plan 2021.

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 35 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and

DM02 of the Barnet Development Management Policies document (2012); and SI 2 & SI 3 of the London Plan (2021).

17. Within 3 months of completion of the development, the applicant shall be awarded Secure by Design accreditation, in consultation with the Metropolitan Police.

Reason: To ensure that the development is safe and secure for future occupiers in accordance with policies CS5 of the Core Strategy (2012) and DM02 of the Development Management Document (2012).

18. The development shall be installed with water sprinklers and retained thereafter.

Reason: To reduce of damage caused by fire whilst promoting health and ensure that the health and safety of future occupiers is not unduly compromised in accordance with DM02 of the Management Development Document (2012); Barnet Supplementary Planning Document on Residential Design Standards (2016).

19. (a) Prior to the commencement of works onsite, full details of the fire access facilities and arrangements shall be submitted to the Local Planning Authority, in consultation with London Fire Brigade Authority.

(b) The details hereby approved shall be implemented and retained thereafter.

Reason: To ensure that the site is accessible by firefighters to promote health and ensure that the health and safety of future occupiers is not unduly compromised and in the interest of highway safety in accordance with CS9 of the Core Strategy; DM02 and DM17 of the Management Development Document (2012); Barnet Supplementary Planning Document on Residential Design Standards (2016).

20. a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy

(adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

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

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

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

Reason: To ensure that the piling works do not adversely disrupt or damage the local underground sewerage utility infrastructure and to ensure the safety and health of future occupiers is not compromised in accordance with DM04 of the Local Plan (2012) and policies SI 12 & SI 13 of the London Plan (2021).

23. 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).

24. 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 G7 of the London Plan 2021.

25. 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 policy DM14 of the London Plan (2021); policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD.

26. 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 2021.

27. 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.

Informatives

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.

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

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.

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 the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
5. In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
 - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
 - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
 - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
 - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
 - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

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

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

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

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

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

7. 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.

8. The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.
9. 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.
10. If a concrete pump lorry is operated from the public highway, 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.

11. The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.
12. The Applicant is advised to ensure that the proposed plans conform to Part B of approved document of the Building Regulations and that the application is submitted to Building Control/Approved Inspector who in some circumstances may be obliged to consult the Fire Authority.
13. The applicant is advised to consult Fire Safety Guidance Note (dated 29 January 2019) on Fire Brigade Access similar to that in B5 of the Building Regulations.
14. Thames Water would advise that with regard to sewerage infrastructure capacity.
15. 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.

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 1st November 2020 unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not include a formal undertaking to meet the costs of replacement street trees and off site child playspace. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

Officer's Assessment

1. Site Description

The site is about 0.3 miles from Golders Green town centre on the major radial Finchley Road (A598) at its junction with Hoop Lane. It is adjacent to Grade II Listed Roman Catholic Church of St Edward the Confessor.

It has a high PTAL score of 6a (excellent). There are regular bus services H2, 460, 82 and 101 along Finchley Road, Golders Green tube station is a 7-minute walk to the south east (Northern Line) and the Golders Green bus and coach station is directly opposite the tube station.

No. 698 comprises a part four storey and part two storey building occupied at ground floor level by offices (Use Class A2 Professional Services) with four flats on the upper floors.

The Proposals Map below shows the site is not subject to any special development control policies. The Hampstead Garden Suburb Conservation Area - Golders Green area is located to the east (red line), Hoop Lane Cemetery and Golders Green Crematorium are designated as Metropolitan Open Land (green) and an Area of Special Advertisement Control is purple.

There are two x plane Trees which are protected under a Tree preservation order (TPO/CA/398/G1).

2. Site History

Ref no: F/00550/11

Description of development: Extension to the time limit for implementing planning permission C/06012/AJ/07 dated 06/05/08 for 'Demolition of building and erection of a 5-storey building with offices (Class A2) at ground floor and 9 self-contained flats on upper floor. Provision of 11 car parking spaces at basement level accessed via Hoop Lane and associated landscaping.

Decision Approve subject to conditions

Decision date: 01.04.2011

Ref no: F/00275/14

Description of development: Submission of details for Conditions 24 (Excavation for Services in Relation to Trees), 25 (Temporary Tree Protection Details), and 26 (Arboricultural Method Statement) pursuant to planning permission F/00550/11 dated 06/05/2011.

Decision: Approved/discharged

Decision date: 24.04.2014

Ref no: 19/3857/FUL

Description of development: Demolition of the existing building and erection of a part single, part two and part five storey building comprising of 10no. self-contained flats

with 11 car parking spaces at basement level accessed via Hoop Lane; associated amenity space, refuse storage and cycle parking.

Decision: Withdrawn.

Decision date: 20.12.2019

Ref no: F/00275/14

Description of development: Submission of details for Conditions 24 (Excavation for Services in Relation to Trees), 25 (Temporary Tree Protection Details), and 26 (Agricultural Method Statement) pursuant to planning permission F/00550/11 dated 06/05/2011.

Decision: Approved/Discharged

Decision date: 24.04.2014

3. Proposal

The proposal is for a demolition of the existing building and erection of part single, part two and part five storey building with A2 Office space at ground floor and 9 no self-contained flats (comprising 7x 2 bed & 2 x 3 bed units) on the upper floors with 11 car parking spaces at basement level accessed via Hoop Lane. It is closely similar to the extant planning permission which has been lawfully implemented.

4 Public Consultation

Consultation letters were sent to 412 neighbouring properties. A site notice was also published on 06.10.2020 and advertised in the press on 06.10.2020.

231 responses have been received, comprising 229 letters of objection, 2 letters of support.

The objections received can be summarised as follows:

- Exacerbate congestion
- Adverse impact on highway safety
- Loss of privacy, daylight, and sunlight to neighbouring properties
- Overlooking and overshadowing
- The proposal scale of development is excessive and would not be in keeping with the character and appearance of the area
- Lack of private amenity space onsite
- Noise disturbance
- The proposal would result in overdevelopment of the site.
- The proposal would result in loss of daylight, sunlight, and privacy to nearby residential properties
- The design, scale and height of the development of the residential building is excessive, which is not in keeping with the character and appearance of the area.
- The proposed submission documents do not address the impact the proposal would have on existing social infrastructure

- The proposal could result in an increase in anti-social behaviour and crime in the area.
- Increase in cars and traffic
- Cause noise and disruption
- Limited parking available
- The height of the proposed new building would block views of the church for various vantage points on the streetscene
- The proposal would have a detrimental impact on the heritage assets

All planning matters raised have been considered and addressed as part of the decision-making process. All representations have been summarised in the Officers report.

Statutory Consultees

Thames Water

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests that a condition is attached to a planning consent which requires no piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. This is to ensure that the piling works do not adversely disrupt or damage the local underground sewerage utility infrastructure and to ensure the safety and health of future occupiers is not compromised.

This would be secured by way of a condition.

London Fire Brigade

Insufficient information has been provided in relation to access and facilities for fire fighters. Prior to commencement of works onsite, the applicant would be required to submit full details of the access facilities for fire fighters, in consultation with London Fire Brigade Authority. This would be secured by way of a condition.

Metropolitan Police

Secure by Design do not raise any formal objections to the application but had some reservations and recommendations regarding the proposed undercroft at the front of the site, formed by an 'overhang'. The overhang still remains, and it may not be possible to remove this 'feature' of the design.

The Metropolitan Police do not raise any formal objection subject to a condition which requires that within 3 months of completion of the development, the applicant must be awarded Secure by Design accreditation, in consultation with the

Metropolitan Police. This is to ensure that the development is safe and secure for future occupiers.

LBB Environment Health

LBB Environment Health do not raise any formal objections, subject to the following conditions:

- Demolition and Construction Management Plan
- Noise Assessment, including noise mitigation measures
- Contamination Land
- Air pollution mitigation measures

LBB Trees and landscaping

Insufficient information has been submitted to demonstrate that the construction activities would not have an adverse impact on trees and specifically protected trees which have Tree Protection Orders. These two trees provide very high quality public tree amenity. The loss of these large established trees in the street scene would be significant and unacceptable in policy terms.

The trees growing on the footway would be damaged by the proposed and previously approved basement. By the removal of 50% of the rooting area/root plate the x 2 TPO trees

Section 106

Should the applicant provide an inadequate level of new tree planting, new street trees could be provided in the local area to offset this loss.

Section 106 agreements can be sought from developers by the council. They are to improve the community and local area and are commonly sought to improve the local amenity including parks and open spaces. The Planning Department and Tree Team can work together to ensure funding is sought where new planting schemes would be beneficial to the local community in the vicinity of developments.

When a council owned tree is required to be removed to facilitate a development, the Capital Asset Value for Amenity Trees(CAVAT) value of the tree will be required to mitigate the loss, and the money received from the developer used to support the planting targets discussed throughout this Policy.

The applicant would be required to make the following contributions for the loss of the two protected trees.

o Tree no 1: £109, 554 (86cm diameter)

o Tree no 2: £92, 445 (79cm)

The applicant would be required to submit the following details which would be secured by way of planning condition(s):

-Details of hard and soft landscaping

- Excavation for services to demonstrate the location of services would not harm the trees

- Tree Protection Method Statement for the 2 no x TPO trees to include a schedule of tree works
- Landscaping to frontage
- Bat Roosting survey

LBB Transport and Highways

LBB Highways team do not raise any formal objections subject to the following planning conditions:

1. Details of electric vehicle charging points;
2. Details of cycle parking spaces
3. Details of a servicing management plan including collection arrangements;
4. A Parking Management Plan;
5. Demolition and Construction Management and Logistics Plan;
6. A detailed Parking Layout Plan showing the exact dimensions of the existing/proposed access
7. A stage 1 safety audit of the proposed vehicular access and basement car park layout;
8. A "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion.

(Officers comment: The above would be secured by way of conditions).

5. Policy Context

Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this". The NPPF retains a presumption in

favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The London Plan (2021)

The London Plan 2021 was adopted on 02 March 2021 and is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth.

The Plan is part of the statutory development plan for London, meaning that the policies in the Plan should inform decisions on planning applications across the capital. Borough's Local Plans must be in 'general conformity' with the London Plan, ensuring that the planning system for London operates in a joined-up way and reflects the overall strategy for how London can develop sustainably, which the London Plan sets out.

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 relevant London Plan (2021) policies are as follow:

D1; D5; D6; D7; D8; HC1; T5; T6; SI 1; SI 2; G5; G6 & G7

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS5; CS6
- Relevant Development Management Policies: DM01, DM02, DM04, DM07, DM08, DM14, 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.
- Residential Design Guidance SPD (adopted October 2016).

6. Main issues for consideration

Background of the subject proposal

Planning permission was approved on 11th April 2011 subject to conditions for the demolition of building and erection of a 5 storey building with offices (Class A2) at ground floor and 9 self-contained flats on upper floor. Provision of 11 car parking

spaces at basement level accessed via Hoop Lane and associated landscaping (Ref no: F/00550/11).

The purpose of this subject planning application is primarily to increase the floor to ceiling height of the residential units. The previously approved scheme has a substandard floor to ceiling height of 2.2m. The original (September 2020) proposal involved a 1.7m increase in height to facilitate 2.7m floor to ceiling heights. The proposal now achieves 2.5m floor to ceiling heights for the upper floor residential levels and 2.80m for the commercial ground floor. This involves lowering the ground floor by 720mm.

The overall height of the development has increased by 1 metre in height.

The corner of the building has been re-designed to have a more subtle flat roof rather than tower element. As such, this element would not appear as a dominant structure on this prominent location. It would give rise to visual impacts on the streetscene. Moreover, the building proportions would be contemporary (top heavier than ground floor) which it would be considered harmful to the appearance of the building. During the course of the application, the balconies have been redesigned to reflect the extant consent. The height increase has been reduced to from 1.7m to 1m.

The main issues for consideration in this case are:

- The principle of land use onsite
- Design and its impact character and appearance of the area; and the setting of the adjacent Grade II Church Building and the nearby cemetery (designated heritage asset)
- Quality of residential accommodation
- Impact on neighbouring properties
- Impact on the highway
- Energy and Sustainability
- Impact on street Trees

The principle of land use onsite

The principle of residential development has already been established onsite, with the extant planning consent. The flatted nature of the development would not harm the residential character of the area, and is therefore considered acceptable.

Design and its impact character and appearance of the area; and the setting of the adjacent Grade II Church Building and the nearby cemetery (designated heritage asset)

High quality design underpins the sustainable development imperative of the NPPF and policies D1, D5, D6, D7 and D8 of the London Plan (2021). Policy CS5 of Barnet's Core Strategy (2012) seeks to ensure that development in Barnet respects local

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

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

The Councils adopted Supplementary Planning Documents Residential Design Guidance SPD (2016) sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority

Policies DM06 and CS6 of the Local Plan (2012) and HC1 of the London Plan (2021) seek to ensure that development does not compromise the setting of listed buildings; Conservation Areas and other heritage assets.

The NPPF defines "setting" 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. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. As such, when assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change".

The proposed ground floor is smaller in footprint to allow for arches at pavement levels with traditional shop windows along the walkway. The overall bulk of the building is similar to existing with the exception of the corner tower which projects marginally above the existing roof.

The two-storey element to the scheme closest to the church would be slightly different in design to the main block to allow for a transition between the locally listed building and the main building.

The gap between the proposal and the church is considered sufficient to allow for the development to look in character with the area and respect the pattern of buildings in this part of Finchley Road. In addition, the proposed footprint would relate well to surrounding development; and the proposal would respect the setting of the neighbouring locally listed building and would not impact detrimentally on the character and appearance of the nearby Conservation Area.

The site directly to the rear (east) has an implemented planning consent for erection of a four-storey building comprising 9no. self-contained residential units, including 2no car parking spaces, refuse area and cycle storage (F/01413/13).

The main changes to the previously approved residential planning consent are as follows:

- The ridge height of the 4-storey element is increased by 1 metre
- The height of the corner tower element is increased by 1387mm; and
- Each individual flat on the upper levels has been provided with a balcony

Since the original approval in 2008, and subsequent extensions, the Church of St Edward the Confessor has been statutorily listed and only recently, the Hoop Lane Jewish Cemetery behind the site became a registered Park and Garden, and now contains two statutorily listed structures within its site, the entrance gateway and prayer hall building. These designations now form a material consideration in determining this application.

Whilst the proposal would have an impact on views from these new heritage assets, the most pertinent issue in this matter now becomes the impact of the proposal on the setting of the listed church, to which it would become a neighbour. The listing entry makes it clear that the square lantern-tower dominates the building and can be considered an architectural element that is of high significance to the church. The applicant has submitted comparison drawings how compare the implemented scheme and the proposed scheme. These drawings shows that there is the minor increase in overall height which would not significantly alter the impact on the setting of the adjacent Grade II Listed Church.

Objection letters from the local community were received, in part on the grounds that the proposed height, scale and bulk, design features which includes protruding balconies would have a detrimental impact on the setting, character and appearance of the grade II Listed building. The corner of the building has been re-designed to have a more subtle flat roof rather than tower element. As such, this element would not appear as a dominant structure on this prominent location. It would give rise to visual impacts on the streetscene. Moreover, the building proportions would be coteremporary and are not considered harmful to the appearance of the building. During the course of the application, the balconies have been redesigned to reflect the extant consent. The height increase has been reduced to from 1.7m to 1m.

Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of the development. Higher densities should not be achieved at the expense of good quality design or the amenity of the surrounding area.

The proposed design of the building has been subject to extensive negotiations between the developer and planning Officers. The proposal is articulated around a corner tower at the junction of Finchley Road and Hoop Lane.

The ground floor is smaller in footprint to allow for arches at pavement levels with traditional shop windows along the walkway. The overall bulk, scale and massing is similar to the previously approved development onsite, and the existing building. The proposed Juliet balconies and window treatment is considered acceptable throughout

and subject to the use of appropriate materials (as conditioned above) the proposed building would result in a subordinate addition to the streetscene.

The two storey element to the scheme closest to the church would be slightly different in design to the main block to allow for a transition between the Locally Listed Building and the main building.

The gap between the proposal and the Church is considered sufficient to allow for the development to look in character with the area and respect the pattern of buildings in this part of Finchley Road. In addition, the proposed footprint would relate well to the surrounding development.

Whilst there would be some “harm” caused to its setting but that it would be “less than substantial harm”, under paragraph 196 of the NPPF and that Officers should weight any harm against the public benefits of the proposal. The proposal would deliver additional family sized accommodation, which is much need within the Borough.

On balance, it is considered that the proposed design, including its’ height, scale, bulk, massing and appearance, would respect the setting of the neighbouring Locally Listed Building and would not impact detrimentally on the character and appearance of the nearby Conservation Area.

Quality of accommodation

Dwelling mix

Policy DM08 of the Council's Local Plan documents identify 3 and 4 bed units as being of the highest priority types of market housing for the Borough. The need for a diverse range of unit sizes is also echoed within the London Plan (2021) policies H1 & H10.

The proposal makes provision for 7 x 2 bed units (78% of total); & 2 x 3 bed units (22% of total).

The proposed provision for 2 x 3 bed units is welcome as would assist in meeting a demand in the borough for family occupation. All of the proposed 2 bed units are suitable for 4 person occupancy. In recent years, 2 bed (4 person) units are increasingly considered to provide suitable accommodation for families and indeed, there is growing demand for this form of family accommodation, as evidenced with the Councils Strategic Housing Needs Assessment. The proposed dwelling mix is supported by Officers and is policy compliant.

Internal design standards

The Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. The proposal habitable rooms all meet minimum room size standards. Further, the proposal rooms would receive good outlook and generous daylight and sunlight provision to the habitable rooms.

Housing standards are set out in the Nationally Described Space Standards (NDSS), the London Plan and London Housing SPG and Barnet's Sustainable Design and Construction SPD.

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

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
 - Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.
- The nationally described space standard sets a min. ceiling height of 2.30m for at least 75% of the floor area per unit.

The proposal achieves 2.5m floor to ceiling heights for the upper floor residential levels and 2.80m for the commercial ground floor, in accordance with policy.

All the proposed units meet the minimum room size standards:

- 1 x 3 bed (5 person) Policy Requirement 86sqm Proposed 154sqm
- 1 x 3 bed (5 person) Policy Requirement 86sqm Proposed 131 sqm
- 1 x 2 bed (4 person) Policy Requirement 70sqm Proposed 86sqm
- 1 x 2 bed (4 person) Policy Requirement 70sqm Proposed 101 sqm
- 1 x 2 bed (4 person) Policy Requirement 70sqm Proposed 86sqm
- 1 x 2 bed (4 person) Policy Requirement 70sqm Proposed 101 sqm
- 1 x 2 bed (4 person) Policy Requirement 70sqm Proposed 86sqm
- 1 x 2 bed (4 person) Policy Requirement 70sqm Proposed 86sqm
- 1 x 2 bed (4 person) Policy Requirement 70sqm Proposed 70sqm

Further, all units would be dual aspect and the proposal rooms would receive good outlook, daylight, and sunlight to habitable rooms.

Private amenity space

The Council's adopted Residential Design Guidance SPD requires the provision of 5 sq.m of amenity space for each habitable room for flats. This applies to one, two, and three bed flats. Based on the details submitted, the following would be required:

- Flat 1: 1 x 3 bed Policy Requirement 25sqm Proposed 1sqm
- Flat 2: 1 x 3 bed Policy Requirement 25sqm Proposed 4sqm
- Flat 3: 1 x 2 bed Policy Requirement 15sqm Proposed 4sqm
- Flat 4: 1 x 2 bed Policy Requirement 15sqm Proposed 0sqm
- Flat 5: 1 x 2 bed (4 person) Policy Requirement 15sqm Proposed 0sqm
- Flat 6: 1 x 2 bed (4 person) Policy Requirement 15sqm Proposed 0sqm
- Flat 7: 1 x 2 bed (4 person) Policy Requirement 15sqm Proposed 0sqm
- Flat 8: 1x2 bed (4 person) Policy Requirement 15sqm Proposed 0sqm

Flat 9: 1 x 2 bed (4 person) Policy Requirement 15sqm Proposed 0sqm

As set out above, the proposal makes provision for 1sqm of private amenity space for flat 1 and 4sqm for both flats 2 and 3. The remainder of the units do not include private amenity space.

However, as set out at paragraph 2.3.32 of the Housing SPG states that where site constraints mean it is not possible to provide private open space the dwellings may instead be provided with additional internal living space equivalent to the open space requirement in area terms. All residential units exceed internal minimum unit size standards

The proposal makes provision 69sqm of usable communal amenity space (including communal amenity space) onsite, which exceeds the GLA requirement of 22.6sqm for this proposal. The applicant would be required to submit full details of the child playspace, which will be secured by way of a condition. It is considered that a reason for refusal could not be sustained in these circumstances based on the under-provision of private amenity space.

Children playspace

The proposed building is in an edge of town centre location where the Council considers development with limited private amenity space acceptable. Whilst some form of amenity space is provided in the form of a small garden to rear, the requirements of the SPD are not met. Where limited private amenity space for new residential units is provided this leads to subsequent pressure on the play areas/park and recreational areas provided by the Council. A contribution of £10,500 (plus £250 in monitoring costs) is required to address the lack of child playspace as part of the section 106 Agreement

Impact on neighbouring properties

Amenities of Neighbouring and Future Residents Part of the 'Sustainable development' imperative of the NPPF 2019 is pursuing improvements to amenity through the design of the built environment. Policies CS5, DM01, DM02 and DM04 of the Barnet Development Management Policies DPD seeks to manage the impact of new developments to ensure that there is not an excessive loss of amenity in terms daylight/sunlight, outlook and privacy for existing residential occupiers or gardens.

The Residential Design Guidance SPD advises that in new residential development privacy can be safeguarded by achieving minimum window to window or window to balcony distances between buildings of 18-21m between facing habitable room windows, and 10.5 m to a neighbouring garden. These distances relate particularly to typical two-storey development, where first floor windows can overlook neighbouring properties.

Given the separation distances and orientation of the proposed windows, the proposal would not result in an undue loss of amenity (including daylight, sunlight, shadowing, and privacy) to nearby residential properties on Hoop Lane and Finchley Road.

Impact on local highway

The site is situated at the corner of Hoop Lane and Finchley Road (A598), one of the main distributor roads in the borough. There are parking restrictions (yellow lines) in the vicinity of the site and the site is in a CPZ that operates Mon-Fri, between 11am-12noon.

The site lies in an area with a PTAL score of 6a (excellent). There are 15 bus roads that can be accessed from stops in the immediate vicinity of the site and within 7minutes walking distance of the site. Golders Green tube station is within 8 minutes walking distance of the site.

Car parking

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).

The proposal seeks to provide 9 residential units (7x2bed & 2x3bed) and 255sqm of A2 use on the ground floor. Based on Policy DM17 of Barnet's Development Management DPD, the maximum allowable parking provision for the residential apartments is 9 -13.5 spaces. For the office, for outer London sites it is 1 space per 100-600sqm GIA which equates to 0.425 -2.55 spaces. The site has a PTAL of 6a with excellent access to public transport so Highways would accept 11 spaces including 2 disabled spaces (1 for the residential and one for the A2 use). The applicant proposes 11 spaces in a basement car park which is acceptable subject to converting two spaces to disabled bays.

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

Cycle storage

Secure cycle parking would be required for any additional units onsite in accordance with the following standards set out within the London Plan:

- 1 cycle space for each studio and 1-bedroom units; and
- 2 cycle spaces each 2-, 3- and 4-bedroom units

In accordance with Policy T5 'Cycling' of the London Plan (2021) new development should provide secure, integrated, convenient, and accessible cycle parking facilities. Table 10.2 of the London Plan (2021) set out the following minimum cycle space requirements as follows:

Long-stay (e.g., for residents or employees)

- 1 space per studio or 1 person 1 bedroom dwelling
- 1.5 spaces per 2-person 1 bedroom dwelling

Short stay (e.g., for visitors or customers)

- 5 to 40 dwellings: 2 spaces
- Thereafter: 1 space per 40 dwellings

Based on the above, the development would be required to make provision for 14 long term cycle spaces and 2 short term cycle storage spaces in safe and secure locations onsite.

For the A2 use, the proposal requires 2 long term spaces and 6 short stay cycle spaces. The proposal makes provision for 20 cycle parking spaces (2 tier cycle parking system) at basement level in a safe and secure location, in accordance with policy. These cycle parking spaces must be implemented and retained thereafter. This would be secured by way of a planning condition.

Refuse and recycling facilities

Although the applicant has provided some information with regard to refuse storage at basement level, further details of refuse and recycling arrangements for collections and access to the bin's stores, as well as internal dimensions shall be submitted to the Local Planning Authority for assessment. This would be secured by way of a planning condition.

Energy and Sustainability

Policies SI 1 and SI 2 of the London Plan (2021); policies DM01 & DM02 of the Development Management Document (2012) seeks to achieve specific levels of improvement in carbon dioxide emissions when compared the minimum Target Emission Rate requirements of the 2010 Building Regulations.

Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an

improvement of not less than 35 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. This would be secured by way of a planning condition to ensure that the development is sustainable and minimises carbon dioxide emissions.

In terms of water consumption, a condition would be attached to a planning permission to require each unit to receive water through a water meter and be constructed with water saving and efficiency measures to encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy SI 16 of the London Plan (2021).

Trees and Ecology

The importance of trees, ecology and landscape is recognised at every policy level, Nationally NPPF chapter 15; regionally London Plan policy G5, G6 & G7 of the London Plan (2021) and locally within Barnet Council's adopted policies DM01, DM04, DM15 & DM16 all require developers to consider, trees, ecology and landscape which builds biodiversity. In addition, the following references are also considered; Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System, ODPM, 2005, London Biodiversity Action Plan, London Plan, 2016, London Regional Landscape Framework, Natural England, 2010.

Policy DM01 of the adopted Barnet Development Management advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. 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.

The two existing mature trees on the highway by the site are not protected by Tree Preservation Orders (TPOs). Notwithstanding, the proposal could have an impact on the health of on both trees respectively. As set out earlier within this report, the LPA's Arboricultural Consultant has reviewed the submission and recommends that conditions be attached to a planning permission to ensure that the roofs and overall health of the trees are protected.

Notwithstanding, should the proposal result in substantial root damage to the point where the tree(s) would require removal in the worst-case scenario, the applicant would be required to make a payment of the Tree Amenity Values for the respective trees to the Local Planning Authority. The indicative Capital Asset Value for Amenity Trees (CAVAT) is £109,554 T1 and £92, 445 for T2. These moneys would be spent on tree planting elsewhere within the vicinity of the site.

Officers recommend that a clause would be included within a Section 106 Agreement to secure the above CAVAT financial obligations, if required to mitigate against the impacts associated with the proposed development. This clause and financial obligation would be applicable for up to five years from the construction date of the

proposed development. This approach was also applied and considered acceptable in the previous planning consent (Ref no: F/00550/11) which had a very similar footprint and impact on these subject trees.

Response to Public Consultation

All planning matters raised have been considered and addressed as part of the assessment and decision-making process for this planning application.

The objections and concerns raised from residents and the local community have been considered within the evaluation above, and all representations received from residents were fully considered in the assessment of the application.

With reference to concerns relating to noise disturbance specifically relating to the structure of the building, sound insulation is a matter adequately addressed by the Building Regulations. The proposal would not result in an over intensification of the use onsite. It is also considered that the proposal would have an acceptable impact on the local character of the area; would not compromise the amenity of local residential properties; and would not have a detrimental impact on highway safety.

On balance, the proposal would not have a detrimental impact on the setting of the Church of St Edward the Confessor as it is a statutorily listed and only recently, the Hoop Lane Jewish Cemetery behind the site became a registered Park and Garden, and now contains two statutorily listed structures within its site, the Entrance Gateway, and Prayer Hall Building. These designations now form a material consideration in determining this application. The proposal would not result in undue loss of daylight and sunlight to the church building and there is no evidence to suggest that the proposal would compromise the functionality of the church building.

The proposed A2 units on the ground floor are considered an appropriate use within the town centre and comply with local plan policies. A commercial use would have a positive contribution to the vitality of the nearby time centre.

The proposed public benefits of the proposal in its delivery of family sized accommodation would outweigh any concerns residents may have with the proposed development.

Overall, it is considered that the proposal is of high design quality and would have a positive contribution to local character and appearance of the area, whilst also optimising the potential of the site to accommodate and sustain an appropriate amount and mix of development, in accordance with planning policy.

Concerns were raised that details submitted with the application were inaccurate. Several amendments to the proposal were issued to the Local Planning Authority for careful consideration during the assessment of this application since the application was submitted to the Local Planning Authority in September 2019. Officers were able to assess the proposal based on its planning merits.

8. 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.

9. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality and would provide suitable commercial and residential accommodation in accordance with national, regional, and local planning policy. The application is therefore recommended for approval subject to conditions and legal agreement.

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Location 40 Egerton Gardens London NW4 4BA

Reference: 21/3373/FUL

Received: 18th June 2021

Accepted: 21st June 2021

Ward: Hendon

Expiry 16th August 2021

AGENDA ITEM 8

Case Officer: Dominic Duffin

Applicant: BY Developments

Proposal:

Demolition of detached, single family dwelling and garage and erection of a pair of semi-detached houses with basements, associated amenity space, refuse storage, cycle parking and off-street parking

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

040EG-A-01-001 - Location Plan

040EG-A-01-002 - Existing Block plan

040EG-A-01-101 Revision 4 - Proposed Block Plan

040EG-A-03-101 Revision 4 - Proposed Basement

040EG-A-03-102 Revision 4 - Proposed Ground Floor

040EG-A-03-103 Revision 4 - Proposed First Floor

040EG-A-03-104 Revision 4 - Proposed Second Floor

040EG-A-03-105 Revision 4 - Proposed Roof

040EG-A-03-106 Revision 2 - Proposed Ground Floor External Parking space

040EG-A-05-101 Revision 4 - Proposed Section

040EG-A-05-102 - Proposed Section

040EG-A-06-101 Revision 4 - Proposed Elevations

040EG-A-06-102 Revision 3 - Proposed Elevations

040EG-A-06-103 Revision 3 - Proposed Elevations

040EG-A-06-104 Revision 4 - Proposed Elevations

40EG-A-02-101 Revision 4 - Proposed Visualisation
40EG-A-02-102 Revision 4 - Proposed Visualisation
40EG-A-02-103 Revision 4 - 3D View
40EG-A-02-104 Revision 3 - 3D View
40EG-A-02-105 Revision 3 - 3D View

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

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

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

- 3 a) No development shall take place 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 for the development of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies D3,D4, D8 and G7 of the London Plan 2021.

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

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and policy D4 and G7 of the London Plan 2021.

- 6 a) No development, other than demolition works, 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, the Sustainable Design and Construction SPD (adopted October 2016) and policy D4 and G7 of the London Plan 2021.

- 7 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 D4 and G7 of the London Plan 2021.

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

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

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

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse affect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London Plan Policy G.6

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;

- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI10, SI1, D13 and T7 of the London Plan (2021).

10 a) Notwithstanding the approved plans, before the permitted development is occupied, details of refuse storage and collection arrangements for the development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority

b) The development thereafter shall only be operated in accordance with the approved details

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

11 Prior to occupation of the development, cycle parking spaces and cycle storage facilities shall be provided in accordance with the approved plans and thereafter be used for any purpose other than for the parking of cycles associated with the development.

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

12 No works on the public highway including creation or modification of a vehicular access as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

The applicant will be expected to enter into an agreement with the Highways Authority under Section 184 of the Highways Act, for these works any and reinstatement of any consequential damage to public highway as a result of the proposed development.

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

- 13 Prior to occupation of the development, parking spaces and the access to the car parking spaces from public highway shall be provided in accordance with approved drawing 040EG-A-03-106 Revision 2 - Proposed Ground Floor External Parking Space. 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 Policy T6.1 of the London Plan (2021), London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

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

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

- 16 Prior to the first occupation of each residential phase of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide

emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. Each residential phase of the development shall be maintained as such in perpetuity thereafter.

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

- 17 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 to F of Part 1 of Schedule 2 of that Order shall be carried out within the area of the development hereby approved.

Reason: To safeguard the character and appearance of the host property and surrounding area, the amenities of neighbouring occupiers, the health of adjacent trees and the general locality in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012)

- 18 The proposed basement areas for each dwelling shall only be used for ancillary residential purposes, as detailed on the approved plans, and at no time shall be converted to primary accommodation or converted to habitable rooms.

Reason: To safeguard the amenities of future occupiers in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 19 Before the building hereby permitted is first occupied the proposed windows in the flank elevations at roof level (dormers) 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).

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 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."

- 4 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

- 5 In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.2 metres.

- 6 Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

Any highway approval as part of the planning process for the reinstatement or alteration to the existing access/crossovers or provision of a new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense including any relocation of street furniture, lighting columns or amendments to parking bays affected by the proposed works. Any alterations to on-street parking bays will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process.

An estimate for this work could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

- 7 If a pump lorry is to be operated from the surface of the public highway, any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

- 8 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.

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

OFFICER'S ASSESSMENT

1. Site Description

The application site is located on the southern side of Egerton Gardens. The site is occupied by a detached, single family dwelling house with an attached garage to the side of the property, with a two storey flat roof extension to the other side. The property benefits from off-street parking to the front and has a large garden to the rear. It is noted that site is adjacent to No.44 on the eastern site boundary and No.38 on the western site boundary. No.44 is a detached dwelling while No.38 is a semi-detached dwelling.

The area is of mixed residential character with dwelling types including terraced, semi-detached and detached properties. The existing dwellings on the street comprise a mix of single-family dwelling houses and flatted developments.

The site is located within Flood Zone 1 which has a low probability of flooding. The property is not listed nor are there any listed buildings located in the surrounding area.

2. Relevant Site History

Reference: 21/8149/QCF

Address: 40 Egerton Gardens

Description: Demolition of existing house and creation of two houses.

Decision: Advice issued.

Decision Date: 12.05.2021

Enforcement

Reference: Reference: 21/8149/QCF

Address: 40 Egerton Gardens

Description: Use as HMO

Decision: No Further Action - Lawful

Decision Date: 20.03.2020

3. Proposal

Consent is sought to demolish the existing dwelling and replace it with a new two-storey building with rooms in the basement and roof space. Two parking spaces would be provided to the front. The houses would have a double gable projection to the front and would be finished in brick and render with a hipped roof above. Basements would be created below the footprint of the building. The rear garden would be sub-divided to provide two new areas of private amenity space to serve the dwellings. Each dwelling would be served by a side facing dormer window and the eastern property would have a rear dormer, the western dwelling would have a shallow two-storey rear projection with a hipped roof.

4. Public Consultation

Consultation letters were sent to 67 neighbouring properties. 5 responses were received comprising 6 letters of objection. The response received can be summarised as follows:

- Object in the strongest possible terms to this proposal. As residents of the house directly opposite our access in and out of our road and house will be very, very restricted.
- Very concerned about the environmental impact on our young child. This process is entirely inappropriate for the setting.
- Noise and disturbance, proposal will cause greater congestion on the road
- Concern about accessing property, this is a no through road
- Concern about basements impact on adjoining properties
- Two dwellings will look out of place
- The building works will be disruptive

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) is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2021

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS14.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM16, DM17.

Barnet's Local Plan (Reg 19) 2021

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

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

Supplementary Planning Documents

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the application site, the street scene and wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Other material considerations

5.3 Assessment of proposals

Principle of development

The existing dwellinghouse is understood to be in use as an HMO within Class C4. However, officers note that this does not benefit from consent nor has it been demonstrated to be lawful via a certificate of lawful use. Previous submissions have advised that the C4 HMO use was in existence prior to the council's 26 May 2016 when the Council implemented an Article 4 Direction across the borough requiring planning permission for any change of use from buildings used as dwelling houses (Use Class C3) to buildings used as small-scale houses in multiple occupation (Use Class C4).

An enforcement investigation was opened into the change of use of the dwellinghouse to HMO without permission (see history). However, this was closed without action as the enforcement officer was satisfied that the applicant could demonstrate the use had been ongoing since before the Article 4 direction restricting the change of use from C3 to C4 came into effect on 29 May 2016. As such, the officer deemed the change of use to be exempt from enforcement action.

Taking this into consideration, limited weight can be given to the requirements of Policy DM09(a) in respect of the loss of the existing HMO as the change of use from C4 to Class C3 otherwise remains permitted development.

Character and appearance

Policy DM01 states that development proposals should have due regard for the character and pattern of development in the local area. The surrounding area is residential in character. It comprises predominantly two-storey detached and semi-detached houses on the southern side of Egerton Gardens and terraced houses on the northern side.

The proposed replacement building has a dual-gable design to the front elevation. The structure extends further rearwards on the western flank adjacent to the neighbouring property at 38 Egerton Gardens, with the two-storey rear outrigger initially proposed with a large rear facing gable. Amended plans have amended this to a hipped roof, set down from the main ridge and set in slightly from the flank elevation. The proposed building benefits from dormer windows to both sides and the rear roof-slope and would be higher than the neighbouring at No. 44.

It was noted at pre-app that the existing building is unusually high, but concern was raised that the larger width of the replacement building and its closer proximity to No. 44 results in a slightly awkward relationship within the streetscene. The overall height and roof form had taken its lead from the taller semi-detached dwelling at No.38, but the ridge level has been reduced and now steps down from 38 to the site with a further step down to No.44. Whilst still bulkier in appearance to No.44, this stepped approach does recognise a progression to more substantial sizes progressing to the west along Egerton Gardens. The reduced scale of the roof form can be broadly accepted.

The proposed scheme has a staggered rear elevation with the western dwelling served by a hipped roof. The rear protrusion adjacent to No. 38 is beyond the established building line on this section of Egerton Gardens. The overall depth has been reduced from the pre-application submission to a similar depth as the existing two storey flat roof side projection. The building would extend beyond No.44 by some distance, but this is a relatively shallow

house, and further along the southern side of the road there are some fairly substantial rear projections, some two storey and some which are single storey. The initially proposed rear gable would have been a prominent element on the proposed development, and extending across the entire width of the house, and resulting in a long side roof plane, it would have appeared bulky within the streetscene. Whilst it would result in the removal of the flat roofed element which is of poor design and visible from the streetscene, the overall bulk was still considered excessive and resulting in an excessively prominent building.

Officers advised the rear element would benefit from a set down from the main ridge and a hipped roof would significantly reduce the overall bulk and scale of this element. Revised plans have been received which hip the roof above the rear projection and the ridge is set down from the main ridge. This reduces the overall bulk to an acceptable level.

The proposal also included bulky dormer windows to each side. Side dormer windows are not prevalent in the local area and the addition of large dormers to each side would appear out of keeping. Again, revised drawings have reduced the bulk of the dormers and they are now considered acceptable design features of the scheme. The design amendments would now result in a proposal which would not appear excessively dominant.

Front porch canopies are proposed above the entrance doors, these would be flat roofed in nature. There are examples on older properties of flat roof canopies which appear dated, however in this case, and as part of a modern new build it is not considered that this aspect is neither unsympathetic nor incongruous, such to amount to a reason to refuse consent.

Walk-on skylights are proposed in the side passages and to the rear and are considered an acceptable means to provide light to the basement level, while having less visual prominence.

The refuse stores are located along the front boundary of the site. It is noted that there is open bin storage to the front of a lot of properties along the street. Ideally bin storage would be situated in a more discrete location rather than abutting the pavement. However, incorporated as well-designed, modest storage structures to the front of the dwellings, this again raises no real serious concerns.

In light of the above it is considered that the overall design of the amended development raises no concerns and would not result in an inappropriate development. The proposed design and layout is considered acceptable.

Neighbouring Amenity

Paragraph 2.7.1 of Policy DM01 states that

Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the borough's residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

The dwelling would extend beyond the building line of the adjoining dwelling at No.38 by approximately 1.0m. Whilst a sizable flank is proposed, there is separation to the habitable rooms, created by a side garage, and the only flank window at No.38 is obscure glazed. The property is served by a reasonably deep garden and it is not considered the proposed

would appear excessively overbearing or result in loss of daylight/sunlight or impact excessively on outlook.

The eastern proposed dwelling would extend beyond the main rear elevation of No.44 Egerton Gardens by 3.0m. The flank wall would retain a gap of approximately 1.3m tapering out to 1.5m to the common boundary. Whilst reasonably deep, it is not considered rear facing windows would suffer significant loss of light and the gap of the flank wall to the common boundary, and the fact that No.44 is served by a generous and relatively deep rear garden area would reduce any overbearing impact. The proposed relationship is considered acceptable and consistent with the Residential Design Guidance SPD position on 2 storey rear extensions

No side facing windows are proposed in the flank elevations, dormers could be conditioned obscure glazed.

The proposed unit 1, on the western side, would extend beyond proposed unit 2, by approximately 2.0m, but it is not considered there would be any serious loss of amenity to future occupants of unit 2.

Living standards for future occupiers

Floor Area:

The London Plan (2016) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum gross internal area (GIA) space requirements for residential units. A bedroom measuring 11.5m² and above is calculated as a two-person room.

The proposed dwellings would be required to meet the minimum internal space standards as demonstrated below:

4-bed, 7-person, 2-storey (Western dwelling): 115m² required

4-bed, 6-person, 2-storey (Eastern dwelling) : 106m² required

Both units exceed the requirement and provide generous levels of accommodation.

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

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All proposed bedrooms meet the above standards.

Floor to ceiling height:

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

The proposed dwellings meet the above standard.

Light/outlook:

Section 2.4 of Barnet's Sustainable Design & Construction SPD (Oct 2016) states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and should provide reasonable levels of outlook to all habitable rooms.

It is considered that each habitable room would benefit from an acceptable level of outlook and daylight / sunlight. The scheme provides a good standard of outlook for future residents.

Amenity Space:

Section 2.3 of the Sustainable Design & Construction states that for a dwelling with up to seven or more habitable rooms it is required to provide a minimum of 85m² of usable external amenity space. A room measuring 20m² or more is calculated as two habitable rooms.

The proposed dwelling would exceed the stated usable external amenity space requirement providing generous rear gardens.

A concern at pre-app was that the basement areas included primary living accommodation, including bedrooms. The basements now only include ancillary accommodation at this level and this is considered acceptable. The site is located in Floodzone 1 and as such of low risk of flooding, it is not considered that a Basement Impact Assessment is required, and the future use of the basement should not pose any risk to future or neighbouring occupants.

Based on the above, it is considered that the proposed development would provide an acceptable level of amenity for future occupiers.

Highways

The Local Highway Authority provided the following initial comments:

Egerton Gardens, NW4 and the surrounding roads have been included in a Residential Controlled Parking Zone (CPZ - Zone HC2) which is in force from Monday to Friday between 10am and 5:30pm. Vehicle parking and waiting is restricted at the end of the road to the east by a way of double yellow lines. The Public Transport Accessibility Level (PTAL) for the site is assessed as 2 which is regarded as poor accessibility.

Vehicular and pedestrian access arrangements:

The applicant is advised that the Council's Domestic Crossover Policy adopted in April 2019 allows crossovers of 2.4- metre minimum width and 4.2-metre maximum width with a minimum distance of 2.4 metres between adjacent crossovers.

The distance of the crossover from the adjoining junction should be at least 8 metres. The new Policy also requires that the location of a boundary wall, fence or hedge needs to be within 0.6 metres of the edge of the crossing to prevent vehicles entering their frontage from overriding the adjacent footway.

Taking the above into consideration, the existing vehicular crossover adjacent to the eastern site boundary needs to be narrowed down so that the resultant width will not exceed 4.2 metres as required by the Council's Crossover Policy. The remainder of the crossover needs to be reinstated to the footway level. Additionally, a form of boundary needs to be created within 0.6 metres from the edge of the vehicular crossovers to prevent car vehicles from running over the footway to access the parking spaces.

A revised car parking layout plan showing details for the access arrangements as per the above requirements has been submitted through amended plans to address this concern.

The applicant will need to submit a separate application under S184 of the Highways Act 1980 to Barnet Council's Highways Crossovers Team about the required alterations to the existing access arrangements that need to be made in order to comply with the Council's standards.

Assessment of Vehicular Parking Provision:

According to the Parking Standards as set out in Barnet Council's Local Plan Development Management Policy DM17, the range of vehicular parking spaces which would need to be provided as part of the proposed development is between 3 and 4 parking spaces.

Based on the PTAL rating for the site as 2 (poor accessibility), approximately 4 off-street parking spaces would be required to meet the parking standards of DM17 policy. Therefore, the provision of 2 car parking spaces on site is falling short of 2 car parking spaces based on the residential parking requirements of DM17 policy.

However, the assessment must take into consideration the following factors:

- The site is located within walking distance from Brent Street Town Centre to the northeast and in close proximity to a range of local facilities on A504 to the west;
- Although it lies in a PTAL zone 2 (poor accessibility), 6 Transport for London (TfL) bus routes (326, 143, 183, 113, 324 & 186) can be reached on foot;
- The applicant has submitted a Transport Statement (TS) including results of the parking survey that was carried out subject to the Lambeth Methodology standard practice on Tuesday 11th and Wednesday 12th May 2021 at 04:30am and 04:15am respectively.

The Local Highway Authority have assessed the parking survey. Although the survey results demonstrated that the overall parking stress on the surrounding local highway network is 82% - which means that it experiences parking pressures - 30 car parking spaces were found available on street. Therefore, the network can accommodate additional on-street demand for 2 parking spaces and the proposed development would be acceptable on highway grounds without the need for permit restriction.

Cycle Parking and Storage:

Drawing No. 040EG-A-02-101 shows that one cycle storage facility will be provided per dwelling at the rear amenity spaces to be facilitated by two side passageways. Each cycle storage facility will accommodate a minimum of 2 cycle parking spaces which complies with the 2021 London Plan Cycle Parking Standards.

Refuse Collection Arrangements:

The proposed bin stores as shown on the Drawings will be located within 10 metres from public highway and close to the site entrances to be easily accessible by the refuse crews on collection days. The proposed arrangements are acceptable on highway grounds.

Demolition, Construction Management and Logistics Plan (DCMLP):

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

The application is recommended for approval on highway grounds subject to conditions and informatives.

Refuse

The proposed development is required to comply with Barnet's Waste and Recycling Strategy (2018). The proposed refuse and recycling bins are to be located to the front of the properties within the site. It is considered that the proposed development would comply with the highlighted standards.

Trees and Landscaping

The application has been supported by a Tree Survey (Trevor Heaps Arboricultural Consultancy Ltd, June 2021).

The proposals will require the removal of a small Box tree from the rear garden. The breakdown of trees to be removed is as follows:

- o Category A trees to be removed - None
- o Category B trees to be removed - 1
- o Category C trees to be removed - None

To mitigate the impact, new trees, shrubs and hedges will be planted post-construction, and this can be secured by condition. Tree protection measures are suggested within the submitted report and these measures can be secured by condition to ensure suitable protection for on-site vegetation and third-party TPO trees during the demolition and construction phases of the development. The proposed cycle store has been moved outside the RPA of TPO'd trees which are located to the rear of the site on adjoining land.

Ecology

A Preliminary Ecological Appraisal for the site, inclusive of a Preliminary Roost Assessment (PRA) of the trees and building been undertaken by a suitably experienced ecologist and in accordance with current best practice guidelines (agb Environmental). This recommended one bat emergence and one re-entry survey, which has now also been submitted (EC Assistance).

The findings were as follows;

1. The emergence surveys undertaken indicate that bats are not using any part of the structure for roosting.
2. The bat species recorded are not considered to be light averse.

No further survey effort or action is required at this stage in relation to the expected programme of works as bats are deemed likely to be absent from the structure (in line with current guidance).

A net gain for bats at the site can be achieved by providing simple habitat enhancements for the species known to be present.

o 1 x woodcrete type bat box suitable for pipistrelle bats is to be hung from a mature tree or affixed to an elevation of the new property post construction.

The proposal is acceptable from an ecological perspective.

Sustainability

In respect of carbon dioxide emission reduction, the London Plan requires that the proposal is designed to achieve a 10% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy SI.2 of the London Plan (2021) and the 2016 Housing SPG's requirements and a condition could be attached to ensure compliance with the Policy.

In terms of water consumption, a condition would be attached to any permission to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore could be conditioned to meet the necessary sustainability and efficiency requirements of the London Plan in the event of an approval.

5.4 Response to Public Consultation

The public comments received have been covered within the report above. It is not considered the proposal would result in access issues to other properties and the highways section raise no overall objection to the proposal.

Concern about basement impact/the building works being disruptive - It is considered any disturbance can be minimised with appropriate conditions. The proposed basement works will be addressed under Building Regulations and a Party Wall Agreement would be required.

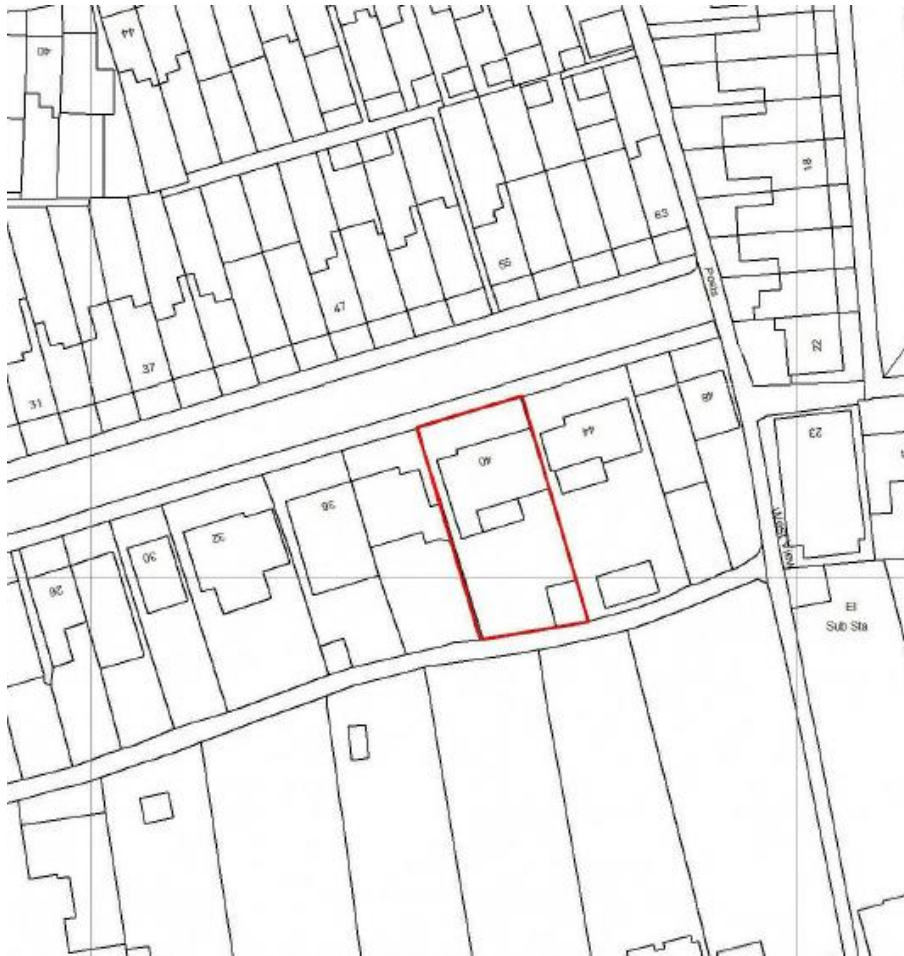
Two dwellings will look out of place - The immediate area contains semi-detached dwellings and the character is mixed.

6. Equality and Diversity Issues

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

7. Conclusion

In light of the above appraisal, it is considered the proposed development as altered through amended plans is acceptable. It is therefore recommended consent is granted subject to conditions.



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Location **St Johns Church Hall Friern Barnet Lane London N20 0LP**

Reference: **20/5845/FUL** Received: 3rd December 2020
Accepted: 4th December 2020

Ward: Totteridge Expiry 5th March 2021

Case Officer: **Dominic Duffin**

Applicant: MKM Developments Ltd

Proposal: Demolition of existing building and construction of a three-storey building comprising 20no. self-contained residential dwelling units (Class C3), with car parking, cycle parking, bin storage and landscaping

AGENDA ITEM 9

OFFICER'S RECOMMENDATION

Approve subject to s106

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

RECOMMENDATION I:

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

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

the purposes seeking to secure the following:

1. The Council's legal and professional costs of preparing the Agreement and any other enabling agreements.
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority
3. Affordable Housing
 - Contribution of £40,857.00 towards Affordable Housing provision within the borough paid at the start of construction phase.
 - an Early Stage Viability Review if the development has not been completed to the ground floor slab level within two years of the permission being granted
 - a Late Stage Viability Review, triggered when 75 per cent of the units in the scheme are sold or let
4. Travel Plan/Highway Works
 - Submission of a Travel Plan and associated monitoring contribution of £5,000
 - £3,000 in sustainable travel plan incentive
 - £15, 000 towards highway works to mitigate the impact of the scheme on the local highway network
5. A contribution of £1,000 towards off site improvements to public amenity space.
6. Meeting the Council's costs of monitoring the planning obligation

RECOMMENDATION II:

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

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

PD601 Rev F (Location Plan and Floor Plans),
PD 602 Rev C (Elevations),
PD 603 Rev C (Ground floor block plan) ,
PD604 (First floor block plan),
S01A - (Existing Plans),

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 other than demolition works, until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a

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

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

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

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

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and G.7 of the London Plan 2021.

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

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

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

8 No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the SuDS operation and maintenance plan, detailed design drawings and details of construction phasing. The strategy shall include details of;

1. Detailed design plan with pipe dimensions, etc.
2. SuDS design plan layout drawings with all relevant references and information on how they will operate, (we acknowledged the receipt of the submitted plan however all the nodes, dimensions, etc should be marked on the plan)
3. Details of overland flood flow routes in the event of system exceedance, or blockage with demonstration that such flows can be appropriately managed on site without increasing the flood risk to the occupants or the public; and
4. SuDS construction phasing.
5. The attenuation is provided in several small-scale SuDS facilities, their operation, phasing and continued maintenance should be provided in the detailed design stage.
6. Thames Water agreement for the proposed discharge rate in the sewer system (3l/s)

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

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

Non-statutory Technical Standards for Sustainable Drainage Systems).

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

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

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

- 10 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).

- 11 Prior to occupation of the development hereby approved, an air quality neutral assessment report shall be written in accordance with the relevant current guidance. This report shall be submitted to and approved by the Local Planning Authority.

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

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

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

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

- 12 a) Prior to the occupation of the development a scheme of proposed noise mitigation measures against externally generated traffic/ mixed use noise shall be 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 occupation of any residential unit and retained as such thereafter.

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

- 13 A scheme for acoustic fencing along the boundary of the development with Alma Primary School shall be submitted in writing and approved by the LPA prior to the occupation of the development hereby permitted.

This scheme shall be fully implemented before the development hereby permitted is brought into use.

Reason: To ensure that the amenities of occupiers are not prejudiced by industrial/commercial noise in the immediate surroundings in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012))

- 14 Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%), and shall be installed in full accordance with the details approved.

Reason: To reduce and limit NOx emissions to improve air quality and reduce greenhouse gases in accordance with Policies GG3, SI1 and SI2 of the Mayor's London Plan 2021.

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

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

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

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

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

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

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse effect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document (DPD) 2012 and London Plan Policy G.6

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

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

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

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse affect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London Plan Policy G.6.

18 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 1 no 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).

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

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

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

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

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

- 21 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

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

- 23 Prior to occupation of the development hereby permitted, details of the size, design

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

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

- 24 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).

- 25 Notwithstanding the parking site layout plan submitted with the planning application, no works, other than demolition works, shall take place, until a detailed parking layout plan showing the exact dimensions of the existing crossovers, any redundant crossovers to be reinstated to footway, and 14 off-street parking spaces including 3 disabled spaces, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the 14 off-street parking spaces including 3 disabled parking bays shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with the approved development. The applicant will be required to obtain a s184 licence for works on the public highway including reinstatement the redundant crossover at the southern site access to footway.

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

- 26 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, before the development hereby permitted is occupied, a minimum of 32 (long stay) and 2 (short stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 27 Before the permitted development is occupied, details of refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved servicing management plan.

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

- 28 Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 20% of the approved residential parking spaces to be provided with active electric vehicle charging facilities and 80% passive electrical charging facility (3 active and 11 passive). The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

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

- 29 No works on the public highway including creation or modification or upgrading of existing vehicular access as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Local Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to enter into an agreement with the local Highways Authority under Section 278/184 of the Highways Act for these works and reinstatement of the footway along the site frontage and any consequential damage to the public highway resulting from the proposed development.

Reason: To ensure that the works on the public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012

- 30 Before the building hereby permitted is first occupied the proposed windows in the flank elevations identified on the approved plans as obscure glazed, shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be non-openable below a height of 1.7m, when measured from the internal floor level at where the window is installed.

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).

- 31 Prior to the first occupation of development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures as detailed in the submitted Sustainability, Energy & Climate Change Statement by SHA Environmental (17.08.2021) which achieves an improvement of not less than 35% in carbon dioxide emissions, when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations.

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

RECOMMENDATION III:

- 1 That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:
- 2 That if the above agreement has not been completed or Section 106 agreement has not been submitted by 01 December 2021, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):
 1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).
 2. The proposed development does not provide a legal agreement to mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Adopted Core Strategy and policy DM17 of the Adopted Development Management Policies DPD.
 3. The proposed development provides inadequate outdoor amenity space for future occupiers and does not include a formal undertaking to mitigate this loss by contributing to off site amenity space. The proposal would therefore not address the impacts of the development, contrary adopted Local Plan Core Strategy (2012), Policy DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Planning Obligations SPD (2016) and the Adopted Green Infrastructure

SPD (2017).

Informative(s):

- 1 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.

- 2 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.

- 3 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."

- 4 The submitted Construction Method Statement shall include as a minimum details of:

- o Site hoarding
- o Wheel washing
- o Dust suppression methods and kit to be used
- o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
- o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

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

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

- 5 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;

- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

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

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

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

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

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

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

footprint by siting further away from source of poor air quality.

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

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

- 8 The applicant shall carry out a "before" and "after" condition survey of around the perimeter of the site. The "before" survey shall be submitted to the highways section prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to the highways section. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.
- 9 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.
- 10 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.

- 11 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.

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

- 13 Any gates must open inwards and not out onto the public highway for health and safety reasons.

OFFICER'S ASSESSMENT

1. Site Description

The site is located on the north-eastern side of Friern Barnet Lane, within the Totteridge ward. It consists of a single storey building previously used as a religious/community hall (former Use Class D1) with approximately 177sq.m of floorspace. The site is accessed via Friern Barnet Lane.

To the north of the site is the 3-storey Alma Primary School and to the immediate south is a two-storey residential dwelling, no.291 Friern Barnet Lane. Towards the east is a new residential development, with dwellings on McCready Road behind the site, comprising mainly 2 storey dwellings and opposite to the west is a flatted development which has a two-storey building fronting Friern Barnet Lane.

The character of the street consists of a variety of uses and styles of buildings, with a public house and primary school located to the north at the junction with High Road, office and flatted development on the opposite side of Friern Barnet Lane to the west; and residential dwellings to the south. The southern end of Whetstone town centre lies approximately 230m to the north-west. St John the Apostle Church is located on High Road to the west, approximately 70m away.

A recent application (20/4180/191) confirmed the lawful use of the site as a health clinic within Class E and it had been in use as a Health Clinic. It is currently vacant.

2. Relevant Site History

Reference: 18/0347/FUL

Address: St Johns Church Hall, Friern Barnet Lane, London, N20 0LP

Decision: Withdrawn

Decision Date: 30 October 2019

Description: Demolition of the existing building and redevelopment to provide 22 self-contained flats with associated car parking, cycle store, refuse store and landscaping

Reference: 19/4491/FUL

Address: St John The Apostle Vicarage, 1163 High Road, N20 0PG

Decision: Pending Consideration

Decision Date: N/A

Description: Erection of a new single storey church hall with lower ground floor level, with link to the existing Church. Associated landscaping, cycle and car parking

Reference: 20/4180/191

Address: St Johns Church Hall, Friern Barnet Lane, London, N20 0LP

Decision: Lawful

Decision Date: 14 September 2020

Description: Use as Health Clinic (Class E)

Reference: 20/4032/FUL

Address: St Johns Church Hall, Friern Barnet Lane, London, N20 0LP

Decision: Approved with conditions

Decision Date: 29 October 2020.

Description: Replacement of existing building with a new mixed use development comprising a Class E use and 9no self-contained residential dwelling units (Class C3), with car parking, cycle parking, bin storage and landscaping [amended description]

3. Proposal

The application was amended during the course of the submission to reduce the originally submitted development. The original application sought consent for the;

...."Demolition of existing building and construction of a four-storey building comprising 26no. self-contained residential dwelling units (Class C3), with car parking, cycle parking, bin storage and landscaping"

The proposed replacement four-storey building has a T-shaped footprint, with a total depth of 33.0 metres. It has a width of approximately 28.0 metres fronting the road, and a height of 11.7 metres with a flat roof. The building would be finished in brick and zinc cladding, with a setback 4th floor. 26no self-contained residential units are proposed. The proposed dwellings are as follows:

4 studio, seventeen 1 bedroom and 5 two bedroom.

A total of 16no on-site car parking spaces are provided, with the existing site entrance utilised for access, but through a new undercroft access. An area of communal outdoor amenity space comprising 165 sqm would be located on the south-eastern corner of the site. The development also provides refuse and recycling stores and cycle parking (40 for residents, 2 for visitors), located at the northern boundary of the plot.

Under the revised submission, the fourth floor has been removed and the number of units reduced to 20. The same design rationale is retained, and the building would be similar in appearance to the extant 9 unit scheme, granted consent under application 20/4032/FUL.

The T-shaped footprint is retained and the building would be finished in brick and zinc cladding. The proposed dwelling mix is as follows:

12 studio, four 1 bedroom and two 2 bedroom, two 3 bedroom.

14 parking spaces are provided and an area of communal amenity space would once again form part of the development.

4. Public Consultation

273 consultation letters were sent to neighbouring properties.

A site notice was erected on 10 December 2020 and an advert was published in the local press.

A total of 75no objections were received with regards to the original application. Their contents can be summarised as follows:

- Concern that the proposal will result in loss of amenity to the adjoining school, in terms of privacy, overlooking and overshadowing, causing a significant infringement on amenity. Fourth floor balconies provide an open aspect over the school boundary.
- Additional height, bulk and scale over the approved 9-unit scheme is total out of character for the area.
- The dwelling mix is contrary to adopted and emerging policy and does not provide family sized dwellings.
- Loss of community/employment space is inappropriate.
- The proposed development would significantly exacerbate existing problems and add very considerable road safety danger next to a school and for the children at the school. It is clear that the parking provision for the proposed development is inadequate.
- Proposal looks out of place in a suburban setting.
- Concern about disruption to drop off at adjoining school - parking level provided is inadequate.
- The outdoor amenity space provided falls short of the minimum required by the Council's standards for external amenity space, pursuant to Policy DM02
- The proposed development provides zero affordable housing and instead proposes a negligible payment in lieu of £23k.
- The proposal will entirely overlook our garden area.
- This would create additional traffic in an already congested area. This is right next to a school and would be highly disruptive.
- Daytime parking in this area is under maximum stress including along Friern Barnet Lane, causing road traffic, obstructions along the carriageway for buses and emergency vehicles and additional pollution.
- Concern about disruption during construction and potential instability issues with adjoining buildings.
- The proposal will overlook adjoining properties and cause a loss of daylight/sunlight.
- The proposed dwellings are under-sized.
- The proposal will put a strain on local infrastructure.
- 3 storey is the maximum height suitable along this road.
- The issue in this area is daytime parking and not overnight parking, as considered in the parking surveys submitted.
- This is an over-development of a small plot.
- The school needs this space for additional parking. The Friern Barnet Lane is currently unusable with the amount of cars using it along with Alma primary.

- The proposal would result in the loss of a community/health facility contrary to policy DM13.
- Lack of larger units and no affordable housing.
- Parking surveys are flawed and were undertaken during the pandemic.
- The proposal will overshadow the playground.
- The education, welfare and safety of Barnet's children is paramount. The proposed development will adversely affect all three so far as the children of Alma Primary are concerned.
- Refuse strategy will result in bins stored on the street
- Concern about overshadowing of the school playground
- No consultation between the Community Security Trust (CST) and the developer

The three Totteridge Ward Councillors made submissions to object to the above application

We are aware of the large local public concern and the many reasons that have been given in their communications with the council by them to refuse this latest application.

This is yet another development that has accommodation for 1-2 people, whereas the area now has a deficit of family type (3-4 bed) accommodation. We are also concerned that the community use has been lost, as it is clear that this is something that should be provided on this site having been a community hall for very many years. The height and scale of this new proposal with the extra floor is also out of character with the area.

A second consultation was held on 11th August 2021 in relation to the amended scheme. The following additional representations were received:

3 replies were received making the following comment;

- Acknowledge that the additional storey has been removed from the proposals I still firmly believe that the proposals constitute overdevelopment of this suburban site and are not in keeping with the local context or scale.
- Concern about impacts on daylight/sunlight in relation to our property.
- Concerned about the number of balconies shown on the elevation facing our property with no screening, and will overlook our private amenity space.
- Applicant has demonstrated that there is a market demand for units of this size, particularly given the number of 1 and 2 bed apartments that are currently already under construction in the surrounding area.
- We have not been engaged with by the Applicant at any point regarding these revised proposals, which we do not think is acceptable given that we are a direct neighbour.
- Consider the car parking survey to be seriously flawed as it appears to have been taken during the Pandemic. Friern Barnet Lane is a very heavily congested and dangerous road.
- There is very limited parking facilities available contrary to what the survey suggests.
- Such a development is uncalled for and unnecessary given the amount of similar developments in close proximity to this one.

Friern Barnet & Whetstone Residents' Association

Whilst the reduction in the scale and height of the proposal, by removing the uppermost floor previously proposed is a considerable improvement in terms of how the proposal would relate to the neighbouring properties, and so is welcome, we must record that we are

uncertain as to whether the revised design does enough to overcome the objections of others regarding overlooking, loss of privacy and the effect on light.

Our principal objections are-

1. Housing mix. The preponderance of small (and very small) units proposed does not comply with the Council's current or proposed housing mix policies. There is a plentiful supply of small and 2 bedroomed flats in the area but only a limited supply of larger flats. The proposal should be modified to bring it into line with the housing mix policies - otherwise, what is the point of those policies?

2. Parking and traffic. Whilst the proposed on-site parking presumably satisfies the current policy on the provision of on-site parking spaces - which of course imposes a "cap" and with the current proposed unit mix actually provides little in the way of a clear minimum required provision, so that, as ever, any shortfall in actual on-site spaces will be "dumped" to onstreet parking, inadequate attention seems to have been paid to the issue of congestion in Friern Barnet Lane.

The upper section of the Lane, including the application site, is frequently blocked as the two streams of traffic are simply unable to pass one another. It is only the availability of driveways and unoccupied parking spaces that enable the blockages to be resolved as vehicles "dodge" into them. Consequently any development proposal that may result in increased on-street parking in upper Friern Barnet Lane must be able to demonstrate that no on-street parking will actually be generated by it. We see nothing in the application documents which does this.

Further, whilst we note the additional parking survey, which clearly demonstrates the lack of available on-street parking in the locality, we also note that the surveys take no account of the proposals for the redevelopment of Barnet House.

It should be borne in mind that any available on-street parking capacity does not exist for the sole use of residents living in the immediate vicinity - it also exists to be used by others - visitors, tradesmen, shoppers and the like. On-street parking by residents is frequently long term and so denies the use of the parking spaces to others.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM13, DM14, DM16, DM17.

Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Local Plan (Reg 19) 2021

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether harm would be caused to the living conditions of future residents.
- Whether the development would impact traffic and highways to an unacceptable level.

5.3 Assessment of proposals

Principle of development:

For areas such as the application site policies CS1 and CS3 of the Barnet Core Strategy (2012) expect new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

An extant permission, detailed in the planning history above, agreed the demolition of the existing building and its replacement with a mixed use, 3 storey building, including a Class E use on the ground floor with 9 residential dwellings. This proposal would be entirely residential with no commercial or community element retained.

Existing Use

The existing use on site comprised as a health clinic. This was confirmed via a certificate of lawfulness ref 20/4180/191 granted in September 2020.

The existing use was as a massage therapy use constituted treatments by appointment with a reflexologist. The business is known as Zen Chi Therapy.

At the time that the change of use occurred, the massage/health clinic use would be considered to fall within Use Class D1. This was within the same planning use class as the previous Church Hall use associated with St Johns Church and as a result was a permitted change that did not require express consent. Subsequent to the change of use, legislation

(Statutory Instrument 2020 No. 757) came into effect on 1 September 2020 amending the Use Class Order and effectively revoking Class D1. Within the current use class order, a massage/health clinic use falls within Use Class E:

"(e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,"

The loss of the existing health clinic under the previous application for the nine unit scheme was compensated for in the proposed development with the re-provision of a health centre with the same floorspace. A condition was included to ensure the use of part of the building was retained within Class E. Given the previous development proposed to re-provide an equivalent level of employment floorspace, it was not considered to conflict with local planning policy, including Policy DM14. Condition (No.22) stated the following;

22. The area of the ground floor plan hereby approved, marked 'Health Centre' shall be used as Class E including related ancillary uses only and for no other purpose.

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.

The applicant advises that Zen Chi has since vacated the premises, it is stated that ... "The previous tenant has had to terminate her lease of the premises due to the second UK National Lockdown during the COVID pandemic and the premises are therefore currently unoccupied in unrestricted Class E use. No other employees worked from the premises other than the business owner"....

The council advised the applicant that any loss of the existing hall (community centre) would need justified under policy DM13. Where a proposal seeks the loss of community use, Development Management policy DM13 states that this will only be acceptable in exceptional circumstances where:

- i. New community use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or
- ii. There is no demand for continued community use and that the site has been marketed effectively for such use.

As discussed above, the lawful use of the site has since been confirmed as a health clinic within Class E, benefiting from a change within the then use Class D1, which did not require express consent. The lawful use of the site is therefore no longer as an exclusively community facility and it is considered that the requirements of policy DM13 are no longer engaged.

Under the extant consent (20/4032/FUL) for the mixed use scheme the council secured a continued use within the new Use Class E with a portion of the ground floor retained for Class E purposes.

The applicant states that "Given the current general commercial use class of the premises, any change of use of the site falls to be assessed against Policy DM14. As the proposal is not currently in a Class B use, then Policy DM14(a)(ii) does not apply".

Policy DM14 of the Local Plan advises at iv. That proposals to redevelop or reuse an existing employment space which reduces the levels of employment use and impacts negatively on

the local economy will be resisted. Part v. of DM14 states that where appropriate, loss of employment space will be expected to provide mitigation in the form of contributions to employment training. However, the Local Plan does identify existing employment space as uses within the "B" Class and as such there would be no specific loss of this floorspace.

Class E now constitutes a "broad church" of uses, part of the Government drive to introduce greater flexibility within the use class system. Whilst a community use or business within the B class could have taken up the use of the existing building, or the ground floor unit on the extant scheme, this would be equally true of a plethora of uses, including A1, A2, A3, B1, D1 (Clinics, health centres, creches, day nurseries, day centre) D2 (Gymnasiums, indoor recreations not involving motorised vehicles).

The applicant further states that;

... "the site is neither in a town centre or edge of town centre location - the site is located approximately a third of a kilometre from the edge of the nearest shopping frontage on the High Road. Similarly, the proposals by virtue of their location would be highly unlikely to impact negatively on the local economy (Policy DM14(a)(iv)) especially given the solopreneur nature of the last occupier and the poor state of the premises and therefore its very low likely appeal to future occupiers. The location of the premises is also against it as a future commercial use, particularly being located outside a local commercial centre"...

Policy DM11 of the Local Plan requires;

"Significant new retail and other appropriate town centre uses outside the town centres or any expansion of existing out of centre sites will be strongly resisted unless they can meet the sequential approach and tests set out in the NPPF or are identified in an adopted Area Action Plan. Edge of centre proposals will not normally be appropriate and therefore should demonstrate why they are not locating in a town centre site".

It is the case that many of the uses within Class E are ordinarily directed to town centre locations. Friern Barnet Lane is predominantly residential. The previous application has effectively agreed a broad use within Class E and the previous Certificate of Lawfulness application, now confirms the lawful use within Class E.

In light of the above it does not seem reasonable to insist that any new development includes a Class E provision. The proposal will however still result in the loss of potential employment space, albeit the applicant has a pessimistic view of the likelihood of the existing premises ever attracting an occupant, and a wide range of employment uses, and other potential uses, could potentially avail of this unit. Policy DM14 states that any loss of employment space will be expected, where appropriate, to provide mitigation in the form of contributions to employment training, however employment space is classed as a B use, only one of the options under class E, and so this seems an unreasonable request. The council's Employment and Learning Team have confirmed they would not be seeking contributions for loss of an employment space.

Whilst Class E includes "community uses" including the last use as a health centre, given the thrust of Government policy is to allow greater flexibility within the use class system, it is not considered the council can direct any future use specifically to one of these community uses, and require a replacement provision in line with policy DM13.

It is noted that third party comments consider the loss of the building cannot be justified under policy DM13, without the consideration of the requirements of this policy, and to set

aside the policy would be to open other land uses, such as retail in town centres, business in employment areas to be lost to other uses, contrary to policy.

The Government has outlined that one reason for the changes to the Use Classes has been the need to enable a repurposing of buildings on high streets and town centres. It is accepted that the changes are to provide further flexibility, but the issue is whether that extends to various sites which are offered a degree of protection by policy.

It is acknowledged the council would not necessarily want to envisage a position whereby existing Class E uses were lost to other uses outside that class. This could result in a weakening of retail presences within town centres, employment uses in employment areas, and the loss of a plethora of uses which serve the local communities. Similarly, the council would not necessarily allow new Class E uses to be created, given the impact that could have, such as a weakening of the role of town centres, should retail uses be created in all areas.

As above, the council could not seek contributions for the loss of employment space, as only one of the potential uses which could occupy the building. It is not considered the council could also insist on an equal level of community use at this site as currently exists, as per DM13, or a marketing exercise to demonstrate there would be no demand for such a use, as a potential occupier of the building. In such a scenario this would mean any Use Class E site would have to satisfy the requirements of the range of relevant policies, for which the Class E site could be used, before it could be used for a non-Class E use. This is perhaps an unforeseen circumstance of this extended use class. It is not considered in this case the council would insist in the marketing of the site for one of the uses that could occupy it, or insist on a replacement with another community use, when the options for future use would be under the control of the applicant.

A residential scheme would be in keeping with the character of the road, and the overall site and building envelope will not increase. Local, regional and national policy encourages Local Planning Authorities to seek opportunities to use previously developed land more efficiently, the there is an opportunity to increase the number of residential units on site.

As such the principle of redevelopment of the site to provide a purely residential scheme can, on balance, be accepted.

Unit Mix

National and London Plan (2021) guidance states that new developments should provide a mix of housing size and types based on current and future needs. Policies CS4 and DM08 reflect this guidance. Policy DM08 states that "development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough". The policy places emphasis on the need for 3- and 4-bedroom family units.

The proposed mix for the 9 unit scheme was as follows

Two 1 bedroom and one 2 bedroom and six 3 bedroom.

Under this revised application the scheme would consist of the following mix, initially no 3 bedroom units had been proposed under the 26 unit scheme;

12 studio, four 1 bedroom and two 2 bedroom, two 3 bedroom

It can be noted that the strong provision of family sized units relating to the nine-unit scheme is removed with this scheme.

The supporting text to the policy does state that it is intended to be applied flexibly. It further states that it may not be appropriate to meet the standards in town and local centres. The site is not within a town or local centre, it is in close proximity to the Whetstone Town Centre, but the road is suburban in character. It is accepted that there may be some constraints to providing a high percentage of family sized dwellings on this site in terms of parking provision, amenity space, and general amenity considerations, given the number of units proposed. However, the previous scheme of limited numbers, did include a 66% provision of family sized dwellings.

The immediate area contains a mix of dwelling types and sizes, and in the council's view did not have characteristics to justify a scheme which does not include any family sized dwellings.

The applicant states that there is a strong demand for smaller units to meet the needs of young professionals, and the demand for larger units locally has reduced. A submission from a local estate agent has been provided to support this position.

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

The scheme does now include a mix of unit sizes to provide for a range of households within the local community, albeit there is a high percentage of single-family dwellings. In that respect, given the degree of flexibility that exists, and on balance, this housing mix, which includes 10% Three bedroom, is considered acceptable.

Density

The London Plan takes a less prescriptive approach to density than the density levels matrix within the 2016 plan and considers a designed approach to determine the capacity of the site, including site context, accessibility and capacity of surrounding infrastructure. Policy D6 also notes that schemes should optimise housing density.

Whilst the wider area is mixed in character, with urban characteristics, this is a suburban road, of mainly low-density housing.

The site is within walking distance of Whetstone Town Centre which features an array of public services, shops and transport options making it a sustainable location for residential development. Therefore, unit sizes, unit mix, the quality of accommodation, design/character, and impact on the amenity of neighbouring occupiers are a key indicator when striking an appropriate density. Any submission can be judged against these key indicators when attaining an appropriate density, and scheme, for a site, but the number of units is considered acceptable.

Affordable Housing

Policy DM10 states that the maximum reasonable amount of affordable housing will be required on site, subject to viability, with 40% local policy provision. The submission had originally been supported by a Viability Statement (S106 Management), which stated that the scheme could only remain viable with a commuted sum of £46,110 towards affordable housing provision as the site value for the 26 unit scheme was only marginally greater than the alternative use value for the extant 9 unit scheme. (£1,479,702 - £1,433,592)

In line with standard practice the council had the 26 unit submission appraised independently. The advice received concluded that a significant contribution to affordable housing (34.6% affordable housing (5 London Affordable Rent units and 4 shared ownership units) in addition to a commuted sum payment of £25,476) could be provided. This conclusion related to a number of factors which the council's consultants advised would result in a significant surplus (£771,843), the main differences being;

- Need to increase private residential values to reflect current market expectations;
- Reduce construction costs in line with advice received from CDM;
- Reduce finance rate to reflect the current market;
- Reduce profit levels to reflect the risk profile of the scheme;
- Adjust the viability benchmark in line with comments (reduction from the applicant site value £1,479,702 to council consultant's figure £1,269,884)

As detailed above, the scheme has been revised with a reduction to 20 units and there have been significant levels of discussion between the council's viability consultants and the consultants representing the applicant.

Under a second round of discussions held in June/July 2021 the applicant advised that when the costs were deducted from the sales values of the units the resulting residual land value (£967,356.98) (site value) was less than the Benchmark Land Value (£1,214,301.00) (the value of the site for the 9-unit extant permission scheme). As such there was a deficit of £246,944.02 and the scheme would not be viable should it include affordable housing contributions.

This submission was reviewed by the council's consultants and under this review the consultants identified a surplus.

Whilst the applicant's consultants had assumed the majority of suggested assumptions from the council's consultants further review was suggested;

- Include affordable housing revenue within the assessment;
- Reduce construction costs in line with advice received from CDM;
- Reduce profit levels to reflect the risk profile of the scheme;
- Adjust the programme timetable to reflect current market expectations; and
- Adjust the viability benchmark in line with comments

Under the council's assumptions the scheme could provide 15% affordable housing (3 shared ownership units) providing a surplus of £6,193 against the council's reduced viability benchmark of £909,298, or a commuted sum of £153,583. This 15% contribution could be secured through a s106 Agreement and an early and late-stage review was recommended.

The applicant provided a third viability assessment in August 2021. This demonstrated a deficit of -£130,705 and as such the scheme could not contribute to affordable housing.

This was once again reviewed. One key change was an agreed increase in the site values (viability benchmark) from £909,298 as concluded in July 2021, to £1,140,585, owing to an agreed increase in construction costs for the extant scheme., which was only marginally below the Residual Land Value of £1,143,294 providing a marginal surplus of £2,709.

As well as CIL contributions, and some contributions on carbon offsetting, travel plan contributions and an open space contribution the applicant had included a contribution to loss of employment space of £35,733, as detailed above the council do not consider that this can be reasonable requested.

The conclusions of viability discussion are that there would be no available surplus to contribute to affordable housing provision under these scheme characteristics. The consultants advise early and late-stage reviews within a s106 Agreement.

Given the inclusion of the employment contribution and the small surplus identified by the council's final review, the applicant has offered that £40,857.00 should be included in a s106 Agreement as a contribution towards affordable housing within the borough, as a commuted sum.

Conclusion

In light of the above considerations, the principle of the replacement of the existing building with a residential scheme can be accepted. Other considerations are discussed below.

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

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

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

The analysis on the originally submitted 4 storey/26 unit scheme concluded the following;

The proposal would replace the existing single-storey part-pitched roof, part-flat roof building with a four-storey flat roof building. The extant consent relates to a 3 storey building on a similar footprint. That building used the school building and the adjoining two storey residential unit as a guide for height, the overall height being no higher than the ridge on these structures.

This scheme would once again fill the entire plot frontage, with the addition of the zinc clad 4th floor, set back from the front of the 3 storey brick façade below.

It is evident that previously the council has acknowledged that whilst the High Road includes a mix of higher density development, it does not necessarily mean that it is suitable to replicate this on the application site. That being said, the site is in close proximity to this road, and with the school site forms the entrance to this change in character and density.

The High Road does include much more of a mix of styles and has a character typical of a main thoroughfare. Friern Barnet Lane has more of a deferential character to this main route. Under the previous submission (9 unit scheme) while it is noted that the scale reduces to

predominantly two-storeys to the south on Friern Barnet Road, given the mixed character of the immediate area and the siting near the junction with the High Road, it was not considered that a building of three-storey scale would be out of keeping or incongruous in this location.

This proposal would add an additional storey across the entire footprint of the building, above the previously consented scheme. It is stated that under previous discussions the council did not rule out a 4 storey submission, that, the height and/or set back would have to adapt to respect the lower ridge height of the residential dwellings to the south and immediately adjoining at no.291 Friern Barnet Lane."

As discussed, the school and application site, mark the entrance point from the more mixed character of the High Road, into the typically residential suburban character of Friern Barnet Lane. The proposed scheme does retain a step-down from 4 storey to 3 storey where the scheme would adjoin at no.291 Friern Barnet Lane. However, when viewed from the entrance to the road, or when progressing along Friern Barnet lane to the site, the full 4 storey structure will be apparent. The upper floor would be set in from the main bulk of the front elevation, and set in from the flank elevations, this reduces the dominance of the structure to a degree, and it can benefit from its bookend position at the entrance to Friern Barnet Road. However, adjacent to No.291 there is little transition to the more suburban character of this road, and whilst progressing towards the junction, the building would appear prominent

The site benefits from its bookend position on Friern Barnet Road, the fact it does not sit "within" a lower density road, and benefits from the differing character of the school site adjacent. Local Authorities should look for the opportunity to increase the density on previously developed sites, in line with national guidance, but it is considered that a 4 storey structure would appear out of place, at the entrance to this road, with the benefit of close proximity to the High Road having limited significance, and with the no transition to the more suburban residential properties on Friern Barnet Road.

Once again, the pitches to the front elevation on each flank of the building are of limited assistance in transitioning to the pitched roof dwellinghouses to the south. The proposed building comprises predominantly facing brick for the external surfaces. This is in keeping with the character on Friern Barnet Lane. Elements of zinc cladding to the flanks and roof provide some visual interest to the building and, given their limited use and the mixed character of the area, including the extant consent, can be accepted.

The council are always mindful that sites for redevelopment, and their contribution to meet housing need, requires a careful balancing exercise of protecting local character whilst always seeking to maximise the benefit of redevelopment. It is not considered that the scheme strikes a reasonable balance. A four-storey building, with limited set-in and set-back, and the increase in building height jars within this setting, and would appear discordant.

The residential development of McReady Road, is located to the rear of the site, but it is not considered the additional floor would result in an imposing development when viewed from this residential development.

The scheme proposes a high-quality build with materials that are evident within the wider area, and the design can be broadly accepted. The existing site is almost entirely hard-landscaped any redevelopment would provide some benefit to the visual amenities of the area through increased soft landscaping and the provision of a communal garden. Conditions could also be attached to ensure existing trees on adjoining land are retained

and protected through the development. However the proposed bulk and scale is significant, would cause harm to the character of the area and is contrary to local, regional and national guidance.

In light of the above, it is considered the proposed 4-storey scheme would be inappropriate with the submitted scheme characteristics.

As discussed above, the concern of officers was the addition of the 4th floor to the building. Under the revisions this element has been removed, and the proposed structure is similar in appearance to that granted consent under the extant 9 unit scheme. That submission had involved close discussions with officers in order to strike a suitable balance in terms of maximising the development of the site but ensuring the resulting scheme would successfully assimilate into this setting. Whilst the density would increase with this proposal, the overall design, bulk and scale is more in keeping with what was previously considered acceptable. The contrast in appearance can be accepted on this somewhat standalone site, and this scheme would not appear out of place. It is therefore considered the initial concern with the overall bulk and scale has been addressed and the council can accept the raised scheme as being appropriate from a visual perspective on this site, and within this setting. Good quality materials could be agreed by condition.

Quality of accommodation for future occupants:

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

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

The council have had concerns with regards to the amenity of residents under the 26 unit scheme with the outlook afforded to some units and the level of amenity space provision. This has resulted in the submission of the amended scheme.

Dwelling size:

Floor Area:

The London Plan (2021) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum internal space requirements for residential units. A bedroom measuring 11.5m² and above is calculated as a double, and a bedroom measuring 7.5m² to 11.4m² is calculated as a single.

A mix of 1, 2 and 3 bedrooms are proposed, with the following London Plan requirements;

- (1 Bedroom/1 person): London Plan requirement = 39m²
- (1 Bedroom/2 persons): London Plan requirement = 50m²
- (2 bedroom/3 person): London Plan requirement = 61m²

(2 Bedroom/4 Persons): London Plan requirement = 70m²
(3 bedroom/4 person): London Plan requirement = 74m²
(3 bedroom/5 person): London Plan requirement = 86m²
(3 Bedroom/6 Persons): London Plan requirement = 95m²

The proposed units have the following gross internal areas (GIA):

Ground Floor

Flat 1: (1 Bedroom/2 person): 50 sqm;
Flat 2: (1 Bedroom/2 person): 50 sqm;
Flat 3: (1 Bedroom/2 person): 50 sqm;
Flat 4: (1 Bedroom/2 person): 59 sqm;

First Floor

Flat 5: (1 Bedroom/2 person): 50 sqm;
Flat 6: (2 Bedroom/3 person): 63 sqm;
Flat 7: (3 Bedroom/5 person): 74 sqm;
Flat 8: (1 Bedroom/1 person): 38 sqm;
Flat 9: (2 Bedroom/3 person): 66 sqm;

Flat 10: (1 Bedroom/2 person): 50 sqm;
Flat 11: (1 Bedroom/2 person): 51 sqm;
Flat 12: (1 Bedroom/2 person): 51 sqm;

Second Floor

Flat 13: (1 Bedroom/2 person): 51 sqm;
Flat 14: (2 Bedroom/3 person): 63 sqm;
Flat 15: (3 Bedroom/5 person): 74 sqm;
Flat 16: (1 Bedroom/1 person): 39 sqm;
Flat 17: (2 Bedroom/3 person): 66 sqm;
Flat 18: (1 Bedroom/2 person): 50 sqm;
Flat 19: (1 Bedroom/2 person): 51 sqm;
Flat 20: (1 Bedroom/2 person): 51 sqm;

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

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All proposed bedrooms would meet the above standards.

Floor to ceiling height:

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

Each of the proposed flats would meet the above standard.

Dwelling layout and outlook:-

Development plan policy requires that new dwellings are provided with adequate outlook.

Not all units are dual-aspect, Policy D6 of the London Plan "Housing Quality and Standards" advises that single aspect units should be avoided unless, as per Policy D3 Part B "Optimising Site Capacity through the Design Led Approach" are located in areas of higher density developments which should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling and best deliver the requirements of Part D of the policy.

The site is close to Whetstone town centre which provides a range of jobs, services and public transport options. A requirement of D is that the scheme delivers a suitable degree of amenity with regards to outlook, amenity and privacy. The policy also requires that any scheme enhances local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape,

Given the proposed scheme utilises the same envelope of the extant permission, the council are content that the proposal would respond sufficiently to local character. the proposed unit layout would not provide a poor level of amenity for future occupants, none are north facing and single aspect.

The extant scheme consisted predominantly of larger duplex units, and the rear wing included units over the first and second floor levels. This afforded each unit to have a good level of outlook. Under the current scheme, the plans indicate that a number of these south facing units are relatively deep on plan form and would rely on high-set obscure glazed windows to provide some aspect. They are also served by balcony areas, but this would have some impact on the amenity of the residents in these units.

London Plan Policy H1 requires LPA's to:

"optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially the following sources of capacity:

- a) sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station or town centre boundary
- b) mixed-use redevelopment of car parks and low-density retail parks and supermarkets.
- c) housing intensification on other appropriate low-density sites in commercial, leisure and infrastructure uses

The site has the characteristics that are set out in Policy H1, in that it is:

- o A brownfield site;
- o It has a PTAL that falls within the range of 3-6 - the sites PTAL is 3;
- o It is well within 800 metres of Whetstone Town Centre and within 800m of Totteridge and Whetstone Tube Station;
- o It is the redevelopment of an appropriate low-density sites in commercial use (Class E).

Given the continued policy slant which encourages Local Authorities to seek opportunities to use existing brownfield sites more efficiently in the deliver of housing, it is considered the proposed 20 unit scheme is appropriate and the units would provide an acceptable standard of accommodation for future occupants.

Amenity Space:

Section 2.3 of the Sustainable Design & Construction SPD (2016) sets out the minimum external amenity space standards for a flat, which is 5m² per habitable room. A room measuring 20m² or more is calculated as two habitable rooms.

The proposal would provide approximately 310 sq. m of amenity space, the scheme provides 66 habitable rooms, including double rooms, with a requirement of 330 sq. m of amenity space, therefore 20 sq. m short of the requirement. The scheme has been amended to ensure that all the proposed flats would benefit from private amenity space, but some would have very limited amenity space, being served by small balconies of 2-3 sq. m. Even the 3 bed units with a requirement of 25 sq. m would only be served by approximately 5.5 sq. m of private amenity space. The majority of amenity space is provided by the communal area. Whilst a similar arrangement was considered acceptable on the 9 unit scheme, this scheme proposes a significant increase in units and now would have a marked increase in inhabitants, including family sized dwellings, relying on either small balcony areas for private amenity space, or the communal area, to supplement, with what would provide a relatively poor amenity area.

The location is close to Whetstone Town Centre, which provides access to a range of services, with public amenity space in the wider, though not immediate, area. SPG guidance does advise that with increased density it may be difficult to provide the required levels of amenity space, however, a shortfall can also point to over-development. The applicant has advised that, as per the council's SPG guidance, a contribution could be made through s106, equivalent to the shortfall, to improve public amenity space in the wider area.

The proposed shortfall is minor, and not dissimilar to many flatted developments in the borough, and beyond. This provision is considered acceptable.

Public amenity space in the area is not immediately accessible from the site - Swan lane Open Space is 500m from the site, and the local public realm provides little in the way of amenity value for future residents.

As a result, it is considered a contribution of £50 sq m x 20 sq m (£1,000) of shortfall on these units can be justified, and the contribution, securable through a s106 obligation, could be used for use in improvements to local amenity space, and perhaps Swan Lane Open Space. It is considered that such an obligation would meet the test of CIL Regulation 122, and would be necessary to make the development acceptable in planning terms.

Room Stacking:-

The proposed internal stacking of the units is considered acceptable.

Accessibility:-

The proposed development would be required to be designed to comply with M4(2) & (3). This can be secured via condition.

Privacy and overlooking:-

Window placements are such that there is no internal overlooking between units.

Daylight and sunlight:-

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

Conclusions on the amenities of future occupiers:-

There is some concern with the outlook afforded to some units and the level of amenity space provision, however it is considered that this would not have a detrimental impact on the amenity of future occupiers and can be accepted. It is considered the number of units proposed and the quality of the accommodation can be accepted.

Impact on amenity of neighbouring occupiers:

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

Barnet's Sustainable Design and Construction SPD (2016) contains standards of distancing for new development to prevent overlooking and loss of privacy. It states that a minimum of 21 metres is required between facing windows of habitable rooms and a minimum of 10.5 metres between windows and neighbouring amenity spaces.

It is acknowledged that for the occupants of No.291, adjacent to the site to the south, there will be a marked difference in development of the adjoining plot. However the plans indicate that there is either a minimum separation distance between the flank windows of the proposed building and the side boundary, or the directing of windows/balconies away from the boundary, or high level placing of windows. It is not considered that the proposed building would cause an unacceptable overbearing impact on the neighbouring occupiers or facilitate harmful overlooking of the neighbouring garden.

The submitted daylight and sunlight report demonstrates that there will not be undue overshadowing of the neighbouring garden. A good level of outlook could still be maintained, and the east facing garden would receive a direct supply of sunlight for a large section of the day.

Additionally, the provision of a communal garden and improved planting along the shared boundary will provide natural screening between the sites. The amended development will have an acceptable impact on the residential amenities of the neighbouring occupiers at No. 291, notwithstanding the increase in occupation.

Concern has been raised that the scheme would result on unacceptable impacts on privacy in relation to the adjoining school (Alma Primary School). Whilst an additional floor had been initially added, the scheme is reduced to a similar size to the extant scheme. Measures can be put in place to prevent harmful overlooking, and once again there is no outlook on the northern elevation facing Alma Primary School that would facilitate harmful overlooking of the school site. High level and obscure glazing can be agreed by condition, any clear windows would comprise angled or oriel windows facing away from the school's play areas. It is not considered that the northern elevation would have an unacceptable overbearing or overshadowing impact on the neighbouring school. As such, this relationship is considered to be acceptable.

To the rear, the site borders a recent development of residential dwellings on McReady Road. The orientation of the nearest of these dwellings to the site is such that their flank walls face the site. These do not contain habitable room windows. As such, the proposed development will not facilitate harmful overlooking with the neighbouring dwellings. Proposed balcony areas will face towards No.9, but rear amenity areas would remain sufficiently private.

A submitted Daylight/Sunlight Survey (Right to Light) confirms there would be no serious loss of daylight/sunlight to existing windows or private amenity areas bordering the site, and with the potential to be impacted.

Additionally, existing trees on this boundary provide some additional screening between the sites. Subject to these being retained, as can be ensured through conditions, it is considered that the proposed development would not be unduly harmful to the residential amenities of the properties on McReady Road.

In conclusion it is considered this increase in density, over the extant scheme, could be facilitated without causing undue impact on the amenity of adjoining residents.

Highways and Parking:

The site fronts directly onto the Friern Barnet Lane, Whetstone and it lies just on the edge of the town centre and it is flanked by a mixture of commercial and residential properties. The site is not in a CPZ but there are waiting restrictions in the vicinity of the site. The site lies in area with a PTAL rating of 3 (average) and 7 bus routes can be accessed from stops within 5 minutes walking distance of the site and the nearest bust stop is directly in front of the site. Totteridge and Whetstone tube station on the northern line is 11 minutes walking distance from the site.

Replacement of the existing building with a new development comprising 20 residential units. Based on Policy DM17, (2xstudio, 11x1 bed, 4x2bed & 2x3bed) will attract a maximum allowable parking provision of between 6 - 23 spaces. Based on the PTAL rating of 3 (average), the provision of 15 car parking spaces, including 2 disabled spaces will be acceptable to Highways officers.

It is noted parking standards in the London Plan 2021 would attract a maximum provision of 15.5 spaces.

The proposed provision of 14 spaces including 3 disabled bays leaves a shortfall of 1 parking space over local standards. Overnight parking surveys have been carried by the applicant in accordance with Lambeth Methodology and this showed that there were 73 spaces available in the area of which 25 spaces were on Friern Barnet Lane. Daytime surveys were also carried out on 20 July 2021 and this showed that out of a potential 157 spaces, 144 were occupied by cars and 13 spaces were available on-street including 7 on Friern Barnet Lane. Highways therefore consider that it is likely that the displacement of 1 vehicles can be accommodated on-street and unlikely to have a discernible impact on local parking conditions.

The internal layout of the site is satisfactory and it appears a minimum aisle width of 6 metres is ensured behind the parking spaces . It is proposed to retain the northern access and close the southern access to the site. The southern access will there need to be reinstated to footway. need to be he south closed and reinstated to footway. This involves work on the public highway for which a s184 licence is required.

The location of cycle parking is not ideal as cyclists manoeuvring their bicycles from the cycle store will come into conflict with vehicles travelling up/down on the internal road. A safety audit of the internal layout is therefore requested. The gates should be set back at least 5 metres from the edge of the public highway. Also, there appears to be a pinch point on the bend on the internal road by the first disabled bay and so a drawing showing the swept paths of a vehicle negotiating this pinch point is requested prior to determination. Proximity of the northern access to that of Alma School has been raised as an issue. This is because of the potential turning conflicts that may result. While the number of vehicles movements generated by the development is low, because of the presence of school children and heavy pedestrian movements during the morning peak, Highways will request that a safety audit of access is arranged by the applicant. Highways would accept if this was attached as a planning condition.

A Safety Audit has been submitted (Cole Easdon) and following the findings of the audit, highways have requested a contribution of £15,000 towards associated highway works, given the close relationship with the school. The applicant has agreed this contribution.

Based on London plan standards, a minimum of 32 long stay cycle parking spaces and 2 short stay spaces is required. 42 cycle parking spaces are proposed which is acceptable. Long stay cycle parking should be provided in a secure, covered, lockable and enclosed compound. Elevations of the cycle store, dimensions of the store and gaps between stands have not been provided. Details of cycle parking are requested by way of a planning condition.

Based on London Plan standards, it is requested the 20% of spaces are provided with active electric charging points and the remaining 80% of spaces are fitted with passive infrastructure. This equates to 3 active and 11 passive electric charging points. This is to be secured by way of a planning condition.

Refuse storage and arrangements for roadside collections as set out in the transport statement and shown on the ground floor block plan and are acceptable. Elevations of refuse store are requested and this can be secured by way of a planning condition.

A demolition and construction management and logistics plan as well as highway condition surveys are requested by way of planning conditions.

A residential travel plan has been submitted by the applicant. A contribution of 5k is requested towards travel plan monitoring and a sum of £3,000 towards travel plan incentives (£150 per household) are requested. Given local concerns relating to parking in the area the travel plan is welcomed. The recommendations in the travel plan can be secured via a s106 agreement

Highways would raise no objection subject to the s106 contribution of £15,000 towards highway works (a contribution of 10k for pedestrian improvements and 5k for parking restrictions), £5,000 towards travel plan monitoring and £3,000 towards travel plan incentives as well as the conditions discussed above.

Trees and Biodiversity

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that trees should be safeguarded and that proposals will be required to include hard and soft

landscaping. This policy also states that when considering development proposals, the Council will seek the retention and enhancement, or the creation of biodiversity.

Trees

The council's Trees Officer has been consulted and provided comment;

"Trees located on the adjoining land are protected by an area Tree Preservation Order (TRE/BA/86/A1) dated 2014 and are shown as T1 to T5 on the applicant's plan. The proposal requires the loss of a poor quality holly tree in at the front of the site, which would need to be replaced with a similar tree species. The impact on the trees growing on adjoining land is broadly acceptable if all aspects of the submitted Arboricultural Method Statement and Tree Protection Plan are fully implemented. The site is level and there should be no level change issues as parking is proposed on the ground floor".

These measures can be secured by conditions.

Ecology

An Ecological Impact Assessment (ECOSA December 2020) has been submitted. The development does not fall into an of the categories listed by Natural England that would require consultation.

The report states that 'Overall the building is assessed as having negligible suitability for roosting bats and none of the trees contained any features suitable for roosting bats and are all assessed as having negligible suitability for roosting bats' Therefore, further bat surveys are not required. The ecologist confirms that the information submitted is acceptable, conditions relating to nesting birds, bat boxes and ecological enhancements are recommended.

Recommendations

If at any time following the start of demolition works, a bat roost or evidence of a bat roost is observed, all work would need to cease until a suitably licensed bat ecologist has been consulted and advice sought on how best to proceed under current laws and legislation. Where a bat roost is identified, destruction of the roost would usually need to be covered by a European Protected Species (EPS) Licence obtained from Natural England. The planning authority would need to have sight of any mitigation strategy developed for a licence application in order to address their obligations under The Habitats and Species Conservation Regulations 2018 (as amended). If demolition is delayed for more than one-year after the date of the bat survey (August 2020), repeat bat surveys should be undertaken.

Drainage Comments

The LLFA request a Flood Risk assessment, as, though the site is in Floodzone 1, it is within a Critical Drainage Area. The LLFA have commented on an updated Flood Risk assessment and raise no objections. Recommendations contained within could be agreed by condition.

Environmental Health

The Environmental Health section of the council has been consulted and raise no objection subject to conditions. These include requirements regarding acoustic mitigation, air quality neutral and air pollution mitigation measures, and contaminated land risk assessment.

Refuse/Recycling

The bin provision and storage area is acceptable to the Street Scene Operations team.

MET Police

The Crime Prevention Officer has reviewed the submission and concludes no objection to this proposal, and would respectfully request that a planning condition is attached to any approval, whereby this development must achieve Secured By Design accreditation, prior to occupation. Any approval could be conditioned accordingly.

Sustainability

In respect of carbon dioxide emission reduction, the updated Energy Statement (SHA Environmental) advises that the scheme has been designed to achieve at least a 35% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is to comply with the requirements of the London Plan (2021), Policy SI2. and a condition would be attached to any permission to ensure compliance with this Policy. It is noted photovoltaic panels are incorporated into the scheme on the roof of the building. The indicative report advises that a 100% saving on carbon emissions can be made.

Policy SI.2 of the London Plan notes that carbon reductions must be achieved on-site as far as possible and a cash contribution for the shortfall will only be considered in circumstances where it has clearly been demonstrated that no further savings can be achieved on-site. The London Plan has set a carbon price of £95 per tonne calculated over 30 years. The submission indicates the scheme could make a 100% reduction and as such no in lieu payment has been included.

In terms of water consumption, a condition would be attached to any permission to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy SI5 of the London Plan 2021.

The proposed development therefore could be conditioned to meet the necessary sustainability and efficiency requirements of the London Plan in the event of an approval.

Barnet and Mayoral Community Infrastructure Levy:

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

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

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

5.4 Response to Public Consultation

- Concern that the proposal will result in loss of amenity to the adjoining school, in terms of privacy, overlooking and overshadowing, causing a significant infringement on amenity. Fourth floor balconies provide an open aspect over the school boundary.

It is considered that the scheme has been designed to prevent overlooking of the school, and suitable measures could be agreed by condition.

- Additional height, bulk and scale over the approved 9-unit scheme is total out of character for the area.
- Proposal looks out of place in a suburban setting.
- 3 storey is the maximum height suitable along this road.

An analysis of the additional built form has been carried out within the report, the submission has been reduced to a similar form as the 9 unit scheme.

- The dwelling mix is contrary to adopted and emerging policy and does not provide family sized dwellings.
- Loss of community/employment space is inappropriate.
- The proposal would result in the loss of a community/health facility contrary to policy DM13.

Addressed within the Principle of Development section.

- The proposed development would significantly exacerbate existing problems and add very considerable road safety danger next to a school and for the children at the school. It is clear that the parking provision for the proposed development is inadequate.
- Concern about disruption to drop off at adjoining school - parking level provided is inadequate.
- Daytime parking in this area is under maximum stress including along Friern Barnet
- The school needs this space for additional parking. The Friern Barnet Lane is currently unusable with the amount of cars using it along with Alma primary.
- Inadequate attention seems to have been paid to the issue of congestion in Friern Barnet Lane. The upper section of the Lane, including the application site, is frequently blocked as the two streams of traffic are simply unable to pass one another.

Professional highways advice has been provided on these matters and raise no concern subject to conditions and s106 obligations.

The scheme provides an acceptable level of parking. There can be no compulsion on a private landowner to provide overspill parking for the school

- The proposed development provides zero affordable housing and instead proposes a negligible payment in lieu of £23k.

Addressed within the report, following negotiations on viability.

- The outdoor amenity space provided falls short of the minimum required by the Council's standards for external amenity space, pursuant to Policy DM02

- This is an over-development of a small plot.
- The proposed dwellings are under-sized.

As discussed above, the council should, when balancing material considerations be mindful of a policy desire to increase density and use previously developed land more efficiently, when the opportunity arises.

- Concern about disruption during construction and potential instability issues with adjoining buildings.

Conditions can be used to limit disruption during construction and a Party Wall Agreement would be put in place with regards to ensuring neighbouring sites are not put at risk.

- The proposal will entirely overlook our garden area.
- The proposal will overlook adjoining properties and cause a loss of daylight/sunlight.

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

- The proposal will overshadow the playground.

Any level of overshadowing would not seriously compromise the amenity or usage of the playground area, the proposed bulk is similar to the extant scheme.

- Daytime parking in this area is under maximum stress including along Friern Barnet Lane, causing road traffic, obstructions along the carriageway for buses and emergency vehicles and additional pollution.
- The issue in this area is daytime parking and not overnight parking, as considered in the parking surveys submitted.
- Parking surveys are flawed and were undertaken during the pandemic.
- The education, welfare and safety of Barnet's children is paramount. The proposed development will adversely affect all three so far as the children of Alma Primary are concerned.
- No consultation between the Community Security Trust (CST) and the developer

It is not considered this scheme would adversely affect the education, welfare and safety of children at the adjacent school.

- Refuse strategy will result in bins stored on the street

The Highways Section raise no objection to the proposed refuse collection and storage arrangements. The bin provision and storage area is acceptable to the Street Scene Operations team.

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 the proposed level of development can be accepted. The concerns of residents are noted, but the level of parking is deemed acceptable and it is considered this proposal could be facilitated within the local area without undue harm to the existing amenity of the local community. In light of the above it is therefore recommended consent is granted subject to conditions and s106 contributions.

Location 1 - 2 The Approach London NW4 2HT

Reference: 21/1524/FUL

Received: 18th March 2021

Accepted: 19th March 2021

Ward: Hendon

Expiry 14th May 2021

AGENDA ITEM 10

Case Officer: Mansoor Cohen

Applicant: c/o Agent c/o Agent

Proposal: Demolition of the existing 2no. semi-detached dwellings and the erection of a 3 storey building to provide 6no. self-contained flats with associated off street parking and cycle parking

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

Location Plan as Existing Drawing No 20302-00
Site Plan as Existing Drawing No 20302-01
Rear Elevation as Existing Drawing No 20302-09 Rev C
South Side Elevation as Existing Drawing No 20302-13
Front Elevation as Existing Drawing No 20302-08 Rev D
North Side Elevation as Existing Drawing No 20302-14

Site Plan Drawing No P01 Rev B
Block Plan Drawing No P11 Rev A
Front Elevation as Proposed Drawing No P06 Rev B
Rear Elevation as Proposed Drawing No P07 Rev B
Basement Floor Plan as Proposed Drawing No P02 Rev C
First Floor Plan as Proposed Drawing No P04 Rev B
Ground Floor Plan as Proposed Drawing No P03 Rev B
Second Floor Plan as Proposed Drawing No P05 Rev B
Left Hand Elevation as Proposed Drawing No P09 Rev B
Right Hand Elevation as Proposed Drawing No P08 Rev B

View from Front Drawing No P10 Rev B
Views from Brent Street and Golders Rise Drawing No P13 Rev A
Approach from Brent Street Drawing No P14 Rev A

Daylight and Sunlight Report (Prepared by Point 2 Surveyors), dated August 2021
Version V2

Planning, Design and Access Statement (Prepared by Newsteer), dated March 2021

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

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

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

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

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

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

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

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

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

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

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

- 6 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. P02 Rev C shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (2016) and Policy T6.1 of the London Plan 2021.

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

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

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

8 a) Prior to occupation of the residential units hereby approved, full details of the traffic light system including size, specification and maintenance contract details for the basement parking, as indicated in Drawing no. P02 Rev C shall be submitted to and approved in writing by the Local Planning Authority.

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

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

9 Notwithstanding the approved plans, prior to the commencement of the development, details of the passing places, gradient for the access ramp leading to the basement car parking area, car park layout together with headroom clearances along the ramp and within the parking area and the access to the parking area from public highway shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details.

Reason: To ensure the safe form of access to the development and to conform to London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy T4 of the London Plan 2021.

10 a) Notwithstanding the approved plans, before the development hereby permitted is first occupied, details of cycle parking to accommodate a minimum of 11no long stay and 2no short stay cycle parking spaces in accordance with the London Plan

Cycle Parking Standards and London Cycle Design Standards - including the type of stands, gaps between stands, location of cycle parking and type of store proposed - shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 11 a) Before the development hereby permitted is first occupied, the amenity area(s) shall be subdivided and shall be implemented in accordance with the details indicated on Drawing No P03 Rev B before first occupation or the use is commenced and retained as such thereafter.

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

- 12 a) The site shall not be brought into use or first occupied until details of the box hedge as indicated on Drawing No P03 Rev B have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

14 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).

15 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 policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2016).

16 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.

- 17 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).

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

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

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

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

- 19 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.

- 20 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement 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.

- 21 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

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

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

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

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

Informative(s):

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

Please visit

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

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

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

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

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

- 4 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Team, 2 Bristol Avenue, Colindale NW9 4EW, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.
- 5 The submitted Construction Method Statement shall include as a minimum details of:
 - o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
 - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
 - o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

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

- 6 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.

- 7 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.
- 8 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licences or email highwayscorrespondence@barnet.gov.uk.

OFFICER'S ASSESSMENT

1. Site Description

The application site is a pair of semi-detached houses on the prominent corner of The Approach, Brent Street and West Avenue within the Hendon ward. To the east of the site lies no. 2 West Avenue which is a two storey residential dwelling and to the south lies Ambassador Court, a part two storey part three storey apartment building.

The character of the area is mixed containing a variance in uses from residential through to hotels synagogues and a primary School all within the locality of the subject site.

The north - eastern side of the site features a flat roofed, single storey, detached garage. The buildings are not listed nor does the site lie within a Conservation Area.

The site lies within PTAL rating 3 indicating a moderate level of public transport accessibility. The site does not lie within a Controlled Parking Zone (CPZ), however, the adjacent junction is restricted by double yellow lines not allowing either vehicle waiting or parking at any time.

The site is within an area of Special Archaeological Significance.

2. Site History

Reference: 17/8103/FUL

Address: 1&2 The Approach, London, NW4 2HT

Decision: Approved subject to conditions

Decision Date: 20 March 2018

Description: Demolition of existing dwellings and erection of a two storey building with basement and rooms in roofspace to provide 6no. self-contained flats with associated parking, cycle storage, refuse and recycling storage and amenity space

Reference: 16/4460/FUL

Address: 1&2 The Approach, London, NW4 2HT

Decision: Refused

Decision Date: 15 September 2016

Description: Demolition of existing dwellings and erection of a two storey building with basement and rooms in roofspace to provide 6no. self-contained flats with associated parking, cycle storage, refuse and recycling storage and amenity space

Reasons for refusal: The proposal by virtue of its bulk, massing, scale, siting and design would result in the building forming an unduly dominant addition to the application site and street frontage, to the detriment of the character and appearance of the streetscene, site and surrounding area, particularly the frontage of West Avenue and The Approach.

Appeal Decision: Appeal Dismissed on the effect of the glazed stairwell and pitch of the rear roof on the character of the area.

Reference: H/03122/14

Address: 1&2 The Approach, London, NW4 2HT

Decision: Refused

Decision Date: 06 November 2014

Description: Demolition of existing building and erection of a building to provide 6no. self-contained flats. Associated parking and works.

Reasons for refusal: The proposal by virtue of its scale, siting and design would result in the property forming a dominant addition to the application site and street frontage, to the detriment of the character and appearance of the site and surrounding area, particularly the frontage of West Avenue/ The Approach.

Appeal Decision: Appeal dismissed on bulk, scale and design of the proposed development.

Reference: W08953B/04

Address: 1 The Approach, London, NW4 2HT

Decision: Refused

Decision Date: 20 December 2004

Description: Part single, part two-storey rear extension.

Reasons for refusal: The proposal would by reason of its size, design and prominent siting be unduly obtrusive, and detrimental to the character of area, the streetscene and the residential and visual amenities of neighbouring occupiers contrary to Policies G1, G18, T1.1 and H6.1 of the Barnet Adopted Unitary Development Plan (1991), policies GBEnv1, GBEnv2, D1, D2, D3, D5, D7 and H16 of the Barnet Revised Deposit Draft Unitary Development Plan (2001) and Design Guidance Note 5: Extensions to Houses.

Appeal Decision: Appeal Dismissed

Reference: W08953A/02

Address: 1 The Approach, London, NW4 2HT

Decision: Refused

Decision Date: 10.10.2002

Description: Single storey rear extension, loft conversion and extensions including front and rear dormers, addition of window in front floor rear elevation.

Reasons for refusal: The proposed extensions, by reason of their size, design and siting would appear unduly obtrusive and would be detrimental to the appearance of the property and the visual and residential amenities of the surrounding area contrary to policies T1.1 and H6.1 of the Barnet unitary Development Plan (adopted 1991) and policies D2, D3, D4, D7 and H27 of the Revised Deposit Draft Unitary Development Plan (11/1/01).

Reference: W08953C/05

Address: 1 The Approach, London, NW4 2HT

Decision: Approved subject to conditions

Decision Date: 25 July 2005

Description: Single storey rear extension.

3. Proposal

By way of background, the current application is a direct re-submission of the previously approved scheme under reference 17/8103/FUL, consented on 20 March 2018. The proposed development is a direct replication of the scheme approved. The applicant states that as a result of the pandemic and three year time limit condition, implementation of the scheme was not possible.

The assessment of the application will therefore be based on the recommendation of the previously approved scheme however, will fully consider any new/additional material considerations including those raised by objectors. This will be detailed in Section 5.3 below.

The application proposes the demolition of the existing pair of semi-detached properties and the erection of a new building which would feature six flats.

At the front, due to the curved nature of the road, the building is divided by two projecting wings with bay windows, and at the side closest to no.2 West Avenue is a further projecting wing. The entrance section is set back and has a traditional styled porch.

The proposed building is two storeys with a basement level and roof level accommodation. The proposed building would feature hipped roofs and would measure approximately 9.09 metres tall, between 10.7m deep (at the boundary with no 2 West Avenue) and 11.1m deep (at the boundary with Brent Street), and has a width of approximately 23 metres.

The proposed development features dormer windows and chimneys. The dormers measure approximately 2.1 metres in height, 1.3 metres in width and have dual pitched roofs.

The indicative materials proposed are brickwork, rendered masonry walls, traditional sash windows, and red clay tiled roof.

To the rear of the site is a 110.5m² communal garden. Flats 1 and 2 have separate terrace areas of approximately 15m² within the front garden. The site is enclosed with a timber fencing to the rear and a low-height brick wall at the front.

The proposal would provide a basement which would accommodate 6 car parking spaces, a waiting area, 12 cycle parking spaces and refuse storage facilities.

The proposal seeks to accommodate 6no flats comprised of 3 x 1 bed, 1 x 2 bed and 2 x 3 bed.

4. Public Consultation

A site notice was also erected on the 01 April 2021.

Consultation letters were sent to 72 neighbouring properties. Re-consultation letters were sent out on 12 May 2021 and subsequently on 18 August 2021.

16 responses have been received, comprising 16 letters of objection

The objections received can be summarised as follows:

- Concerns regarding loss of light/sunlight and outlook
- Concerns regarding loss of privacy and overlooking
- Loss of single family dwelling houses
- Concerns relating to the size, scale and mass of the development amounting to over development of the site.
- The development is out of character with the area, overbearing and result in loss of visual amenity
- This area is not suitable for flatted development and fails to follow the pattern of development
- Inconsistent, misleading and out of date daylight/sunlight report submitted. The previous application was based on the same incorrect report.
- Previous approval was based on committee members being persuaded to approve the development.
- The development is going to impact on parking stress already evident in the area. The proposal has provided parking at the lowest end of the required range but will not account for additional car ownership and visitors/deliveries to the development.
- Would expect any approval to restrict future occupiers of the development obtaining parking resident permits

- The ramp for the carpark basement is close to the neighbouring property and will impact the neighbouring occupiers as a result of fumes, noise and vibrations.
- Insufficient recreational space for future occupiers
- Disturbance to neighbours as a result of noise, dust and pollution and construction
- Dental practice sited opposite would be substantially affected by construction of development and parking pressures
- The development will increase the risk of flooding.

4.1 Other Consultees

Highways were consulted on the proposal and raised 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 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, 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 Local Plan Core Strategy DPD (Adopted 2012) Policies: CS NPPF, CS1, CS4, CS5, CS15.
- Relevant Local Plan Development Management DPD (Adopted 2012) Policies: DM01, DM02, DM03, DM04, DM08 and DM17.

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

Barnet's Draft Local Plan (Reg 19) 2021

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents
- Whether the development provides a satisfactory living accommodation for future occupiers.
- Impact on Highways
- Sustainability

5.3 Assessment of proposals

Background

By way of background, the current application is a direct re-submission of the previously approved scheme under reference 17/8103/FUL, consented on 20 March 2018. The proposed development is a direct replication of the scheme approved. The applicant states that as a result of the pandemic and three year time limit condition, implementation of the scheme was not possible.

The consented scheme followed on from two previously refused applications on this site which were similar in nature. The consented scheme was also preceded by pre-application advice in an effort to address the previous reasons for refusal.

Given the current proposal is a direct resubmission of the approved scheme relevant sections will offer summaries of the previous conclusions, however, any new material considerations or otherwise will be fully assessed and included where relevant in the body of the report.

A full read of the officers delegated report for the consented scheme, 17/8103/FUL is available on the public forum.

Principle of Development

The application site currently features two residential dwelling houses. The proposal would involve the demolition of the existing dwellings and the erection of a residential flatted development providing six units. The existing dwelling houses are not of any historic or architectural merit that would warrant their protection. The principle of flatted development in this location is acceptable as evident from the previously approved scheme. The area surrounding the application site is mixed in character featuring both single family dwelling houses and flatted development such as Ambassador Court, a purpose built block of flats sited directly adjacent to the subject site.

Furthermore and in the interest of clarity, the consented scheme was preceded by two similar refused schemes. H/03122/14 was dismissed at appeal. The application was dismissed by the inspector on grounds that the bulk, scale and design of the proposed development would be detrimental to the character of the area. 16/4460/FUL was dismissed at appeal on the effect of the glazed stairwell and pitch of the rear roof on the character of the area.

There was no objection to the principle of development previously and there are no new material considerations that would alter this assessment.

Impact on the character of the area

As noted previously, the current proposal is a direct replication of the previously approved scheme and does not feature any material changes footprint, scale, design or appearance.

The previously refused scheme 16/4460/FUL was dismissed at appeal (reference APP/N5090/W/16/3160450), the Inspectors decision carries considerable weight. The Inspector was clear that only two aspects of the development were unsuitable; the glazing to the rear staircase and the pitch of the roof at the rear. The Inspector did not raise an objection to the two storey wing adjacent to 2 West Avenue and considered that "the introduction of features such as a chimney and a dormer window and the use of sympathetic materials, ... [and] the side wing would generally reflect the existing residential character of the street scene" (para.7).

There are no new material considerations that would alter this view. Thus, the only two aspects of contention relate to 1) the glazing to the rear staircase and 2) the pitch of the roof at the rear. These two aspects were adequately addressed within the approved scheme. The officers delegated report stated as follows: 'The proposed application has been amended since the last refused scheme to include a pitched roof at the front and rear, and removal of the curtain glazing facades and replacement with fenestration to match the style of the rest of the building. These changes are considered to overcome the appeal Inspectors reasons for refusal. Given the changes made and in light of the Inspectors comments to the previous scheme at the site, the proposal is not considered to be detriment of the character and appearance of the streetscene, site and surrounding area.'

Officers concur with this view and as such the proposal is acceptable in this regard.

As previously indicative materials for the facades have been submitted, however, the proposed materials should be carefully considered to ensure that the building makes a positive contribution, particularly in this prominent location. While the indicative materials suggested are considered appropriate, final review of the materials will be subject to a condition. This will provide for greater scrutiny of the materials to ensure these are of a high quality.

There are no protected trees on the site and therefore the removal of vegetation on the site would not itself warrant refusal of the application.

In light of the above and the considerable weight attached to the lapsed scheme, officers do not consider that the proposal would have an adverse impact on the character and appearance of the locality and street scene.

Impact on Neighbouring Occupiers

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.

Policy DM02 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'.

The delegated officers report to the approved scheme noted as follows:

'The applicant has demonstrated through the submission of a Daylight and Sunlight report, that the development would not have an adverse impact on neighbouring properties access to light, and in this regards, there is no objection by officers....The LPA and Inspector, in considering the previous scheme, have not raised any concerns for the amenity of neighbouring occupiers. It is not considered there are any new circumstances which have arisen or changes to the scheme that would alter the previous assessment.'

In this instance, new information during the course of the application has come to light through neighbouring objectors and appointed third parties that the above conclusions (in part) were based on in-factual groundings. This new information forms a material consideration in the assessment of the application.

The objections note that the previously submitted daylight and sunlight report was based on 3D modelling that was not representative of the true layout and extent of the proposed building. The modelling identified that the proposed building does not extend across the full depth of the neighbouring flank wall, No.2 West Avenue, however when contrasting this to the proposed plans it is evident that the depth of the proposed building along the common boundary extends to a greater depth aligning with the rear building line of no.2. This notable discrepancy was passed on to the applicant/agent for comment. The response concurred with this view and a subsequent daylight/sunlight report was commissioned reflecting the accuracy of the proposal. Upon receipt of such, re-consultation letters were sent out on 18 August 2021 with this newly revised report available on the public forum for comment. Following the re-consultation no materially new comments were received.

The revised daylight/sunlight report acknowledges that there are a total of 9 windows on the flank wall elevation of no.2 West Avenue that could be impacted by the development. The report notes that of the 9 windows, it is apparent that 5 of these windows serve non-habitable spaces such as hallways and bathrooms. The remaining 4 windows (at ground

floor level) serve a kitchen/dining and therefore a habitable room. The report further notes that an additional window on the rear elevation of the outrigger serves the same kitchen/dining room. There is no evidence before officers to dispute this analysis.

The report demonstrates that whilst a loss in excess of that recommended by BRE guidance would be sustained to the 4 secondary windows serving the kitchen/dining room, the principal window on the rear elevation serving this room would not experience any reduction in daylight and in fact records a 1% proportional gain in the Vertical Sky Component (VSC), a measure of the direct skylight reaching a point from an overcast sky. In addition, the No-Sky Line factor (NSL), a measure of the distribution of daylight within the room, demonstrates that this room would receive very good daylight distribution and overall remain fully BRE compliant.

In terms of sunlight to the kitchen/dining room, the report demonstrates that the room would remain compliant with BRE Guidance.

In light of the above, it is not found that the proposed development would have a demonstrable adverse impact on daylight/sunlight intake to the neighbouring property, no.2 West Avenue that would warrant a refusal in this regard alone.

In terms of the impact to the neighbouring Ambassador Court, there are no material changes in circumstances that would alter the previously accepted impact to these neighbouring occupiers, however for the sake of clarity, the proposed relationship between the two respective properties would not be substantially different to the existing relationship both in terms of outlook and privacy. As demonstrated within the submitted block plan (Dwg. P11 Rev A) the two storey rear building line of the development broadly accords with the existing footprint and would retain a sizeable separation distance to the neighbouring block. In addition, there are also no windows in the adjacent flank wall of the neighbouring block that would raise concerns of overshadowing or loss of privacy.

In light of the above, the proposal is not considered to impact adversely on the amenity of neighbours to an extent that would warrant a refusal on these grounds only.

Impact on Future Occupiers

There are no material changes in circumstances or adopted policies that would render the previous assessment obsolete.

The assessment found the following:

- All the units would comply with the minimum standards.
- All new residential units would benefit from suitable outlook and privacy space.
- Stacking arrangements were acceptable.
- Provision of outdoor amenity space in the form of a communal garden and two private terraces for flats 1 and 2 would exceed the requirements within Sustainable Design and Construction SPD.

As previously, details of the box hedging to ensure sufficient levels of privacy are maintained for the ground floor units will be conditioned.

Highways

Policy DM17 of the Development Management Policies (2012) stipulates that there should be a provision of 1.5 to 1 car parking spaces per unit for terraced houses and flats (2 to 3 bedrooms); and 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

In accordance with DM17, a total provision of between 3 to 7.5 spaces would be required. Taking into consideration the PTAL 3 rating which indicates a moderate level of public transport accessibility, Highways consider the provision of 6 spaces which is at the higher end of the required spectrum to be acceptable and would not result in adverse impact to the highway network. This is commensurate with the previously approved assessment.

Objectors have stated the provision is at the lowest end of 'guidance', however as detailed above this assertion is incorrect. Other factors noted by objectors such as existing parking pressures and nearby CPZ's is considered to be adequately mitigated given the provision is policy compliant.

As previously, a condition will be attached requiring submission of details for the signal control system into the car park.

In accordance with Policy T5 of the London Plan 2021, a provision of 11 cycle spaces would be required for the development. The proposal incorporates a provision of 12 cycle spaces, equating to 2 spaces per unit, within the basement of the proposal. This is therefore compliant.

Refuse and Recycling

The plans indicate that refuse storage would be provided in the proposed basement. In the event of approval, conditions would be attached requiring full details of the refuse/recycling strategy to be submitted to and agreed by the local planning authority.

Accessibility and Sustainability

As previously consented, the development would accord with accessibility and sustainability requirements. Conditions to this effect will be imposed for certainty.

5.4 Response to Public Consultation

-Inconsistent, misleading and out of date daylight/sunlight report submitted. The previous application was based on the same incorrect report.

Addressed in the report under "Impact on Neighbouring Occupiers".

-Previous approval was based on committee members being persuaded to approve the development.

The application will be heard at committee, where members are able to discuss the merits of proposals. All practices and meetings follow the adopted constitution.

-The development is going to impact on parking stress already evident in the area. Any approval should restrict future occupiers of the development obtaining parking resident permits.

As detailed in the relevant section, the proposal includes a provision of street parking spaces in accordance with adopted policies and therefore not considered to adversely impact the highway network. Similarly, it is therefore not considered reasonable/necessary to restrict future occupiers from obtaining resident parking permits. For clarity, the site does not lie within a CPZ.

-The ramp for the carpark basement is close to the neighbouring property and will impact the neighbouring occupiers as a result of fumes, noise and vibrations.

Whilst it is acknowledged that increased comings and goings will occur, this is considered to remain commensurate with the mixed character of the area and remains identical to the approved scheme. A separation distance from the access of the car park to the common boundary of 1.3m would be maintained, which improves on the current relationship between the existing garage and neighbouring house. It is therefore not considered that this would warrant a refusal in its own right.

-Disturbance to neighbours as a result of noise, dust and pollution and construction
A condition for a demolition and construction method statement and construction hours will be imposed to mitigate the impact. In any event, such works are 'temporary' in nature.

-The development will increase the risk of flooding.
The site does not fall within a flood risk zone and therefore justification for a flood risk assessment cannot be justified.

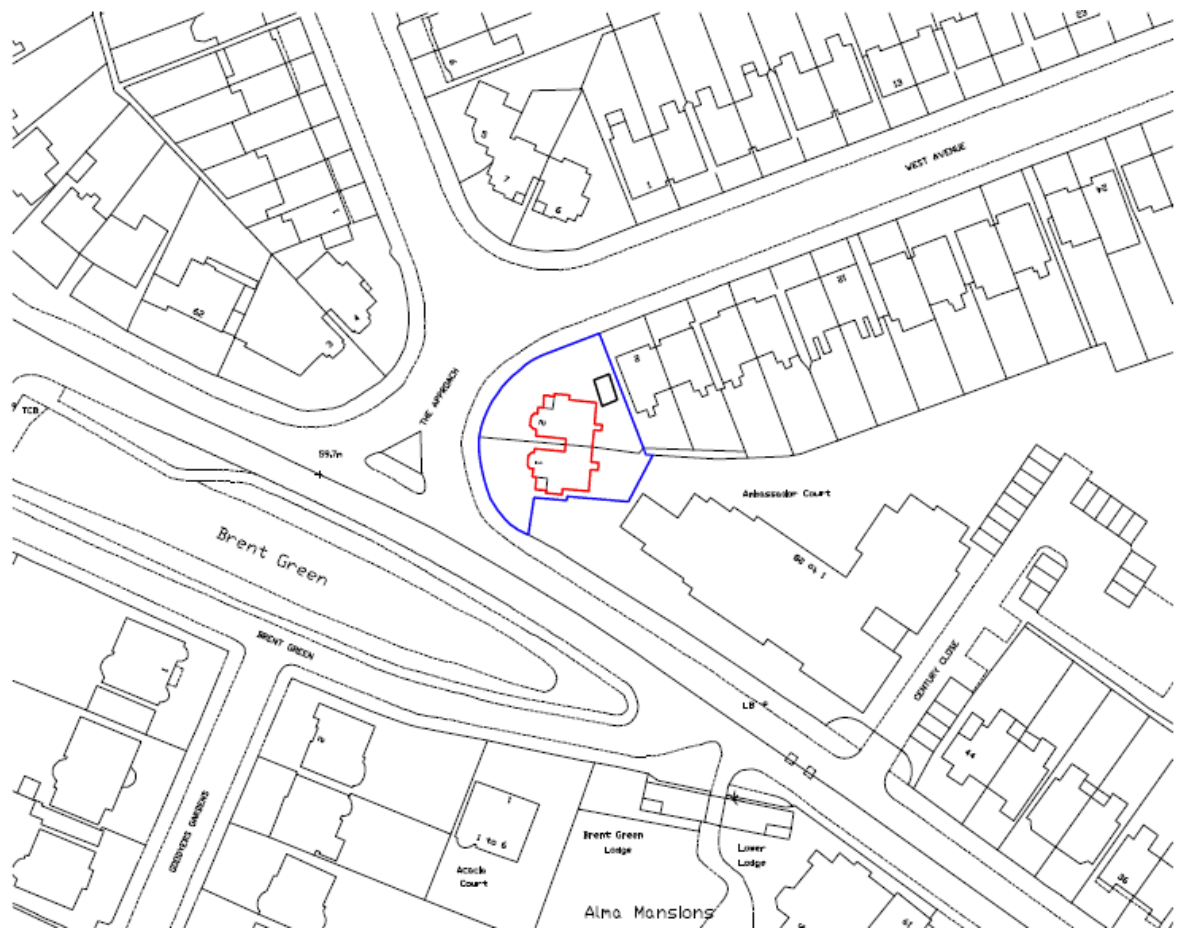
All other planning objections are considered to have been addressed in the report above.

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, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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Location 39 Haslemere Avenue Barnet EN4 8EY

Reference: 21/2231/HSE

Received: 20th April 2021

Accepted: 30th April 2021

Ward: Brunswick Park

Expiry 25th June 2021

AGENDA ITEM 11

Case Officer: Jade Gillespie

Applicant: Gareth and Lisa Jones

Proposal: Single storey side and rear extension. New front access steps.

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:

360.PL.01 Rev B
360.ST.01

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

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

permission.

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

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

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

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

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

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

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and Policy G1 of the London Plan 2021.

Informative(s):

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

OFFICER'S ASSESSMENT

1. Site Description

The application site is a single storey semi-detached dwellinghouse at 39 Haslemere Avenue. The property is located within the Brunswick Park ward of Barnet and benefits from amenity space to the front and rear of the dwelling.

The surrounding area is predominately residential in character and comprises of single storey and two-storey semi-detached dwellinghouses. Upon review of the properties within Haslemere Avenue, it appears that many have benefitted from some form of extensions over time.

The application site is not located within a conservation area, nor is it a listed building.

2. Site History

Reference: 21/2220/192

Address: 39 Haslemere Avenue, Barnet, EN4 8EY

Decision: Lawful

Decision Date: 16 June 2021

Description: Roof extension involving hip to gable, rear dormer window and 2no front facing rooflights

Reference: B/03241/12

Address: 39 Haslemere Avenue, Barnet, EN4 8EY

Decision: Approved subject to conditions

Decision Date: 1 October 2012

Description: Installation of a double steplift.

3. Proposal

This application seeks permission for a single storey side and rear wraparound extension along with the implementation of new front access steps.

At present the front door of the host property is located on the flank elevation and can be accessed via 7no upward access steps which are gradual in gradient. From ground level

to the highest access step measures 1.60 metres in height. From the access steps, the same ground level continues to the rear of the property. Beside the access steps is a wheelchair lift which appears to have been implemented under application B/03241/12. The application site also appears to presently benefit from an existing garage/shed at the side of the property which measures 2.99 metres in depth, 2.28 metres in width with an eaves and maximum height of 2.33 metres.

The proposal seeks to implement a single storey side and rear extension following demolition of the existing garage shed along with new access steps to the front. The existing access steps are proposed to be removed and replaced with a new set of 9no access steps which measure 1.55 metres in height, 1.19 metres in width and 3.37 metres in depth. The steps will also project 1.97 metres beyond the front elevation of the dwellinghouse and will have glass balustrade railings. The existing wheelchair lift is also proposed to be removed and will be left as an area to park bicycles.

The proposed side and rear extension will wrap around the main dwellinghouse. The side element of the proposal will measure 2.28 metres in width, 8.47 metres in depth with an eaves and maximum height of 2.86 metres. A new front door will be implemented to the front of the property and 2no rooflights will be inserted on the roof. The side extension will link into the rear extension as a wraparound.

The rear element of the proposed extension will measure a minimum depth of 3.40 metres along the neighbouring boundaries with an angle bay projection in the middle of the extension serving a window and patio doors to the rear. The deepest part of the proposal would be the extension would be the edge of the angled bay window/doors measuring 4.9m at its deepest point. The extension will also have a width of 9.80 metres and an eaves and maximum height of 2.86 metres. 1no rooflight will also be inserted to the roof of the extension. The proposed side and rear extension will incorporate a green roof. A new patio is also proposed to the rear beyond the proposed rear extension.

The site photographs accompanying this application have been submitted by the agent of the application to assist in the assessment of the proposal.

Within the lifespan of this application, the applicant was asked to reduce the height of the side and rear extension as well as setting back the side element. Amended plans were submitted and the following sections detail the LPA's assessment of those plans.

4. Public Consultation

Consultation letters were sent to 8 neighbouring properties.

5 objections were received during the consultation period which can be summarised as follows:

- The proposed development is a high-density construction.
- The proposed development goes against the character of the buildings in Haslemere Avenue.
- The proposed development will have a negative visual impact.
- The front of the proposed extension would result in loss of privacy.
- The proposed development would result in loss of light.
- The proposed development will result in overdevelopment and is out of scale.
- The proposed development would have a negative impact on light and trees.
- The proposed development would create a terracing effect.

- The proposed development would mean that the neighbouring boiler pipe couldn't be maintained.
- The proposal would result in an increased risk of floods and fires.
- The proposed development would have a negative impact on structural integrity.
- The proposed development goes against the Residential Design Guidance, the LPA's core strategies and the NPPF.

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.

Barnet's Local Plan (2012)

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

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

Supplementary Planning Documents

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

5.3 Assessment of proposals

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider area:

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, CS05 (all of the Barnet Local Plan), D1 and D4 (both of the London Plan).

DM01 requires that any additions to the property are sympathetic to the character of area, the existing building and the street scene.

The Residential Design Guidance 2016 stipulates that side extensions should not have a width greater than half the width of the main dwellinghouse. In regard to rear extensions, the guidance states that in the case of semi-detached properties, they should be no greater than 3.50 metres in depth. In all instances, extensions should be designed and scaled in a manner that allows them to appear subordinate to the main dwellinghouse.

The proposed side element of the extension will not have a width greater than half the width of the main dwellinghouse and is considered to be appropriately designed and

scaled. The extension is set back from the furthest front elevation of the property and is found to appear as a subordinate addition to the main dwellinghouse. The relocation of the front door to the façade of the extension is considered acceptable and allows the addition to appear more visually appealing. As such, it is considered that this element of the proposal would not be detrimental to the character of the main dwellinghouse.

The rear element of the proposed extension is also considered to have an acceptable impact on the character of the main dwellinghouse. The main bulk of the extension will measure 3.40 metres in depth which is below the advised depth limit of 3.50 metres in the case of a semi-detached dwellinghouse. It is noted that due to the proposed angled window, the centre of the extension will have a maximum depth of 4.90 metres. Although the overall depth of the extension exceeds the advised depth limit, this is not considered to be detrimental to the character of the main dwellinghouse as the deepest part of the extension is centrally located and is also considered to improve the appearance of the extension. The rear element of the proposal is found to be subordinately designed and scaled.

As mentioned above, the proposed side and rear extension will also incorporate a green roof which is considered an acceptable feature for the extension. Green roofs are considered to improve ecology and biodiversity within urban areas and can also play a part in mitigating climate change. In the event of an approval, a condition will be attached to the permission for this proposal requiring the applicant to submit further details regarding the materials and maintenance proposed for the green roof of the extension.

The proposed changes to the front access steps are found to be acceptable as they do not differ greatly in appearance from the existing access steps. The proposed glass balustrade is also considered to be acceptable. As such, this element of the proposal is not considered to be detrimental to the character of the main dwellinghouse.

As mentioned above, the surrounding property comprises of semi-detached dwellinghouses at single storey and two storey level. Examples of single storey side rear extensions can be seen at No.17, 19, 23, 31 and 41 Haslemere Avenue. Many of these appear to have extended from their original garages. While the rear element of the proposal will not be directly viewable to the street scene, its principle is considered to have an acceptable impact on the character of the surrounding area given its subordinate scaling and the presence of similar extensions in the area. Furthermore, single storey rear extensions can be seen at No.29, 33, 35 and 41. It has also been reviewed that within Haslemere Avenue, the properties are not uniform in character when it comes to their front door location or the layout of their front access steps. Therefore, the relocation of the front door to the façade of the side extension and the new access steps are considered to be acceptable. As such, the proposal in its entirety is not considered to be detrimental to the character of the surrounding area.

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

Development Management Policies (Adopted 2012) in section 2.7.1 states: "It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook."

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy D4 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The application site shares its eastern boundary with No.37 Haslemere Avenue to which it is structurally connected and its western boundary with No.41 Haslemere Avenue.

No.37 does not benefit from any form of rear extension. The rear element of the proposal will measure 2.86 metres in height and 3.40 metres in depth along the shared boundary. The proposal is considered to have an acceptable impact on the amenity of No.37 in regard to loss of light, loss of privacy or appearing overbearing. The proposed side element of the extension along with the new access steps are not considered to harm the amenity of No.37 in any way given that the side extension will be buffered by the host property when viewed from the occupiers of No.37.

No.41 Haslemere Avenue is a two-storey semi-detached house which benefits from a similar single storey side and rear wrap around extension. There are no windows located to the flank elevation of this extension. Given the presence of this extension at No.41, the side element of the proposed extension is not considered to harm the amenity of No.41 in terms of loss of light, loss of privacy or appearing overbearing. Furthermore, the front elevation of the proposed side element is in line with the front elevation of the existing extension at No.41. The rear element of the proposal is also considered to have an acceptable impact on the neighbouring amenity. The bulk of the proposed rear element will not project beyond the existing rear extension at No.41. The proposed angled window of the extension will project a further 1.50 metres than the extension at No.41. Despite, this, the further projection is not found to be harmful to amenity of No.41 given its position. The new access steps are also considered have no impact. As such, the proposal in its entirety is considered to have an acceptable impact on the amenity of No.41 in terms of loss of light, loss of privacy or appearing overbearing.

The extension of patio to the rear is level with the level of the extension therefore not raised and will not have any impact on the amenities of both neighbouring occupiers.

As a result, the proposal in its entirety is considered to be subordinate and proportionate and will have an acceptable impact on the neighbouring properties amenities, complying with DM01 and the Residential Design Guidance.

5.4 Response to Public Consultation

Consultation letters were sent to 8 neighbouring properties.

5 objections were received during the consultation period which can be summarised as follows:

- The proposed development is a high-density construction.
- The proposed development goes against the character of the buildings in Haslemere Avenue.
- The proposed development will have a negative visual impact.
- The front of the proposed extension would result in loss of privacy.
- The proposed development would result in loss of light.
- The proposed development will result in overdevelopment and is out of scale.
- The proposed development would have a negative impact on light and trees.
- The proposed development would create a terracing effect.
- The proposed development would mean that the neighbouring boiler pipe couldn't be maintained.
- The proposal would result in an increased risk of floods and fires.

- The proposed development would have a negative impact on structural integrity.
- The proposed development goes against the Residential Design Guidance, the LPA's core strategies and the NPPF.

The LPA's response to these comments are as follows:

Upon review of this application, it has been found that proposed extension is appropriately designed and scaled and appears as a subordinate addition to the main dwellinghouse. The extension is not considered to be harmful to the character of the host property or the surrounding area. It has been established in the sections above that similar developments such as this one proposed, exist among the properties within Haslemere Avenue. The LPA note that the only difference with these is that many have extended off an original garage rather than replacing or converting the garage with a habitable room. The principle of this development is therefore not found to be uncharacteristic to the area. It should also be noted that the properties within Haslemere Avenue are not completely uniform in their appearance. Furthermore, the proposal is not found to be a high-density construction, over develop the area or create a terracing effect.

The proposal is also found to comply with the relevant guidance and legislation and would not result in any detrimental harm to the amenity of neighbouring occupiers in regard to loss of light, loss of privacy or appearing overbearing. It would also have no impact on trees. The application site is also not located within a flood zone and therefore it is not considered that the erection of this proposal would result in an increased risk of flooding. Furthermore, during construction, the appropriate building control inspections will be carried out to minimise fire risk. Finally, in regard to the concern about maintaining a neighbouring boiler pipe, it is considered that this pipe can only be maintained from gaining access onto the application site. Unfortunately, this is not a matter for consideration for the LPA when determining planning applications.

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 and the street scene. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.



Location Land Rear Of The Bobath Centre 250 East End Road London N2 8AU
AGENDA ITEM 12

Reference: 21/2602/FUL Received: 10th May 2021
Accepted: 12th May 2021

Ward: East Finchley Expiry 11th August 2021

Case Officer: Wilf Foster

Applicant: c/o Agent

Proposal: Construction of a three-storey building, plus rooms in roof, comprising 25no. self-contained residential units (Use Class C3), with associated plant, car parking, cycle parking, refuse stores, hard and soft landscaping and associated works

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 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. The applicant and any other person having a requisite interest in the site are invited to enter into a section 106 Agreement to secure the following:

1. A financial contribution of £12,369 index linked towards the improvement and enhancement of Cherry Tree Wood.
2. A financial contribution of £600 index linked towards tree planting in the vicinity of the development.
3. A financial contribution of £2,272.55 towards the amendment of the Traffic order to restrict occupants of the development from obtaining a parking permit.
4. A travel plan and contribution of £5,000 index linked to monitor the objectives of the Travel Plan.
5. A financial contribution of £3,750 index linked towards Travel Plan incentives.
6. A financial contribution of £46,540 towards the Council's Carbon Offset fund in order to meet zero-carbon (the proposal meets a 35% carbon reduction on-site).
7. A financial contribution of £500,000 towards affordable housing (subject to an early and late stage review mechanism).

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:

Drawings: A100; A101; A102; A103; A104; A150; A151; A152; A153; A190; A200; A201; A301; A302; A303; A304; 8338-PL-X-GA-101; 8338-PL-X-GA-102; A108338-PL-X-GA-103; 8338-PL-X-GA-104.

Arbtech TPP 01 (Tree Protection Plan).

Arbtech AIA 01 (Arboricultural Impact Assessment).

Arboricultural Method Statement, Arbtech, May 2021.

Drainage and Foul Sewerage Statement (ref 20206 rev03), Manhire Associates, April 2021.

Utilities Assessment (ref 10885-WDA-ZZ-ZZ-RP-U-0001 rev02), Whitecode Design Associates, May 2021.

Energy and Sustainability Statement (ref 10885-WDA-00-ZZ-RP-SS-0-0000 rev3), Whitecode Design Associates, April 2021.

Transport Statement (including Travel Plan), TPP, April 2021.

London Sustainable Drainage Proforma.

Landscape and Public Realm Strategy (ref 8338-DAS-001), Spacehub, May 2021.

PHASE 1 GEO-ENVIRONMENTAL DESK STUDY AND PRELIMINARY RISK

ASSESSMENT (ref 2775/Rpt 1v3), Brown 2 Green Associates, April 2021.
Design and Access Statement, dMFK April 2021.
Daylight, Sunlight and Overshadowing Report (rev1), Avison Young, May 2021.
Air Quality Neutral Assessment (ref EER19_AQNA revA), Aeolus Air Quality Consulting, April 2021.

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

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

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

- 3 a) No development 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 other than demolition works 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 No development other than demolition works shall take place until a parking layout

plan showing details of 8 off-street parking spaces including 1 disabled space and 2 enlarged bays and a loading/drop off area as well as the proposed signage within the site (as per recommendations of the Road Safety Audit (RSA 1) as well as any proposed alterations to the existing site access shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to for any purpose other than the parking and turning of vehicles in connection with approved development, and the enlarged bays shall be able to be converted to disabled spaces as required.

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

- 6 No development other than demolition works shall take place until a plan showing pedestrian visibility splays at all site accesses and egresses shall be submitted to and approved in writing by the Local Planning Authority.

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

- 7 Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 20% of the approved residential parking spaces to be provided with active electric vehicle charging facilities and 80% passive electrical charging facility (2 active and 6 passive). The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

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

- 8 Prior to occupation of the development details of cycle parking including the type of stands, gaps between stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, 47 cycle parking spaces (45 long-stay and 2 short-stay) in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of

- 9 Within 3 months of occupation, a full Framework (Residential) Travel Plan that meets the criteria of the current Transport for London Travel Plan guidance , currently 'Travel Planning for new development in London incorporating deliveries and servicing' and Itrace or TRICS compliant surveys shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out the transport policy to incorporate measures to reduce trips by the private car especially single occupancy and single passenger journeys and encourage non-car modes of transport such as walking, cycling and public transport and to reduce, consolidate or eliminate delivery trips. The Travel Plan Statement should include the appointment of a Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The Travel Plan should be reviewed, updated and resubmitted in writing for approval in years 1, 3 and 5 in accordance with the targets set out in the Plan. Monitoring of the travel plan is to be funded by the applicant in accordance with the Barnet's Travel Plan SPD.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies SI1, T4 and D14 of the London Plan.

- 11 Prior to occupation a full Delivery and Servicing Plan (DSP), including refuse storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved delivery service plan.

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

- 12 Prior to occupation a full Parking Management Plan (PMP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved delivery service plan.

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

- 13 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.

- 14 The measures detailed within the approved air quality neutral assessment report (EER19_AQNA revA, Aeolus Air Quality Consulting, April 2021) shall be implemented in their entirety before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and

Construction SPD (adopted October 2016) and Policy GG3 and SI1 of the London Plan 2021.

- 15
- a) Prior to commencement, an air quality assessment report written in accordance with the relevant current guidance shall be submitted to and approved by the Local Planning Authority. The report shall include an assessment of the air quality impacts of the demolition, construction and operational phases of the development. The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.
 - b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.
 - c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy SI 1 of the London Plan (2021).

- 16
- a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.
 - b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 17
- The level of noise emitted from the plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

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

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

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

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

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

- 19 Part 1

Before development commences other than for investigative work:

- a) A site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:
- a risk assessment to be undertaken,
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.

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

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

Part 2

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

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

20 No development other than demolition works shall commence until a revised Surface Water Drainage Strategy has been submitted to and approved by the Local Planning Authority. The strategy shall include, but not be limited to, the following details:

- A fully labelled SuDS network diagram showing, pipes and manholes, suds features with reference numbers etc.
- SuDS design input data and results to support the design.
- Infiltration site investigation results showing that infiltration systems are feasible method of discharge for this site, if SuDS infiltration method is proposed.
- Appropriate design rainfall i.e. Flood Estimation Handbook (FEH) design rainfall 2013.
- Assessment of the proposed drainage system during the 30-year design rainfall according to Design and Construction Guidance, March 2020.
- Assessment of the attenuation storage volumes to cope with the 100-year rainfall event plus climate change.
- Evidence of Thames Water (Water Company) agreement for discharge to their system (in principle/ consent to discharge) if the proposal includes connecting to a sewer system.
- Details of overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing the flood risk to occupants or neighbouring properties;
- SuDS operation and maintenance plan.
- SuDS detailed design drawings.
- SuDS construction phasing.

Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be costeffective to operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan (2012), Poliiy SI 12 of the London Plan (2021), and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753).

21 a) A scheme of hard and soft landscaping, including details of existing trees to be

retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

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 D3 of the London Plan 2021.

22 a) No development other than demolition works shall commence 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 D3 of the London Plan (2021).

23 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection as shown on approved drawing Arbtech TPP01 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 (Arbtech, May 2021) hereby approved.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policies D3 and G7 of the London Plan 2021.

24 No development other than demolition works shall commence until details of

measures to improve biodiversity on the site in accordance with guidance set out within BS42040:2013: Biodiversity - Code of practice for planning and development, and guidance documents provided by the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Royal Town Planning Institute (RTPI) have been submitted to and approved by the Local Planning Authority. The development shall be implemented in full accordance with these details.

Reason: to ensure that the development makes adequate provision for biodiversity enhancements, in accordance with local planning policy DM01, Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G7 of the London Plan 2021.

- 25 a) Prior to occupation, the development hereby approved shall obtain a 'Secure by Design' accreditation and confirmation shall be submitted to and approved, in writing, by the Local Planning Authority.

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan.

- 27 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 1 no 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).

- 28 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 29 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.

- 30 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 31 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).

- 32 Before the building hereby permitted is first occupied the proposed first and second floor windows in the eastern side elevation facing Diploma Court, Diploma Avenue labelled as 'obscure glazing' on submitted drawing no. A151 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).

RECOMMENDATION III:

1 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 26 April 2022, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

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

Informative(s):

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

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

The Mayor of London adopted a CIL charge on 1st April 2019 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 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 Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. The developer is expected to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

- 5 Any works on the highway including alterations to the existing accesses will require a s184 licence which that applicant will need to obtain from the council.

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

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 pump lorry is to be operated from the surface of the public highway, any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

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

- 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.

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

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

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

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

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

- 8 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.

- 9 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

This application would normally be determined under the Council's Delegated powers but has been "called in" by Councillor Claire Farrier who wishes the matter to be considered by Planning Committee for the following reasons:

"I would like to call this application in to be decided by a planning committee, on the grounds of height and bulk, overdevelopment of the site, access and effect on listed building (The Bobath Centre)."

1. Site Description

The site is located on the southern side of East End Road, to the rear of The Bobath Centre, No. 250. It comprises an area of hardstanding (approx. 0.14 ha) and a small detached building described as a 'toilet block' on the submitted plans. The plot is broadly rectangular in shape, with a slightly tapered width towards to the rear. It is bounded by an area of unadopted land to the south comprising a group of trees; Deanery Close to the

west; a group of flat blocks known as Diploma Court to the east; and The Bobath Centre to the north.

East Finchley underground station is located approx. 400 metres from the site. It is located just outside the designated town centre in East Finchley, within close proximity to the amenities of the town centre.

The site does not fall within a conservation area. Although the site itself does not contain any listed buildings, the adjacent The Bobath Centre building is grade II listed.

2. Site and other Relevant History

Reference: 18/4547/FUL

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Approved subject to conditions

Decision Date: 20 November 2018

Description: Partial demolition of existing buildings, including rear extensions and link building and removal of external ramps and other additions. Construction of new extensions to the rear and west of the retained existing buildings and creation of external playground. Internal works of repair, maintenance and restoration to listed buildings. Removal of existing hardstanding and creation of new access road, car parking and site wide landscaping

Reference: 18/4548/LBC

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Approved subject to conditions

Decision Date: 20 November 2018

Description: Partial demolition of existing buildings, including rear extensions and link building and removal of external ramps and other additions. Construction of new extensions to the rear and west of the retained existing buildings and creation of external playground. Internal works of repair, maintenance and restoration to listed buildings. Removal of existing hardstanding and creation of new access road, car parking and site wide landscaping

Reference: 19/2828/FUL

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Withdrawn

Decision Date: 23 July 2019

Description: External alterations including refurbishment of existing facade. Internal works of repair, maintenance and restoration to listed buildings. Internal alterations

Reference: 19/2829/LBC

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Approved subject to conditions

Decision Date: 23 August 2019

Description: Internal works of repair, maintenance and restoration to listed buildings. Internal and external alterations including new louvred door to the west elevation, reduced front gate fronting East End Road, front and rear canopies, installation of plant equipment and CCTV cameras. (Amended Description).

render test) pursuant to planning permission 18/4548/LBC dated 16/08/18

Reference: 19/3899/S73

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Approved subject to conditions

Decision Date: 10 September 2019

Description: Variation of condition 1 (Approved Plans) of planning permission 18/4547/FUL dated 20/11/18 for 'Partial demolition of existing buildings, including rear extensions and link building and removal of external ramps and other additions. Construction of new extensions to the rear and west of the retained existing buildings and creation of external playground. Internal works of repair, maintenance and restoration to listed buildings. Removal of existing hardstanding and creation of new access road, car parking and site wide landscaping.' Amendments include, Louvres and louvred door to the west elevation; Gate to fence to East End Road; Replacement of internal doors and further internal alterations; Front and rear canopies; External and internal plant equipment; External CCTV cameras

Reference: 19/5891/S73

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Approved subject to conditions

Decision Date: 15 January 2021

Description: Amendment to include, Variation of conditions 1 (The Approved Plans), 9 (Cycle storage), 11 (Site Enclosure), 15 (Door and Window Details), 17 (Noise Report), 19 (Grilles, lighting, alarms), 20 (Acoustic Screening to Roof, Design) and 22 (Acoustic Screening to Roof, Materials) of planning permission reference 19/3899/S73 dated 10/09/2019 for 'Partial demolition of existing buildings, including rear extensions and link building and removal of external ramps and other additions. Construction of new extensions to the rear and west of the retained existing buildings and creation of external playground. Internal works of repair, maintenance and restoration to listed buildings. Removal of existing hardstanding and creation of new access road, car parking and site wide landscaping.' Amendment to include, alterations to the form of cycle storage, additional sections of fencing and gates to front of building, revisions to glazed entrance screen, details to roof plant and acoustic and visual screens

Reference: 19/5896/LBC

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Approved subject to conditions

Decision Date: 15 January 2021

Description: Installation of additional acoustic / visual screening to roof plant. Alterations to cycle storage and front elevation, to include, additional fences and gates. Installation of 2no. internal white LED illuminated and facade mounted pan channel lettering with translucent vinyl coloured film and to metal canopy fascia to front and rear entrance

Reference: F/02282/13

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Approved subject to conditions

Decision Date: 5 August 2013

Description: Installation of 1x no. Non-illuminated Panel to railings on front elevation.

Reference: F/02083/13

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Approved subject to conditions

Decision Date: 5 August 2013

Description: Installation of 1x no. Non-illuminated Panel to railings on front elevation.

3. Proposal

The application seeks approval for "Construction of a three-storey building, plus rooms in roof, comprising 25no. self-contained residential units (Use Class C3), with associated plant, car parking, cycle parking, refuse stores, hard and soft landscaping and associated works".

The proposed building measures approx. 14.9 metres in width, 14.4 metres in depth, and a maximum of 13.2 metres in height. The design of the proposed building includes 4no symmetrical front gables and dual-pitched roofs. There is also an area of flat roof in the centre of the building including several photovoltaic panels. The proposed building benefits from projecting balconies to the side and rear elevations. The main proposed external finishes are facing brickwork and slate roofing.

The proposed development provides a total of 25no residential units, comprising the following unit mix:

- 11x 1-bed/2-person (min. GIA 50 sqm);
- 9x 2-bed/3-person (min. GIA 61 sqm);
- 4x 2-bed/4-person (min. GIA 70 sqm);
- 1x 3-bed/5-person (min. GIA 86 sqm).

The proposal includes the provision of private rear gardens serving the ground floor units and balconies for the upper units. It provides a total of 8no off-street car parking spaces, one of which is accessible. A scheme of soft landscaping is indicated around the boundaries of the site. A cycle store is provided within the building at ground floor. Refuse and recycling storage is also provided internally at ground floor. A refuse collection zone is indicated to the north-east corner of the site.

4. Public Consultation

A site notice was erected on 20 May 2021 and a press notice was published on 20 May 2021. Consultation letters were sent to 333 neighbouring properties. 2no responses have been received, both in objection to the proposed development.

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

- The proposed development is too tall and an overdevelopment of the site;
- Concerns regarding loss of outlook and overlooking to neighbouring occupiers;
- Lack of outdoor space for future occupiers;
- Lack of detail of construction management measures;
- Concerns regarding impact on local infrastructure;
- The proposed development is not in keeping with the local character;
- Concerns regarding the accuracy of submitted documents;
- Concerns regarding energy and sustainability measures;
- Concerns regarding illegal parking;
- Concerns regarding fire safety.

As noted at the start of this report, a call-in request in objection to the proposed development was also received from Councillor Farrier.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must

determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The current iteration of the National Planning Policy Framework (NPPF) was published 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 London Plan (2021)

The 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.

Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Local Plan (Reg 22) 2021

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

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

Supplementary Planning Documents

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.

Affordable Housing SPG

Planning Obligations SPG

Residential Design Guidance SPG

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Provision of affordable housing;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality (including heritage considerations);
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether satisfactory living standards would be provided for future occupiers; and
- Whether harm would be caused to highway safety.

5.3 Assessment of proposals

Principle of development

The host site is currently a vacant area of hardstanding. Its redevelopment to provide residential accommodation is considered to be appropriate in principle. A flatted use is considered to be acceptable in this location given the presence of several other purpose-built blocks of flats within the local area. It is noted that the site is allocated for residential development in the emerging Local Plan.

The proposed unit mix, including 1no 3-bed dwelling (highest priority), is considered to be acceptable and in accordance with Policy DM08.

Provision of affordable housing

Given that the development is for 25no residential units, the proposal would require provision of affordable housing under policy DM10 of the of the Development Management Policies 2012. Policy DM10 states that 'Having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.'

The proposal does not provide any affordable housing units on-site and as such the applicant has provided a viability report by Avison Young which has been independently reviewed by Savills. Officers accept that in this instance, given the level of surplus generated by the development and the site context, it would not be appropriate to seek on-site provision of affordable housing and a financial contribution in-lieu would be acceptable in these exceptional circumstances. Following the review by Savills, a financial contribution in-lieu of £500,000 towards providing affordable housing in the borough has been agreed by the applicant and the Local Planning Authority. This is considered to be the maximum contribution that the development can viably provide. This would be secured via a Section 106 agreement with the Council.

It is considered that following the assessment of the viability report and the financial contribution offered, the proposal makes an acceptable provision for affordable housing, in accordance with Policy DM10 and the Affordable Housing SPD (2007).

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). Additionally, Policy DM06 of the Local Plan states that 'all heritage assets will be protected in line with their significance. All development will have regard to the local historic context.'

The area surrounding the site contains several purpose-built blocks of flats, including at Diploma Court immediately to the east and on Deanery Close to the west. Buildings generally range between two and four storeys. The proposal for a three storey building with additional rooms in the roofspace providing self-contained flats is considered to be appropriate in this context. The proposed building is not considered to appear disproportionately large or out of keeping with the surrounding area, particularly given the separation to all site boundaries which maintain a sense of spaciousness. While it is noted that the site is at a higher ground level than adjacent land, it is not considered that this would result in an unacceptably prominent building.

The proposals retain the existing vehicular access to the rear of The Bobath Centre. This provides a buffer between the proposed building and the adjacent listed building. Additionally, it is noted that the rear of The Bobath Centre benefits from contemporary extensions, which have less heritage significance. Given the three storey scale of the proposed building and the separation between buildings, it is not considered that there would be an unacceptable overbearing relationship on The Bobath Centre. There is some space to the front of the site allocated to soft landscaping, which will help to further soften this relationship. Taking into account the height of the proposed building and its siting to the rear of The Bobath Centre, there would be a minimal visual impact on the setting of the listed building as viewed from East End Road. This is demonstrated in the submitted townscape views.

The proposed building has a pitched roof form with 4no front gables. This reflects the front and rear gables which are a prominent feature of The Bobath Centre. Officers consider the design and appearance of the building to be sympathetic to the local character. The proposed materials are considered to reflect the local vernacular and, subject to more precise details as required by condition, are acceptable.

The Council's heritage officer has been consulted on the proposed development. Given the scale of the proposed building and its relationship with the Bobath Centre building, having consideration for existing extensions to the rear of the Bobath Centre, the proposed development is not considered to have a detrimental effect on the setting of the adjacent listed building. Therefore, officers are satisfied that the proposed development would protect the adjacent listed building, in accordance with the requirements of Policy DM06 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

With regards to existing trees on site, the proposals include the removal of 4no trees to accommodate the proposed building and due to poor condition. Subject to replacement planting, this is considered to be acceptable. A total of 14no new trees are proposed, although a detailed landscaping plan is required by condition to ensure that this consists of appropriate species and sizes. Additionally, the applicant has agreed to make a contribution towards tree planting in the vicinity of the development to provide additional mitigation. This would be secured via Section 106 agreement. Given the constraints of the site, this is considered to be acceptable in this instance.

Taking into account the above, officers consider that the proposed development would provide a high-quality design which is sympathetic to the local character and protects the significance of the adjacent listed building. As such, the proposals are in accordance with planning policy including Policies DM01 and DM06 of the Local Plan, and Policy D3 of the London Plan (2021).

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.

Given the three-storey scale of the proposed building and the separation distances to the boundaries on all sides, it is not considered that it would result in any unacceptable overbearing impacts or loss of outlook to neighbouring residential occupiers. Regarding light impacts, a daylight and sunlight assessment has been submitted with this application. It states that the vast majority of properties assessed (95%) are fully compliant with BRE guidelines on daylight and sunlight. Of the remaining properties (4 out of 81 the properties tested) there are minor deviations only from the BRE guidelines. Officers are satisfied on this basis with the conclusions that daylight and sunlight impacts on neighbouring properties would be acceptable.

Regarding potential for overlooking, the distances to the nearest neighbouring occupiers to the south and west of the site exceed minimum separation distances (as per the Sustainable Design and Construction SPD) to avoid a harmful loss of privacy. Similarly, is a sufficient distance to The Bobath Centre to the north to avoid any harmful overlooking of the neighbouring use. With regards to the relationship with the property to the east at Diploma Court, the windows at first and second floor levels directly facing the neighbouring block are obscure glazed. Additionally, there are no projecting balconies on the eastern side elevation directly facing the neighbouring building. Given the inset design of the balconies to the third floor units and the change in levels between the site and the adjacent two storey building, it is not considered, on balance, that these units would provide opportunities for harmful overlooking to neighbouring windows. As such, the design of the proposed building is considered to mitigate any potential overlooking and it is not considered that there would be any harmful loss of privacy to the neighbouring occupiers at Diploma Court.

Taking into account the location just outside the East Finchley Town Centre and the presence of several flatted uses within the local area, it is not considered that the development providing 25no units would have a material impact on the character of the area or result in harmful noise and disturbance impacts to the detriment of neighbouring amenity.

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

Whether the proposal provides a satisfactory living environment for future occupiers

The development would create 25no dwellings. The proposed dwellings are as follows:

- 11x 1-bed/2-person (min. GIA 50 sqm);
- 9x 2-bed/3-person (min. GIA 61 sqm);
- 4x 2-bed/4-person (min. GIA 70 sqm);
- 1x 3-bed/5-person (min. GIA 86 sqm).

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

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

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double bedroom: minimum area should be 11.5 m² and at least 2.75m wide.

The proposed bedrooms comply with these minimum standards.

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

Light/Outlook

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. The majority of dwellings within the proposed development are dual-aspect. The small number of single-aspect units are 1-bedroom dwellings and would still benefit from one good-quality aspect. Additionally, the submitted Daylight and Sunlight Assessment demonstrates that the rooms within the proposed development would benefit from adequate levels of daylight and sunlight. Therefore, on balance, it is considered that the level of light and outlook provided for the development is acceptable.

Amenity

Section 2.3 of the Sustainable Design and Construction SPD (2016) states that for flats, there should be a minimum provision of 5 sqm of outdoor amenity space per habitable room (where rooms exceeding 20 sqm are counted as two). The proposals provide private amenity space for all units, except Units 8 and 16, in the form of private gardens at ground floor and private balconies for the upper units. The two units without access to private outdoor amenity space are 1-bedroom units, which directly overlook the nursery at the Bobarth Centre. The proposals include a contribution towards the improvement and enhancement of a local open space (Cherry Tree Wood), which is within close walking distance of the site. Weight is given to the location on the edge of a town centre, close proximity to local amenities, and local open spaces. Given these factors and the contribution, on balance, it is considered that the provision of outdoor amenity space within the development is acceptable.

Privacy

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

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

Highways

The site is at the rear of the Bobath Centre which fronts directly onto East End Road (A504). The section of East End Road in the vicinity of the site is a two-way single carriageway road and it joins the A1 in East Finchley town centre. The site is located on the boundary of two Controlled Parking Zones (CPZ). To the east is a CPZ that operate from Mon-Sat, 8am - 6.30pm and CPZ that operates Mon - Fri, 2pm-3pm. However, there are parking restrictions in the form of yellow lines, school keep clear markings, residents permit bays, a bus stop and a zebra crossing in this section of East End Road.

The site lies in an area with a PTAL rating of 4, which represents a good level of public transport accessibility. There are 4 bus routes (143, 234, 263 & 102) which can be

accessed from stops within 1 minutes walking distance of the site. East Finchley tube station is located 323 metres to the south and it is within 4 minutes walking distance of the site.

The proposals provide 8no off-street car parking spaces, including 1no disabled bay. Highways officers have advised that this would result in a shortfall of 12no spaces on the basis of the parking standards specified within Policy DM17 of the Local Plan. Taking into account the good level of accessibility by public transport, the proximity to East Finchley Town Centre, and the proposed unit mix, the proposed parking provision is considered to be acceptable, subject to a Section 106 agreement to restrict future occupiers of the development from purchasing parking permits, the provision of 2no additional enlarged spaces which may be converted to disabled spaces if required (as per the attached condition), and the provision of a travel plan for the site. The associated legal agreement includes contributions towards the travel plan monitoring and Travel Plan incentives of £150 per household towards sustainable travel measures. TfL have also been consulted and have raised no objection to the proposed development, subject to conditions.

Regarding the shared use of the vehicular access with The Bobath Centre, information has been provided demonstrating that there is a low trip generation from the adjacent nursery use. This has been confirmed by Highways Officers through a spot check of the site. As such, there is not anticipated to be a harmful conflict with the shared use. In accordance with the findings of the submitted Road Safety Audit, a condition is attached requiring additional signage within the site. As a result of these measures, the proposals are not considered to be detrimental to highways safety.

The proposals provide a cycle store comprising 45no cycle parking spaces, in accordance with London Plan standards. A condition is attached to ensure this is provided. A condition is also attached regarding electric vehicle charging points. This is considered satisfactory to address these requirements.

Overall, subject to the attached conditions and legal agreement, 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 a refuse and recycling store within the building at ground floor. This is considered to be acceptable, subject to the attached condition requiring a delivery and servicing plan including refuse storage and collection arrangements to be submitted and approved.

Designing Out Crime

Policy D11 of the London Plan (2021) states that development proposals should includes measures to design out crime. It is noted that the applicant has engaged with the Metropolitan Police's Designing Out Crime Officer prior to submitting a formal application. Some details of mitigation measures are included within the submitted Design and Access statement. The Designing Out Crime Officer has been consulted on the proposals and has raised no objection subject to a condition requiring Secured By Design certification prior to occupation of the development. This is considered to be in accordance with Local and London Plan requirements.

Accessibility

The application states that all 90% of the proposed units Building Regulation will meet requirement M4(2), and 10% will meet requirement M4(3). This is in accordance with the

London Plan. A condition is attached to ensure compliance with this.

Energy and Sustainability

In respect of carbon emission reduction, the proposals achieve a 35% carbon reduction over Part L of the 2013 building regulations, secured by the attached condition. Additionally, the applicant has agreed to make a contribution to the Council's carbon offset fund to meet zero-carbon, in accordance with the London Plan 2021.

An air quality neutral assessment has been submitted with the application. This includes details of mitigation for the impact of the development to achieve air quality neutral. The Council's Environmental Health officer has been consulted and is satisfied with the proposed mitigation measures.

The proposed development therefore would meet the necessary sustainability, energy, and efficiency requirements of the London Plan (Policies SI2 and SI4) and Policy CS3 and M and DM04.

5.4 Response to Public Consultation

- The proposed development is too tall and an overdevelopment of the site;
- Concerns regarding loss of outlook and overlooking to neighbouring occupiers;
- Lack of outdoor space for future occupiers;

These issues are addressed in the above report.

- Lack of detail of construction management measures;

A condition is attached requiring details of demolition and construction management measures to be submitted to and approved by the Local Planning Authority prior to the commencement of development. This is considered satisfactory to address this.

- Concerns regarding impact on local infrastructure;

It is noted that the application is liable for the Community Infrastructure Levy. Given the scale of development there are no further requirements in this respect.

- The proposed development is not in keeping with the local character;

This is addressed in the above report.

- Concerns regarding the accuracy of submitted documents;

Officers are satisfied that the submitted documents are accurate and allow a proper assessment of the proposed development.

- Concerns regarding energy and sustainability measures;

The attached conditions regarding sustainability as detailed above are considered to be satisfactory to address this.

- Concerns regarding illegal parking;

The proposals provide sufficient off-street parking to serve the proposed units in accordance with local planning policy.

- Concerns regarding fire safety.

Given the scale of development there are no additional planning requirements in this respect.

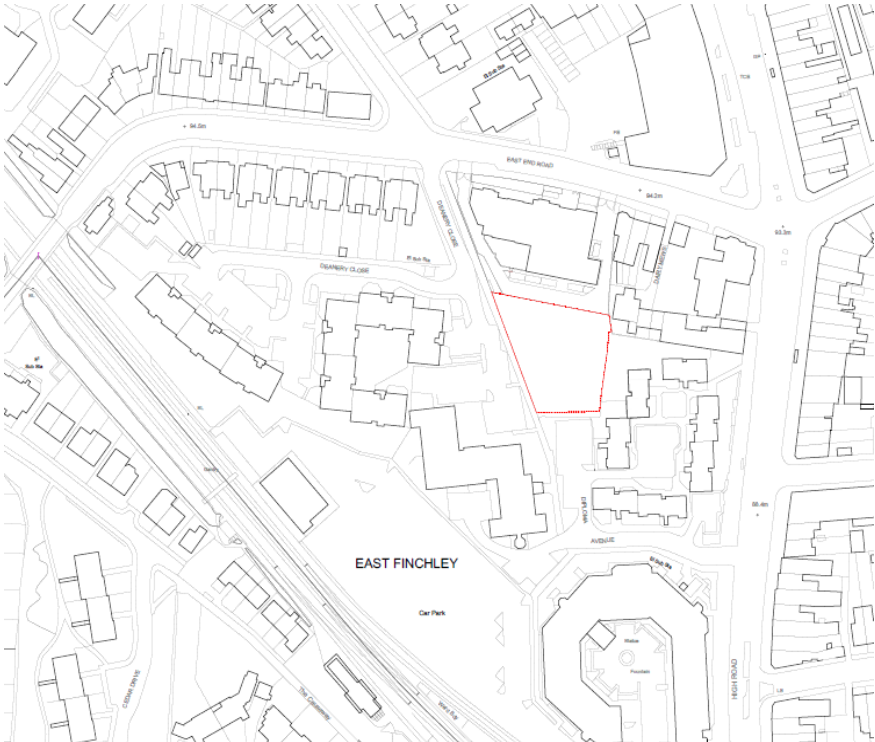
6. Equality and Diversity Issues

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 189 Regents Park Road London N3 3PB

Reference: 21/4636/FUL Received: 24th August 2021
Accepted: 24th August 2021

Ward: Finchley Church End Expiry 19th October 2021

Case Officer: Sinead Normoyle

Applicant: Mrs Azita Akramzadeh

Proposal: Temporary use of ground floor as mixed residential and child minding use

AGENDA ITEM 13

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

GA-100,
Location Plan,
Planning statement.

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

- 2 The use hereby permitted shall be for a limited period only, expiring on 19.10.2023, when the use shall be discontinued.

Reason: To enable the Local Planning Authority to monitor the impact of the use in order to protect the amenities of the area.

- 3 The use hereby permitted shall only be carried out between 8am and 6pm Monday-Friday and at no time on Saturdays, Sundays and public holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 4 The number of children looked after, including the applicant's children, shall not exceed 9.

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

Informative(s):

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

- 2 The applicant is reminded that any advertisement on the site requires advertisement consent.

OFFICER'S ASSESSMENT

1. Site Description

The application site is a two-storey detached dwelling.

The proposal is not located in a conservation area and the site is not located within the setting of any listed buildings or locally listed buildings.

2. Site History

N/A

3. Proposal

Temporary use of ground floor as mixed residential and child-minding use.

4. Public Consultation

Consultation letters were sent to 137 neighbouring properties.

50 responses have been received, comprising 34 letters of support and 16 letters of objection.

16 letters of objections summaries below:

- Traffic,
- Car parking,
- The nursery is already operating,
- Safety,
- Noise and congestion problems,
- The playschool offers multiple sessions throughout the day with parents parking their cars for at least 20 mins (drop off/pick up) from 7.30am-6.30pm on double yellow lines letters of, obstructing entry and exit to driveways for residents throughout the day.
- Many of the letters of support are from people that do not live in the area.

27 supporting statement received can be summarised as follows:

- Good childcare facility,
- Good location.

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

Barnet's Local Plan (2012)

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

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

Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM09, DM13.

Barnet's Local Plan (Reg 19) 20210

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

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

Supplementary Planning Documents

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

Character and appearance/Living conditions of neighbouring residents

The applicant seeks permission to use the ground floor of the property as a child-minding business, Monday - Friday (8am - 6pm). It should be noted that the applicant is currently using the ground floor for childminding for up to 14 children. No planning permission has been granted for this use.

The use of the ground floor reverts back to residential use after the child-minding operation stops after 6pm (Monday - Friday). Children are dropped off between 8am-10am and children are picked up between 4pm-6pm. There is one fulltime childminder and one childminder assistant.

The applicant is applying for childcare for a maximum of 9 children, this number will form a condition of consent. It should be further noted that planning permission is not normally required for the use of a house for childminding where:

1. No more than 6 children (including children of the householder) may be looked after at any time.
2. No sign advertising any activity as a childminder or indicating its nature may be placed on the exterior, or within the curtilage, of the building or otherwise so as to be visible from outside the building.

Currently 3/4 children are currently dropped off and picked up by car and the remaining children arrive and leave by foot.

The applicant is now seeking temporary change of use change of use of a building from use as a dwellinghouse (Use Class C.3) to combined use as a dwellinghouse and by the householder as a childminder for a two-year period.

When assessing such applications, the Council needs to consider what additional harm would be caused by the temporary change of use of the property for childminding.

Given that the house is detached and hours are restricted 8am to 6pm Mondays to Fridays, the continued use of the property is considered not to result in an appreciable level of noise and disturbance that would lead to reasonably refusing the application on this basis.

Councils environmental health team have confirmed they have no objection. As such the continued use of the property for child minding on the ground floor is not considered to be harmful.

Council's Highway team have assessed the application and not raised any objection. Given the proposed hours of use, from 8am to 6pm Mondays to Fridays, the proposal is considered not to significantly increase the pressure for kerb side parking to unacceptable levels

The property remains in residential use and as such the childminding use does not result in the loss of a dwellinghouse in a predominately residential location.

Overall, given the house is detached and its main road location, the proposal is considered

to have an acceptable impact on the residential amenities of neighbouring occupiers, would not create highway conditions prejudicial to the surrounding area and would meet relevant planning policy.

5.4 Response to Public Consultation

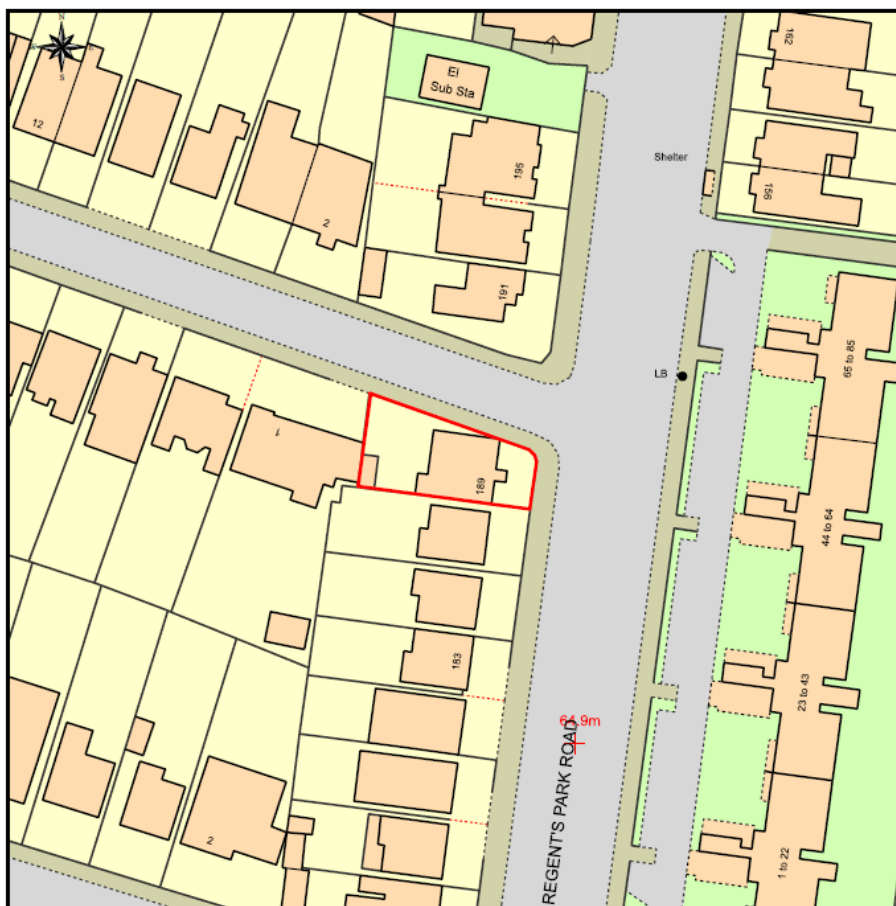
Public consultation responses are addressed in the body of the report and through conditions.

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.



Location 16 Danescroft Gardens London NW4 2ND

Reference: 21/3799/HSE Received: 9th July 2021
Accepted: 13th July 2021

Ward: Hendon Expiry 7th September 2021

Case Officer: Radhika Bedi

Applicant: Mr R Bloom

Proposal: Erection of acoustic boundary wall

AGENDA ITEM 14

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 acoustic boundary wall, by reason of its scale, siting, design and excessive height, would result in a disproportionate and unsympathetic addition that would appear visually obtrusive and highly incongruous to the established pattern of development, to the detriment of the character and appearance of the host property and wider locality, contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Residential Design Guidance SPD (2016)
- 2 The proposed acoustic boundary wall, by reason of its scale, siting, design and excessive height, would appear as visually obtrusive in the outlook from habitable rooms and garden of the host property, appearing as overbearing and harmfully increasing the corresponding sense of enclosure, to the detriment of the residential amenities of future occupiers, contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policies DM01 and DM02 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Sustainable Design and Construction 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:

Site Location Plan

Drg No GA 04 01-Rev A - Existing Front Elevation

Drg No GA 04 02-Rev A - Existing Rear Elevation

Drg No GA 04 03-Rev A - Existing Side Elevations

Drg No GA 01 01-Rev A - Existing Site Plan

Drg No GA 05 01-Rev A - Proposed Front Elevation

Drg No GA 05 02-Rev A - Proposed Rear Elevation

Drg No GA 05 03-Rev A - Proposed Side Elevations

Drg No GA 03 01-Rev A - Proposed Site Plan

OFFICER'S ASSESSMENT

The application has been called in by Councillor Shooter for the following reason:

The application is perfectly in character with the surrounding area, and prevents overlooking from the school, and the wall will provide privacy for both the school and the applicant.

1. Site Description

The application site is a detached dwelling located on 16 Danescroft Gardens, the area is characterised by large detached dwellings with amenity space and off-street parking. The host property's amenity space is sited adjacent to the host dwelling rather than toward the rear of the property due to its particular siting immediately adjacent to the boundary with the Talmud Torah Tiferes Shlomo Boys School. The property is not listed and does not fall within a conservation area. There are no protected trees on site.

2. Relevant Site History

Reference: H/02964/12

Address: 16 Danescroft Gardens, London, NW4 2ND

Decision: Approved subject to conditions

Decision Date: 10 October 2012

Description: Variation of condition 1 (Plans numbers) for planning application H/00651/12 dated 16/05/12 for Erection of new two-storey single family dwelling, including rooms in roofspace, following demolition of existing house. Amendments include extension to the proposed roof, lowering of flat roof and extra roof lights.

Reference: H/02085/12

Address: 16 Danescroft Gardens, London, NW4 2ND

Decision: Withdrawn

Decision Date: 26 July 2012

Description: Removal of condition 18 (Details of temporary Tree Protection) of planning permission H/03706/11 dated 04/11/11 for 'Erection of new two-storey single family dwelling, including rooms in roof space, following demolition of existing house.', , Amendments to include (To remove Trees T1-T3, as are inappropriate for their location and would not survive the development activities.

Reference: H/01171/12

Address: 16 Danescroft Gardens, London, NW4 2ND

Decision: Approved subject to conditions

Decision Date: 13 August 2012

Description: Submission of details of Condition No.5 (Levels); No.6 (Materials); No.8 (Refuse); No.12 (Extraction & Ventilation equipment); No.14 (Hard and Soft Landscaping); and No.19 (Demolition & Construction Management Plan) pursuant to planning permission Ref: H/00651/12 dated: 16/5/12.

Reference: H/00651/12

Address: 16 Danescroft Gardens, London, NW4 2ND

Decision: Approved subject to conditions

Decision Date: 16 May 2012

Description: Variation of condition 1 (Plan numbers) pursuant to planning permission H/03706/11 dated 04/11/11 for 'Erection of new two-storey single family dwelling, including rooms in roofspace, following demolition of existing house.' , , Amendments to include alterations and insertion of fenestration; increase in height of single storey element and single storey rear infill extension.

Reference: H/02755/11

Address: 16 Danescroft Gardens, London, NW4 2ND

Decision: Withdrawn

Decision Date: 26 August 2011

Description: Erection of new two-storey single family dwelling, including rooms in roofspace, following demolition of existing house.

Reference: H/03706/11

Address: 16 Danescroft Gardens, London, NW4 2ND

Decision: Approved subject to conditions

Decision Date: 4 November 2011

Description: Erection of new two-storey single family dwelling, including rooms in roofspace, following demolition of existing house.

Reference: H/00784/10

Address: 16 Danescroft Gardens, London, NW4 2ND

Decision: Refused

Decision Date: 25 May 2010

Description: Demolition of existing house and part-demolition of Synagogue followed by erection of 3no detached houses including new access road, parking and associated landscaping.

3. Proposal

The application seeks planning permission for the erection of an acoustic boundary wall. The proposed wall would span across the entire rear boundary of the site, with a maximum height of 9.1 metres, with a width of 36.6 metres.

4. Public Consultation

Consultation letters were sent to 29no neighbouring properties.

1no comment has been received throughout the consultation period, stating support and noting the noise levels from the school.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

Barnet's Local Plan (2012)

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

Relevant Core Strategy Policies: CS1, CS5,

Relevant Development Management Policies: DM01.

Barnet's Local Plan (Reg 19) 2021

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

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

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

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

Any proposed 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, CS5 (both of the Barnet Local Plan) and D3 (of the London Plan).

Proposals for new or replacement fences, walls or other means of enclosure will be considered in terms of their impact on residential amenity, highway safety and in particular the visual character of the surrounding area. Domestic means of enclosure are a prominent feature within residential streets. They define residential boundaries and contribute to the quality and character of the street scene. Any development proposal should as far as practicable retain as much as possible of existing characteristic boundary treatments and/or re-create the predominant type of boundary treatment.

The proposed acoustic boundary wall would represent a two-storey wall with a maximum height of 9 metres, spanning across the entire rear boundary of the property - though falling to around 6m in height where it extends beyond the rear elevation of the main dwelling. This would be highly visible from the street scene, and would be domineering and visually obtrusive due to its proposed height, siting and design. No property in the area benefits from a similar proposal - even those which abut the school site - and would appear disproportionate and highly incongruous to the surrounding pattern of development, contrary to the expectations of Policy DM01.

- Whether harm would be caused to the living conditions of occupiers of the host property;

Notwithstanding the intention to provide acoustic relief from the adjoining school, the proposed wall would significantly compromise the outlook from the habitable room at first floor level identified as Bedroom 3 in the plans approved under grant of consent H/02964/12 for the erection of the host property. It would also appear as significantly visually obtrusive in the outlook from the room identified as the kitchen (a habitable room with regard to the definition in the Glossary to the Sustainable Design and Construction SPD) and from within the rear garden - appearing objectively overbearing and markedly increasing the corresponding sense of enclosure.

All such factors would result in detrimental harm to the residential amenities of neighbouring occupiers, contrary to the expectations of Policy DM01 and DM02.

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

The proposal is not considered to have any impact on the living conditions of any neighbouring properties, as there are no immediate residential dwellings to the rear. Its narrow profile is not considered to give rise to any unacceptable detriment to the outlook from properties to either side and the existing mature trees would further mitigate that impact.

5.4 Response to Public Consultation

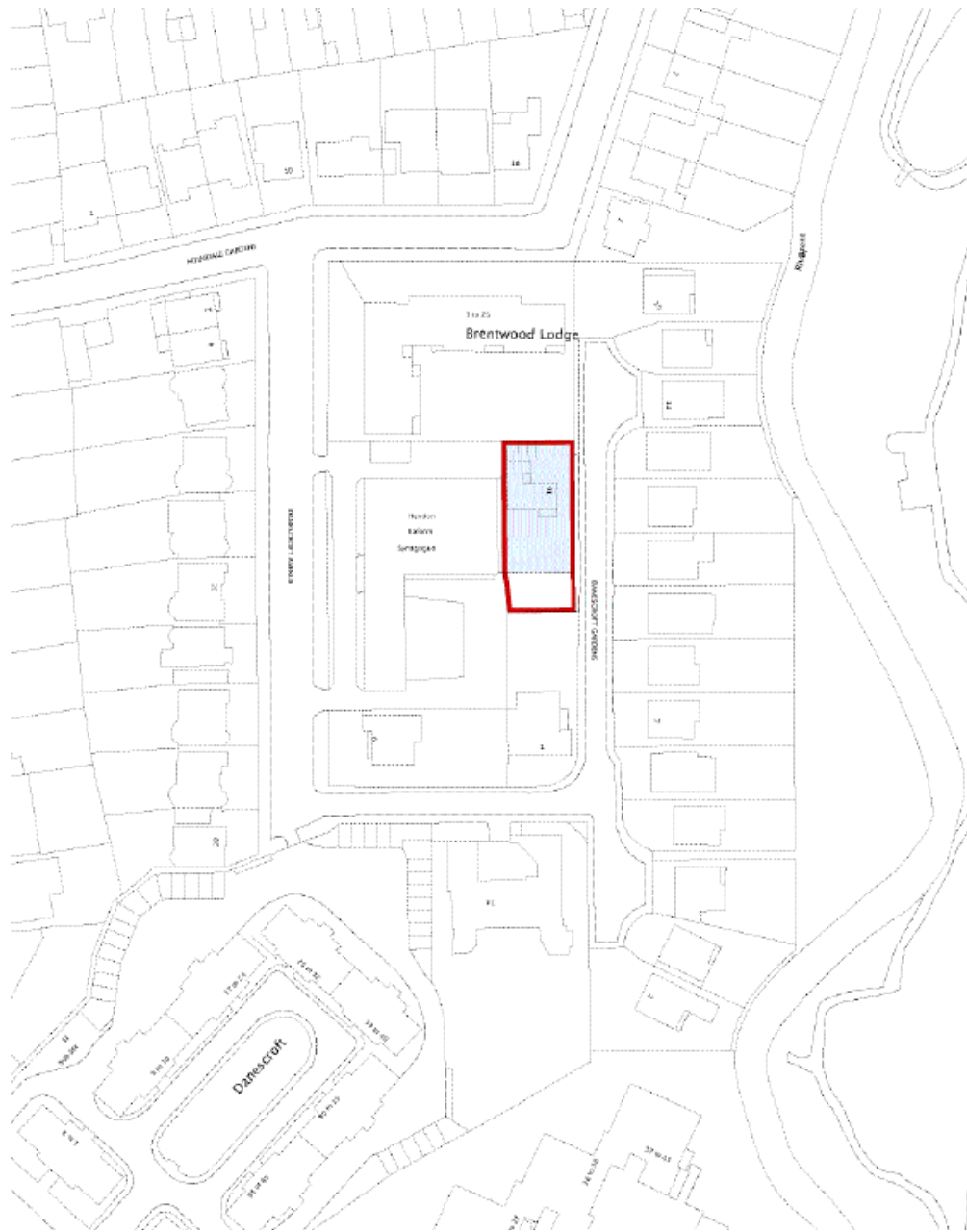
Whilst the LPA understands the issues and noise produced from the neighbouring school, this does not outweigh the harm in regard to character that this proposal is considered to create.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the proposed development is considered to be markedly detrimental to the character and appearance of the street scene and to the residential amenity of future occupiers. Therefore, the application is recommended for REFUSAL.



Location O/s 836 High Road London N12 9RE

Reference: 21/4178/FUL

Received: 27th July 2021

AGENDA ITEM 15

Accepted: 27th July 2021

Ward: Woodhouse

Expiry 21st September 2021

Case Officer: Ashley Niman

Applicant: Ms Bella Noakes

Proposal: Removal of existing BT payphone and installation of 1no. new InLink structure (BT Street Hub)

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Digital Kiosk Proposal (Trueform), Existing and Proposed views (BT Ref BAR-213), Site and location plan (InLink Project BAR-213, dated 26.03.2021), Planning Statement (Harlequin, REF BAR 213) Covering letter (Harlequin, Ref BAR-213), Street Hub product statement (BT, February 2021)

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

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

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

2004.

- 3 An Integrated CCTV camera shall be made operational from Day 1 of official unit 'switch-on' and maintained permanently thereafter.

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

- 4 The proposal shall be managed in strict compliance with the submitted Communication Hub Unit Management Plan (October 2020) and maintained as such thereafter.

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

- 5 The existing phone box shall be removed prior to installation of the new unit in accordance with the submitted planning documents.

Reason: To preserve the established character of the area and reduce street clutter in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012); Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012); and, Policy HC1 of the London Plan 2021.

Informative(s):

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

OFFICER'S ASSESSMENT

1. Site Description

The application site is an area on public highway outside Sainsburys at 836 High Road close to the junction with Ravensdale Avenue. It is not within a designated conservation area and is not adjacent to any locally or statutory listed buildings.

2. Site History

Reference: 19/4852/FUL

Address: 836 High Road

Decision: Refused

Decision Date: 29.10.2019

Description: Installation of public payphone/commercial hub

Refused for the following reasons:

"1. The proposed development would, due to its proximity to the crossing, level of illumination and distraction to drivers, increase road safety risk.

The application is therefore considered unacceptable and contrary to Policy DM17 of Barnet's Development Management Policies Document DPD (2012) and the guidance contained with Barnet's Design Guidance Note No.1: Advertising and Signs (1994).

2. The proposed development would, by reason of its design, fail to adequately reduce opportunities for criminal and anti-social behaviour, and would fail to contribute to a sense of security for users and the wider community.

The application is therefore considered unacceptable and contrary to Policy CS12 of Barnet's Core Strategy DPD (2012), Policy DM01 of Barnet's Development Management Policies Document DPD (2012), London Plan Policy 7.3 and the National Planning Policy Framework (2019)."

Reference: 19/4853/ADV

Address: 836 High Road

Decision: Refused

Decision Date: 29.10.2019

Description: Installation of 86" inch advertisement located on the rear face of the communications apparatus

Refused for the following reason:

"1. The proposed development would, due to its proximity to the crossing, level of illumination and distraction to drivers, detrimentally impact on public safety.

The application is therefore considered unacceptable and contrary to Policy DM17 of Barnet's Development Management Policies Document DPD (2012), the guidance contained with Barnet's Design Guidance Note No.1: Advertising and Signs (1994) and the National Planning Policy Framework (2019). "

Reference: 21/1474/FUL

Address: 836 High Road

Decision: Refused

Decision Date: 12.05.2021

Description: Installation of public payphone/communication hub

Refused for the following reason:

"1. The proposed development would, due to its proximity to the crossing, level of

illumination and distraction to drivers, increase road safety risk.

The application is therefore considered unacceptable and contrary to Policy DM17 of Barnet's Development Management Policies Document DPD (2012) and the guidance contained with Barnet's Design Guidance Note No.1: Advertising and Signs (1994)."

3. Proposal

Removal of existing BT payphone and installation of 1no. new InLink structure (BT Street Hub)

It would be sited on the public pavement outside Sainsburys, 836 High Road, close to the junction with Ravensdale Avenue. The new structure would measure 298cm in height and 123.6cm in width, with a depth of 35cm.

The planning history above relates to a different site slightly further south fronting Sainsburys. Those applications were to replace the existing advertising column with a payphone/ commercial hub but did not remove the existing BT payphone. The siting was close to a traffic controlled crossing and received objection from highways officers and the police.

The supporting cover letter for this application by Harlequin dated 15 August 2021 states: "The Street Hub unit will be funded through the display of advertising in conjunction with other council and community content, via sponsorship from companies who will utilize the digital HD display screens on both sides of the unit. The two screens automatically dim at night to 600cd/m², following daylight hours and in accordance with the levels set for this type and size of screen (those under 10m) by the Institute of Lighting Professionals, Professional Lighting Guide 05 2015: The Brightness of Illuminated Advertisements - minimizing disturbances to residents in the evening.

The screens will display content at 10-second intervals, in the form of both the commercial content that funds the service, as well as a wide range of local community and council content. As such, the proposed Street Hub will provide 876 hours of free council advertising per year, with the opportunity for discounted advertising for local business groups (such as BIDs and Chambers of Commerce) and their members through BT's Street Hub Partners Program. "

4. Public Consultation

A site notice was erected 12 August 2021. Consultation letters were sent to 61 neighbouring properties. 4 responses have been received. The objections are

- o Street clutter
- o It narrows the pavement
- o Obstructs views for drivers
- o It is only for advertising revenue
- o Intrudes on privacy
- o Limited communications benefit
- o Excessive electricity use

An objection has been received from Councillor Cooke:

"The feature is out of character in the area, unnecessary street clutter and not popular with constituents. If officers are minded to approve please refer the application to a planning committee".

Highways: No objections raised

Metropolitan Police: The existing TK proposed for removal is in a very poor condition and

its removal is strongly recommended, as per the planning application. There is no objection to the proposal subject to removal of the existing BT box, and for the provision of CCTV.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

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

The Mayor's London Plan 2021

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

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

Barnet's Local Plan (2012)

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS12
- Relevant Development Management Policies: DM01, DM17

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

Supplementary Planning Documents

- Design Guidance Note No.1: Advertising and Signs (1993)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the street scene and the surrounding area;
- Whether harm would be caused to the safety of road users and pedestrians;
- Whether the proposal would minimise and reduce opportunities of crime and anti-social behaviour

5.3 Assessment of proposals

Impact on character and appearance on the street scene and surrounding area:

Policy CS5 of Barnet's Core Strategy DPD (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

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

Design Guidance Note No.1: Advertising and Signs (1994) sets out guidance on signage and advertising. It states that on page 2 and 3 -

"Advertisement and signs should, where appropriate;

- be well related to their surroundings in terms of size, scale and siting;
- be located to avoid visual clutter;
- not conflict with traffic signs or signals or be likely to cause confusion or danger to road users;
- respect the character and architectural details of any building on which they are to be located;
- be carefully designed and controlled in sensitive areas such as conservation areas, in open countryside or on or near important buildings
- in the case of projecting signs overhanging the highway, project no more than 1m (3ft 3ins) from the face of the building or have a depth greater than 0.75m (2ft 5ins)"

The site is not located within a conservation area and is not immediately adjacent to locally or statutory listed buildings. The removal of the redundant BT phone box is welcome, and its replacement would be with a structure that is of broadly similar dimensions. It is wider and higher but slimmer and less bulky, and consequently the impact on the street scape

would be marginal. Moreover, unlike many similar structures, it is set against the substantial brick wall of the property behind and is located within the town centre. It will therefore not materially increase visual clutter and would relate in an acceptable manner in terms of its size and siting.

Therefore, in terms of Policy DM01, the proposal would not harm local character, nor harm the appearance of surrounding buildings, spaces and streets.

Impact on highways and pedestrian safety:

Policy DM17 of Barnet's Development Management Policies Document DPD (2012) states in point a that the Council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

Design Guidance Note No.1: Advertising and Signs (1993) sets out guidance on road and pedestrian safety.

The highways officer has reviewed the application and raises no objection.

As such, the local authority is satisfied that the proposed development would ensure the safety of all road users, in accordance with Policy DM17 of Barnet's Development Management Policies Document DPD (2012) and Design Guidance Note No.1: Advertising and Signs (1994).

Safety and security:

Policy CS12 of Barnet's Core Strategy DPD (2012) states that the council will aim to make Barnet a safer place. It is important that we ensure through the management of growth that Barnet is a place where people from different communities get on together. This includes working with our partners to tackle crime, fear of crime and anti-social behaviour; require developers to demonstrate that they have incorporated design principles which contribute to community safety and security in all new development.

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime.

London Plan Policy D11 states that development should include measures to design out crime.

The National Planning Policy Framework (2021) highlights the importance of reducing crime and the fear of crime.

The Design out Crime Office of the Metropolitan Police has reviewed the application:

"The existing TK proposed for removal is in a very poor condition and its removal is strongly recommended, as per the planning application. This is a location that was highlighted by local police officers as an area where there are ASB issues with begging and vagrancy. Begging tends to predominantly occur in areas with high footfall such as outside supermarkets, near ATM machines or busy transport hubs. The proposed location for this device appears to be situated far enough away from the main entrance of the large Sainsbury's supermarket to be more unattractive for begging purposes. However, with a large blank wall of Sainsbury's offering no additional natural surveillance of this device, it is recommended that integrated CCTV is incorporated within this device.

I do not object to this application but would respectfully request the following for your

consideration as a formal planning condition (upon any approval):

- Strict compliance with Communication Hub Unit Management Plan (October 2020)
- Integrated CCTV camera (operational from Day 1 of official unit 'switch-on')
- Removal of existing telephone kiosk as per planning submission. "

Therefore, in terms of safety and security there is no objection to this proposal.

5.4 Response to Public Consultation

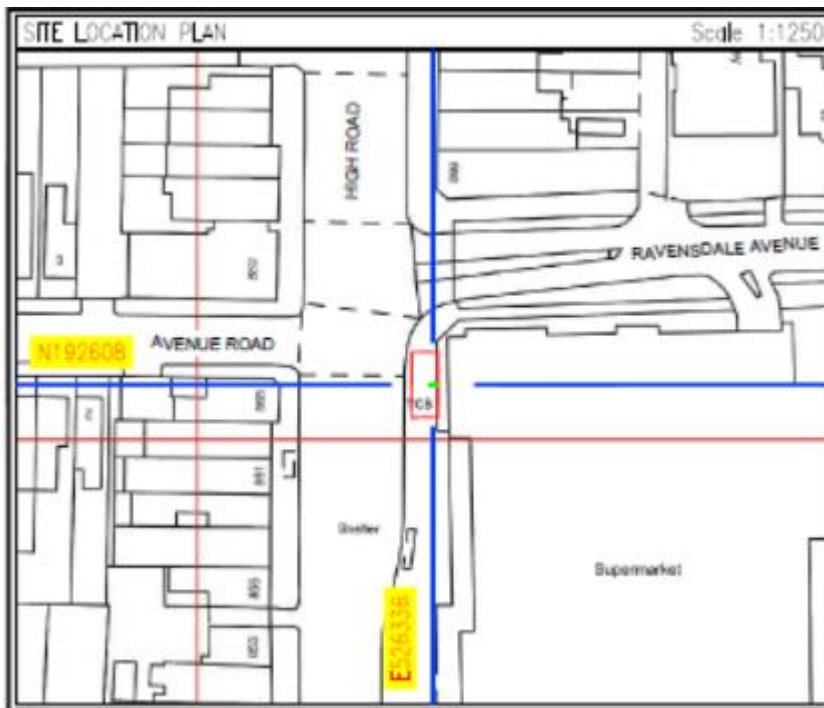
Discussed under evaluation

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the application is recommended for approval.



Location O/s 836 High Road London N12 9RE

Reference: 21/4191/ADV

Received: 27th July 2021

Accepted: 27th July 2021

Ward: Woodhouse

Expiry 21st September 2021

AGENDA ITEM 16

Case Officer: Ashley Niman

Applicant: MS Bella Noakes

Proposal: Insertion of two internally illuminated digital LED screens, one on each side of the InLink unit

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Digital Kiosk Proposal (Trueform), Existing and Proposed views (BT Ref BAR-213), Site and location plan (InLink Project BAR-213, dated 26.03.2021), Planning Statement (Harlequin, REF BAR 213) Covering letter (Harlequin, Ref BAR-213), Street Hub product statement (BT, February 2021)

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

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

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

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

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

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

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

- 5 The maximum luminance of the signs shall not exceed the values recommended in the association of Public Lighting Engineer's Technical Report No. 5, Zone 3.

Reason: In the interest of highway safety and amenity in accordance with Policies DM01 and DM17 of the Development Management Policies DPD (adopted September 2012).

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

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

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

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

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

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of

Informative(s):

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

OFFICER'S ASSESSMENT

1. SITE

The application site is an area on public highway outside Sainsburys at 836 High Road close to the junction with Ravensdale Avenue. It is not within a designated conservation area and is not adjacent to any locally or statutory listed buildings.

2. PLANNING HISTORY

Reference: 19/4852/FUL

Address: 836 High Road

Decision: Refused

Decision Date: 29.10.2019

Description: Installation of public payphone/commercial hub

Refused for the following reasons:

"1. The proposed development would, due to its proximity to the crossing, level of illumination and distraction to drivers, increase road safety risk.

The application is therefore considered unacceptable and contrary to Policy DM17 of Barnet's Development Management Policies Document DPD (2012) and the guidance contained with Barnet's Design Guidance Note No.1: Advertising and Signs (1994).

2. The proposed development would, by reason of its design, fail to adequately reduce opportunities for criminal and anti-social behaviour, and would fail to contribute to a sense of security for users and the wider community.

The application is therefore considered unacceptable and contrary to Policy CS12 of Barnet's Core Strategy DPD (2012), Policy DM01 of Barnet's Development Management Policies Document DPD (2012), London Plan Policy 7.3 and the National Planning Policy Framework (2019)."

Reference: 19/4853/ADV

Address: 836 High Road

Decision: Refused

Decision Date: 29.10.2019

Description: Installation of 86" inch advertisement located on the rear face of the communications apparatus

Refused for the following reason:

"1. The proposed development would, due to its proximity to the crossing, level of illumination and distraction to drivers, detrimentally impact on public safety.

The application is therefore considered unacceptable and contrary to Policy DM17 of Barnet's Development Management Policies Document DPD (2012), the guidance contained with Barnet's Design Guidance Note No.1: Advertising and Signs (1994) and the National Planning Policy Framework (2019). "

Reference: 21/1474/FUL

Address: 836 High Road

Decision: Refused

Decision Date: 12.05.2021

Description: Installation of public payphone/communication hub

Refused for the following reason:

"1. The proposed development would, due to its proximity to the crossing, level of illumination and distraction to drivers, increase road safety risk.

The application is therefore considered unacceptable and contrary to Policy DM17 of Barnet's Development Management Policies Document DPD (2012) and the guidance contained with Barnet's Design Guidance Note No.1: Advertising and Signs (1994)."

3. PROPOSAL

Removal of existing BT payphone and installation of 1no. new InLink structure (BT Street Hub). It would be sited on the public pavement outside Sainsburys, 836 High Road, close to the junction with Ravensdale Avenue. The new structure would measure 298cm in height and 123.6cm in width, with a depth of 35cm.

The planning history above relates to a different site slightly further south fronting Sainsburys. Those applications were to replace the existing advertising column with a payphone/ commercial hub but did not remove the existing BT payphone. The siting was close to a traffic controlled crossing and received objection from highways officers and the police.

4. PLANNING CONSIDERATIONS

No consultation for an application for display of advertisements.

4.1 Main issues for consideration

Planning Practice Guidance states that the Local Planning Authority's power to control advertisements under the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 may be used only in the interests of 'amenity' and 'public safety'. This is reinforced by paragraph 67 of the NPPF which advocates that advertisements should be subject to control only in the interests of amenity and public safety.

4.2 Policy context

National Planning Policy Guidance / Statements:

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

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

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

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

Paragraph 136 of the revised NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Barnet's Local Plan (2012)

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

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

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

Relevant Core Strategy Policies: CS NPPF, CS9.

Relevant Development Management Policies: DM01, DM17.

Barnet's Design Guidance

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

4.3 Assessment of proposals

Public Safety

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

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

The supporting cover letter for this application by Harlequin dated 15 August 2021 states: "The Street Hub unit will be funded through the display of advertising in conjunction with other council and community content, via sponsorship from companies who will utilize the digital HD display screens on both sides of the unit. The two screens automatically dim at night to 600cd/m², following daylight hours and in accordance with the levels set for this type and size of screen (those under 10m) by the Institute of Lighting Professionals, Professional Lighting Guide 05 2015: The Brightness of Illuminated Advertisements - minimizing disturbances to residents in the evening.

The screens will display content at 10-second intervals, in the form of both the commercial content that funds the service, as well as a wide range of local community and council content. As such, the proposed Street Hub will provide 876 hours of free council advertising per year, with the opportunity for discounted advertising for local business groups (such as BIDs and Chambers of Commerce) and their members through BT's Street Hub Partners Program. "

Highways officers raise no concerns and therefore, in terms of Policy DM01, the proposal would not harm public safety.

Visual Amenity

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

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

The proposed structure is located on an area on wider pedestrian pavement. The setting is commercial in nature and character. It is not located within a conservation area and is not

immediately adjacent to locally or statutory listed buildings. The removal of the redundant BT phone box is welcome. The 'hub' will be higher and wider than the phone box but will be slimmer and less bulky. Moreover, unlike many similar structures, it is set against the substantial brick wall of the property behind and is located within the town centre. It will therefore be appropriate as it will not materially increase visual clutter and would relate acceptably in terms of its size and siting.

Therefore, in terms of Policy DM01, the proposal would not harm local character, and continue to respect the appearance of surrounding buildings, spaces and streets.

5. CONSULTATION

Objections received to the accompanying planning application addressed in report for 21/4178/FUL.

Highways Officer: No objections raised

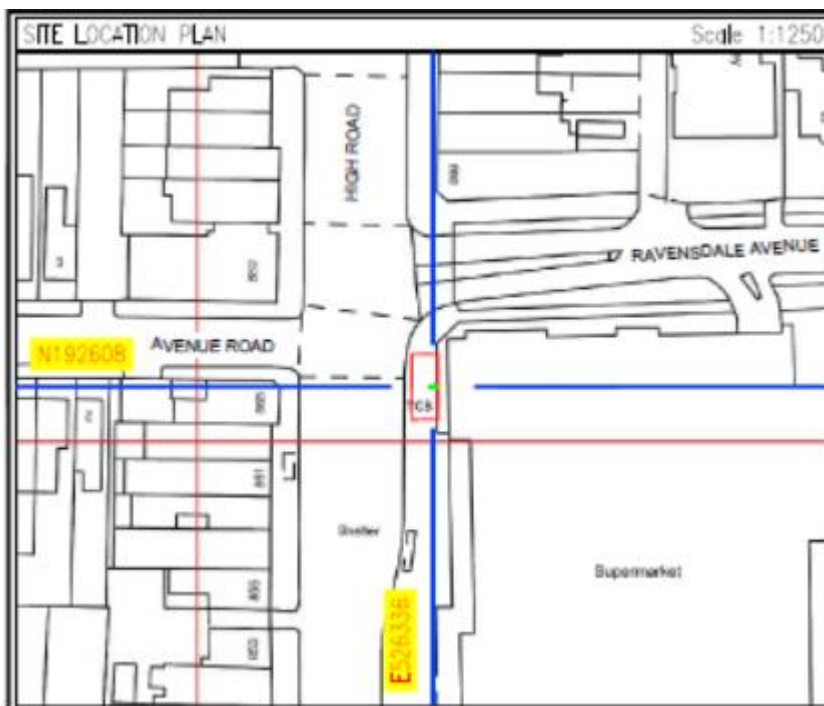
Metropolitan Police: The existing TK proposed for removal is in a very poor condition and its removal is strongly recommended, as per the planning application. There is no objection to the proposal subject to removal of the existing BT box, and for the provision of CCTV.

6. EQUALITIES AND DIVERSITY ISSUES

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

7. CONCLUSION

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



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