

**MEETING**

**PLANNING COMMITTEE A**

**DATE AND TIME**

**WEDNESDAY 8TH JUNE, 2022**

**AT 7.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ**

**TO: MEMBERS OF PLANNING COMMITTEE A (Quorum 3)**

Chair: Councillor Nagus Narenthira  
Vice Chair: Councillor Tim Roberts

Councillor Richard Barnes      Councillor Danny Rich  
Councillor Lachhya Gurung      Councillor Elliot Simberg

**Substitute Members**

Claire Farrier                      Shuey Gordon                      Arjun Mittra  
Gill Sargeant                      Tony Vourou                      Lucy Wakeley

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**Andrew Charlwood – Head of Governance**

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## ORDER OF BUSINESS

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3.	Declaration of Members' Disclosable Pecuniary Interests and Other Interests (if any)	
4.	Report of the Monitoring Office (if any)	
5.	Addendum (if applicable)	
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7.	138 Hendon Lane London N3 3PS, 21/5055/HSE - Finchley Church End	23 - 32
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10.	Land Rear of 63 - 65 Finchley Lane (Garrick Way) London NW4 1BY - 22/0937/FUL - Hendon	67 - 84
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16.	Any item(s) that the Chairman decides are urgent	
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# Decisions of the Planning Committee A

15 March 2022

Members Present: -

AGENDA ITEM 1

Councillor Helene Richman (Vice-Chairman)

Councillor Tim Roberts

Councillor Danny Rich

Councillor Gill Sargeant

## 1. MINUTES OF THE LAST MEETING

**RESOLVED** that the minutes of the meeting held on 02 February 2022 be agreed as a correct record.

## 2. ABSENCE OF MEMBERS

Apologies were received from Councillor Wendy Prentice and Councillor Richard Cornelius who was substituted for by Councillor Thomas Smith.

Councillor Thomas Smith and Councillor Elliot Simberg were absent.

## 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)

Items contained within the addendum were dealt with under individual agenda items. The Committee noted the addendum to the Planning Agenda which was published and circulated prior to the meeting.

## 6. YEW TREE COURT BRIDGE LANE LONDON NW11 0RA 21/5116/OUT

The Planning Officer, Lesley Feldman, presented the report.

Mr Dor Cohen and Ms Rita Murray addressed the committee in objection to the application.

Mr Robert Ohara, the agent for the applicant, addressed the committee.

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

For	2
Against	2
Abstained	0

The Chairman used her casting vote.

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

**7. 1 RAVENSCROFT PARK BARNET EN5 4ND 21/2106/FUL**

The Case Officer, Stephen Volley, presented the report.

Mr Simon Rose addressed the committee in objection to the application.

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

For	2
Against	1
Abstained	1

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

**8. 60 HERVEY CLOSE LONDON N3 2HJ 21/6321/HSE**

The Case Officer, Tania Sa Cordeiro, presented the report.

Mr David Foote addressed the Committee and spoke against the application on behalf of concerned residents.

Dr Paul Davis addressed the committee in objection to the application.

Mr Joe Henry, the agent for the applicant, addressed the committee.

The Committee noted that the application was only for the extension and that an informative be included.

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

For	1
Against	3
Abstained	0

Councillor Rich moved the motion, seconded by Councillor Roberts to refuse the application for the following reason:

The proposed extensions, by reason of their scale, siting and design, would be an overdevelopment of the site resulting in disproportionate and unsympathetic additions that would be detrimental to the character and appearance of the host property and wider locality and to the visual amenities of the occupiers of neighbouring properties, 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).

The Chairman moved to a vote on the Motion and the Motion was carried.

**RESOLVED** that the application be REFUSED.

**9. 11 SUMMIT CLOSE LONDON N14 7NR 21/3569/FUL**

The Planning Officer, Lesley Feldman, presented the report.

Mrs Helen Kyriacou addressed the committee in objection to the application.

Mr Martin King, the agent for the applicant, addressed the committee.

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

For	2
Against	2
Abstained	0

The Chair exercised her casting vote.

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

**10. 16 DANESCROFT GARDENS LONDON NW4 2ND 22/0067/HSE**

The Planning Officer presented the report.

The Applicant, Mr Ruvi Bloom addressed the Committee.

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

For	2
Against	3
Abstained	0

The Chairman moved the motion, seconded by Councillor Rich to approve the application for the following reason:

The committee considered that the development as proposed, by reason of the siting of the wall to the rear boundary, would not be highly visible from the street and as such would not appear visually obtrusive or incongruous and would have an acceptable impact on the character and appearance of the host property and wider locality. The committee considered that the development would not appear overbearing or result in a harmful sense of enclosure and would therefore have an acceptable impact on the residential amenities of occupiers of the application property. It therefore complies with), 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).

The Motion was carried.

**RESOLVED** that the application be APPROVED AND subject to the following conditions:

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

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 03 01-Rev A - Proposed Site Plan

Drg No GA 05 01-Rev D - Proposed Front Elevation

Drg No GA 05 02-Rev A - Proposed Rear Elevation

Drg No GA 05 03-Rev A - Proposed Side Elevations

Covering Letter

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) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policies D13 and D14 of the London Plan 2021.

**11. KING GEORGE PLAYING FIELD BARNET LANE BARNET EN5 2DN 21/2543/FUL**

The Case Officer, Stephen Volley, presented the report.

Declan Ryan, the agent for the applicant, addressed the committee.

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

For	4
Against	0
Abstained	0

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

**12. SHELL PETROL FILLING STATION NORTHWAY CIRCUS LONDON NW7 3ET 21/5761/FUL**

The Planning Officer presented the report.

Ms Jackie Ford, agent for the applicant, addressed the Committee.

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

For	4
Against	0

Abstained	0
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**RESOLVED** that the application be APPROVED 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)

**13. 2 HOLLYVIEW CLOSE LONDON NW4 3SZ 21/2828/FUL**

The Case Officer, Erica Mason, presented the report.

The Applicant Mrs ElGamal, addressed the Committee.

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

For	3
Against	0
Abstained	1

**RESOLVED** that the application be APPROVED with amended condition 1 set out in the addendum AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations 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)

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

None.

The meeting finished at Time Not Specified

**Location** **40 Corringham Road London NW11 7BU**

**Reference:** **21/6722/HSE**

Received: 22nd December 2021

Accepted: 22nd December 2021

Ward: Garden Suburb

Expiry 16th February 2022

**AGENDA ITEM 6**

**Case Officer:** **Emily Bell**

Applicant: Mr & Mrs Levinson

Proposal: Formation of basement level with associated front lightwell

### **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:  
2334-100  
2334-101  
2334-102  
2334-103  
2334-200.1 REV B  
2334-201.1 REV A  
2334-202.1 REV A  
2334-300  
2334-500  
2334-501

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 use of the extension hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

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

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

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

- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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

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

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

- 6 a) Before the development hereby permitted is first occupied, details of 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).

- 7 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).

- 8 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as shown on drawing 2334-300 has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

Reason: To safeguard the health of existing tree(s) 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

**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 applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.

**OFFICER'S ASSESSMENT**

**1. Site Description**

The application site is located at 40 Corringham Road, NW11 7BU, consisting of a two storey semi-detached property with front and rear amenity space. The property has been previously extended via a roof extension and a part single, part two storey rear extension. The area surrounding the site is predominantly residential consisting of similar two storey semi-detached properties. The site is not located within a conservation area, however, Hampstead Garden Suburb conservation area is in close proximity.

**2. Site History**

Reference: F/01736/13

Address: 40 Corringham Road, London, NW11 7BU

Decision: Approved subject to conditions

Decision Date: 1 July 2013

Description: Part single, part two storey rear extension with 6no. rooflights including a terrace with metal balustrade and steps. Extension to roof including a rear dormer window and a total of 4no. rooflights to side and front elevations to facilitate a loft conversion.

Reference: F/00043/13

Address: 40 Corringham Road, London, NW11 7BU

Decision: Approved subject to conditions

Decision Date: 11 February 2013

Description: Extension to roof including rear dormer window and four roof lights to side and front elevations to facilitate a loft conversion. Part single, part two storey rear extension.

### **3.Proposal**

Formation of basement level with associated front lightwell.

### **4. Public Consultation**

Consultation letters were sent to 6 neighbouring properties. 24 letters of objection have been received, summarised below:

- o Potential to increase flood risk
- o Impact on Oak Tree
- o Parking - it appears that off street parking currently in use will not exist post completion
- o Construction time - Project is scheduled to take 12 months during which time there will be a significant number of trucks etc
- o What risks are there to adjoining properties
- o Ingress into neighbouring buildings
- o Illumination of the lightwell. The proposed lightwell will be the only lightwell in the street
- o Establishment of building principle
- o There is no indication as to how the building will be used in the future. Surrounding roads have suffered as a result of flats being constructed
- o The excavation proposed will increase daily traffic of heavy vehicles for an entire year or more
- o Density of living accommodation more than surrounding houses
- o Inadequate light to basement through one lightwell
- o Overlooking from patio
- o Disruption during lengthy building works
- o 29 Middleton Road not consulted
- o No site notice posted along the street
- o Regard should be made to the impact on neighbouring locally listed buildings
- o Not clear within the plans what the intended use of the basement is
- o The new patio will be extending this house to more than 50% of its original garden. Hence it is against Barnet Guidelines
- o Insufficient light to the basement from the front lightwell for the use of the habitable rooms
- o Regard should be made to the impact on neighbouring locally listed buildings

### **5. Planning Considerations**

#### **5.1 Policy Context**

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

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

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

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

### The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

### Barnet's Local Plan (2012)

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

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

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

### Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the



Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

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

### Supplementary Planning Documents

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

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

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

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

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

The main issues for consideration in this case are:

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

### **5.3 Assessment of proposals**

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

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

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in

these respects. This will include suitably addressing the requirements of development plan policies such as DM01 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan).

The Residential Design Guidance states that the council will normally allow single floor basement extensions which do not project further than 3 metres from the rear wall of a house. Although the basement would extend further than this in this case, it would project no further in depth than the existing raised patio and as such will not be visible from the rear gardens of the neighbouring properties.

There are examples of other properties which have been granted basement extensions within the immediate area, namely the adjoining semi-detached property at no. 42 as well as at no.46 Corringham Road. Whilst the design of the proposed basement allows for the lower ground floor to be visible in the rear elevation, the extension utilises the existing levels created by the raised patio and would result in a similar appearance to no. 42 Corringham Road.

One lightwell is proposed to the front elevation. This would measure approximately 0.8 metres in depth and 2 metres in width. The Residential Design Guidance states that lightwells at the front need to appear as discreet interventions that do not harm the frontage of a building. The grille design of the front lightwell sits flush with the natural ground level and ensures that the lightwell reads as a discreet addition. Throughout the lifetime of the application, a planting edge was added to further create a visual buffer to screen the proposed lightwell from the street.

The plans indicate that the basement rooms would be used as ancillary functions to the family dwelling above including a gym and games room.

The basement extension would include some alterations to the raised patio to the rear. As existing the patio extends to a depth of 4.7 metres and is splayed away from the boundary with no. 38 Corringham Road. The proposed patio would extend to the same depth but would extend straight adjacent to this common boundary. This is considered to have an acceptable impact on the character and appearance of the host dwelling.

There is a large oak tree to the back of the rear garden. The tree is approximately 20 metres from the construction zone and is not considered to be impacted by the development. Nevertheless, a tree protection plan has been submitted in order to ensure its protection.

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

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan policy D6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The basement extension is considered to have an acceptable impact on the amenities of neighbouring occupiers with regard to light and outlook as it would be contained below the raised patio to the rear.

An existing patio at the host property extends approximately 4.7 metres in depth adjacent to the neighbouring property at no. 42 Corringham Road. The existing patio extends approximately 4.7 metres in depth and is splayed away from the detached neighbouring property at no. 38 Corringham Road. The proposal includes the extension of the patio in

width to run parallel with the boundary with no. 38 Corringham Road. The patio will be the same height as the existing with access from the ground floor level. In order to protect the privacy of neighbouring occupiers, details of privacy screens to be erected along the depth of the patio will be requested by way of a condition.

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

- o Potential to increase flood risk

The property is located within Flood Zone 1 and as such there are no concerns regarding risk of flooding. A postcode check for the application site also confirms that surface water flood risk is 'very low risk'.

- o Impact on Oak Tree

A tree protection plan has been submitted which is considered appropriate to protect the oak tree

- o Parking

No reduction in off-street parking capacity at the site is proposed.

- o Construction time

The impact of construction work is not a material planning consideration, however a condition will be imposed regarding standard working hours

- o Risks to adjoining properties
- o Risk of subsidence

Issues relating to the above are not planning but Building Control matters. Therefore, relevant departments should be contacted for any issues. Such matters are addressed by other legislation (building regulations and Party Wall).

- o Illumination of the lightwell. The proposed lightwell will be the only lightwell in the street

The design of the lightwell and associated landscape screening is considered to have an acceptable impact. This is discussed within the main body of the report.

- o Establishment of building principle

Each application will be assessed on its own merits. It is noted that there are other approvals already granted in the immediate area for basement extensions.

- o Density of living accommodation more than surrounding houses
- o Not clear within the plans what the intended use of the basement is

The plans indicate the intended use of the basement is to be ancillary to the single family dwelling house. A condition would be attached in order to secure this.

- o Inadequate light to basement through one lightwell

The proposed lightwell and windows to the rear are considered acceptable given the proposed ancillary use.

- o Overlooking from patio

This issue has been addressed within the main body of the report and a condition will be attached to any approval requiring details of privacy screens to be submitted and approved in writing to the council.

- o No site notice
- o Not contacted by the council to notify of the application (no. 29 Middleton Road)

Records indicate that a consultation letter was sent to no. 29 Middleton Road to notify the occupiers of the application. All relevant consultations were undertaken. A site notice is not needed in this instance given the site's siting outside a conservation area and not being listed.

- o The new patio will be extending this house to more than 50% of its original garden. Hence it is against Barnet Guidelines

The guidance states that not more than 50% of the amenity space (garden or front court yard) should be removed. The proposal would ensure a remaining garden depth of over 20 metres which is considered to provide an acceptable private amenity space for the occupiers.

- o The excavation proposed will increase daily traffic of heavy vehicles

A condition requiring a Demolition and Construction Management Plan will be added to any approval. This will require information regarding details of construction vehicles, provision of storage/delivery areas, methods to be used to control the emission of dust, noise and vibration arising from construction works and noise mitigation measures to be submitted to the planning authority before any site works take place

- o Regard should be made to the impact on neighbouring locally listed buildings

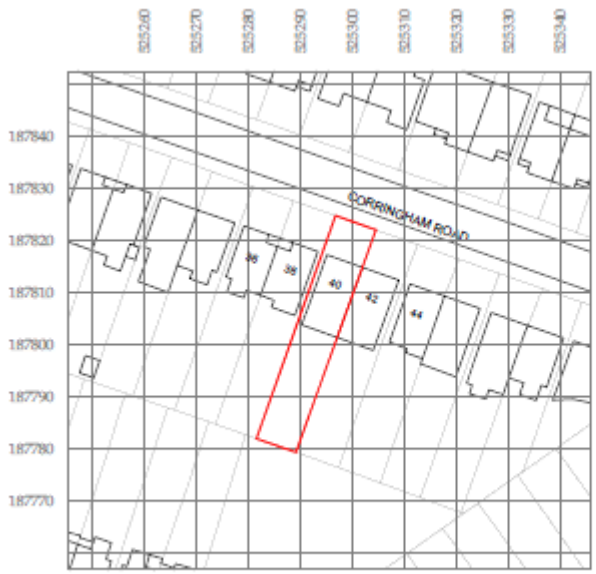
The proposed plans are not considered to impact on the character of the locally listed buildings within the surrounding area.

## **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** 138 Hendon Lane London N3 3PS

**Reference:** 21/5055/HSE

Received: 20th September 2021

Accepted: 23rd September 2021

**Ward:** Finchley Church End

Expiry 18th November 2021

**Case Officer:** Emily Bell

**Applicant:** Simon Winston

**Proposal:** Side extension at ground floor and mezzanine level and rear ground floor extension. Alterations to rear access steps. (Retrospective Application)

AGENDA ITEM 7

## **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 extensions as built would, by reason of cumulative impact result in an disproportionate and incongruous form of development, resulting in an overdevelopment of the site, appearing bulky, prominent and out of scale with the host dwellinghouse, which is detrimental to the character and appearance of the host property and the surrounding area contrary to policy D3 of the London Plan (2021), policy CS5 of the Barnet Local Plan (Core Strategy) DPD adopted 2012 and policy DM01 of the Barnet Local Plan Development Management Policies) DPD adopted 2012 and the Residential Design Guidance SPD adopted 2016.
- 2 The raised patio and fencing, by reason of their size, siting, depth and height would

result in an overly dominant, overbearing and visually obtrusive addition, detrimental to the residential amenities of neighbouring occupiers in particular, No.140 Hendon Lane, contrary to Policy CS5 of Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

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

- 1 The plans accompanying this application are:  
1508MW\_PRE SH1 REV I  
1508MMW\_PRE SH2 REV I
  
- 2 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

### **OFFICER'S ASSESSMENT**

The application has been called to committee by Councillor Grocock for the following reason:

"I have discussed the reason for refusal with the Planning Officer, it being refused on the basis of overdevelopment, however, I believe it will have acceptable impact on the overall character."

#### **1. Site Description**



The application site is located on the northern side of Hendon Lane, within the Finchley Church End ward.

The application property is a semi-detached dwelling house, the adjoining neighbour, 140 Hendon Lane is located to the western boundary of the site, to the east there is a four-storey, purpose-built flatted development known as Ashby Lodge.

The surrounding area is predominantly residential, characterised by a range of semi-detached, detached dwelling houses and purpose built flatted properties.

The property is not listed nor does it lie within a Conservation Area.

## **2. Site History**

Reference: 19/6769/HSE

Address: 138 Hendon Lane, London, N3 3PS

Decision: Approved subject to conditions

Decision Date: 6 April 2020

Description: Side extension at ground floor and mezzanine level and rear ground floor extension. Alterations to rear access steps.

Reference: 17/7880/HSE

Address: 138 Hendon Lane, London, N3 3PS

Decision: Approved subject to conditions

Decision Date: 26 July 2018

Description: Part single, part two storey side extensions

Reference: 17/7884/HSE

Address: 138 Hendon Lane, London, N3 3PS

Decision: Approved subject to conditions

Decision Date: 26 July 2018

Description: Creation of new basement level to rear of property with associated lightwell, including extension to rear terrace and access steps to rear garden

Reference: 15/00873/PNH

Address: 138 Hendon Lane, London, N3 3PS

Decision: Prior Approval Not Required

Decision Date: 31 March 2015

Description: Single storey rear extension with a proposed depth of 5.5 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: F/05058/14

Address: 138 Hendon Lane, London, N3 3PS

Decision: Prior Approval Required and Refused

Decision Date: 22 October 2014

Description: Single storey rear extension with a proposed depth of 6.0 metres from the original rear wall. Eaves height of 3.5 metres and maximum height of 3.5 metres.

Reference: F/03051/14

Address: 138 Hendon Lane, London, N3 3PS

Decision: Approved subject to conditions

Decision Date: 28 August 2014

Description: Creation of new basement level to rear of property.

Reference: F/03052/14

Address: 138 Hendon Lane, London, N3 3PS

Decision: Approved subject to conditions

Decision Date: 27 August 2014

Description: Part single, part two storey side extensions.

Reference: F/05900/14

Address: 138 Hendon Lane, London, N3 3PS

Decision: Prior Approval Process not Applicable

Decision Date: 12 December 2014

Description: Single storey rear extension with a proposed depth of 6.0 metres from the original rear wall. Eaves height of 3.0 metres and maximum height of 3.0 metres.

### **3.Proposal**

This application seeks consent for a side extension at ground floor and mezzanine level and rear ground floor extension. Alterations to rear access steps. (Retrospective Application)

### **4. Public Consultation**

Consultation letters were sent to 17 neighbouring properties. 2 letters of support were submitted with the application.

### **5. Planning Considerations**

#### **5.1 Policy Context**

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

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

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

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

##### The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the

development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

### Barnet's Local Plan (2012)

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

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

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

### Barnet's Local Plan (Reg 22) 2021

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

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

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Assessment of proposals**

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

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

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan).

This application seeks consent for a side extension at ground floor and mezzanine level and rear ground floor extension, as well as alterations to the rear access steps.

Ground floor side extension:

The proposed side extension would be less than half the width of the original dwellinghouse and would be set back from the front main wall by more than 1 metre at first floor level, in compliance with the guidance set out in Barnet's Residential Design Guidance; paragraph 14.15. This element of the proposals, with similar depth projection at the rear to the existing, albeit wider in this case, has gained consent several times previously and has been deemed to have an acceptable impact on the character and appearance of the host site when viewed from the streetscene.

Ground floor rear extension:

The adopted Residential Design Guidance SPD (2016) states that the depth of a single storey rear extension normally considered acceptable for semi-detached properties is 3.5 metres. It is noted that a previous application (19/6769/HSE) was amended in line with this

guidance to show a reduction in depth to 3.5m along the shared boundary with the attached neighbour at 140 Hendon Lane. This application proposes to extend along the shared boundary with no. 140 Hendon Lane by an additional 2metres, to measure 5.5 metres. It is noted that the site gained prior approval for a single storey rear extension along this shared boundary measuring 5.5 metres under application ref. 15/00873/PNH. Although some weight is given to this fallback position of the prior approval, the proposed scheme including a full width rear extension at ground floor level and side extension with mezzanine level results in a much larger addition which does not read as a subordinate feature. The combination of the various elements to the proposed and the cumulative impact of the extensions is considered to detract from the character and appearance of the host property.

A terraced area is proposed beyond the extension, which would extend a depth of 4.1 metres and extend the full width of the property. Although it is noted that a terraced area was granted approval under the previous application 19/6769/HSE, this included a set in from the shared boundary with the introduction of planting. The patio as proposed would extend to a greater depth and extend up to the boundary and as such would create a substantial structure which would fail to appear subservient, in particular when viewed with the larger single storey rear extension. The extension approved with prior approval (15/00873/PNH) if built would have resulted in a much smaller terraced area and that proposed under this application is considered to result in an unacceptable impact to the appearance of the host property.

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

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan policy D6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The neighbouring property at Ashby Lodge is a large, four-storey block of flats. Adjacent to this property, the proposal is the same as that previously approved and which was deemed to have an acceptable impact. The patio is proposed to be extended adjacent to the boundary, as opposed to the set in previously approved, however, the plans include the addition of fencing along the patio at this boundary which is considered to minimise impact with regard to overlooking and loss of privacy to these neighbouring occupiers.

Adjacent to the boundary, it is noted that the proposal would extend approximately 2 metres further than normally considered acceptable for a semi-detached property with regards to impact on neighbour amenity. As discussed above, some weight is given to the extension granted with prior approval (15/00873/PNH) which would extend to the same depth along the shared boundary with no. 140 Hendon Lane. The impact of the extension along this boundary can therefore be said to have no greater impact than the extension granted through prior approval. However, the proposal for prior approval did not include the large raised patio also extending along the shared boundary. Although the principle of a patio has been accepted under previous applications at the site, the patio as proposed has not been stepped away from the boundary and planting has been reduced. The plans indicate a 2 metre high fence along the patio which would result in a total height above the garden level of over 3 metres. The height and depth of the patio with the proposed fencing are considered to create harm to the amenities of the neighbouring occupiers with regards to overbearing appearance and creating a sense of increased enclosure.

## **5.4 Response to Public Consultation**

N/A

## 6. Equality and Diversity Issues

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

## 7. Conclusion

Having taken all material considerations into account, it is considered that the proposal does not comply with the Adopted Barnet Local Plan policies and guidance and would not be in keeping with the character and appearance of the host property and would have a detrimental impact upon the residential and visual amenities of the neighbouring occupiers. This application is therefore recommended for REFUSAL.

In event of an appeal, the following conditions should be attached:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 1508MW\_PRE SH1 REV I, 1508MMW\_PRE SH2 REV I

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

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

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

3. The roof of the single storey rear 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 Adopted Barnet Development Management Policies DPD (2012).

4 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).



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**Location** 34 St Marys Avenue London N3 1SN

**Reference:** 21/5028/FUL

Received: 17th September 2021

Accepted: 17th September 2021

**Ward:** Finchley Church End

Expiry 12th November 2021

**AGENDA ITEM 8**

**Case Officer:** Emily Bell

**Applicant:** Mrs Katie & Jason Wood

**Proposal:** Demolition of existing house and the erection of a new two-storey plus rooms in roofspace semi-detached dwellinghouse. Associated amenity space, refuse storage and provision of 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:

EX-00 P01

EX-01 P02

EX-02 P01

EX-03 P01

EX-04 P01

EX-05 P01

LP-00 P01

PA-NB-00 P01

PA-NB-01 P01

PA-NB-02 P01

PA-NB-03 P01

PA-NB-04 P00

PA-NB-05 P00  
PA-00 P05  
PA-01 P05  
PA-02 P07  
PA-03 P05  
PA-04 P07  
PA-05 P07  
Sustainability Statement  
Flood map  
Design and Access Statement

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

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

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies D1 and 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 D14, SI1 and T7 of the London Plan (2021).

5 a) Before the development hereby permitted is first occupied details of cycle storage facilities and siting shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy T5 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 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

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

- 7 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

- 8 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.

- 9 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).

- 10 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the flank elevation(s), of the extension(s) hereby approved, facing nos. 32 and 36 St Marys Avenue.

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

- 11 Before the building hereby permitted is first occupied the proposed window(s) in the first floor flank elevation and side dormer facing no. 36 St Marys Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 12 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.

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

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

- 14 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 E of Part 1 of Schedule 2 of that Order shall be carried out within the area of the curtilage of the house hereby approved.

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

- 15 Prior to occupation of the development the proposed parking spaces within the parking area as shown in the proposed plans submitted with the planning

application and the access to the parking area from public highway shall be provided. The access to the parking spaces shall be maintained at all times. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

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

- 16 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).

- 17 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 7.21 of the London Plan 2016.

## Informative(s):

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

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

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

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

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

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

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

CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

#### Relief or Exemption from CIL:

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

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

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

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

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

Please visit

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

- 3 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](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto: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.

- 4 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.
- 5 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site is located at 34 St Marys Avenue, N3 1SN, consisting of a two storey semi-detached dwellinghouse with rear amenity space and parking facilities to the front via a hardstanding. The area surrounding the site is mainly residential consisting of similar semi-detached properties. The site is located within the Finchley Church End ward.

The site is not located within a conservation area, nor is the property listed.

## 2. Site History

Reference: 21/2730/HSE

Address: 34 St Marys Avenue, London, N3 1SN

Decision: Approved subject to conditions

Decision Date: 7 September 2021

Description: Two storey side extension incorporating side dormer, part single part two storey rear extension. New front porch

## 3. Proposal

Demolition of existing house and the erection of a new two-storey plus rooms in roofspace semi-detached dwellinghouse. Associated amenity space, refuse storage and provision of off-street parking.

## 4. Public Consultation

Consultation letters were sent to 57 neighbouring properties. 11 letters of objection have been received, summarised below:

- Subject to noise and dust
- Long timeframe of development
- Loss of character by a new build
- Whilst recognised that the building is not listed, there is a wealth of original detailing and traditional features of merit
- Nos. 32, 34, 36 and 38 St Marys Avenue all currently retain a similar coherent appearance
- No demolition has taken place in and around St Marys Avenue and this would set a bad precedent
- Fails to preserve existing character
- Demolition of one half of a semi-detached pair would create an incongruous end result
- Proposed rear dormer is larger than that previously approved
- Neighbours seeking reassurance that the AOD of rear extensions is unchanged compared to previous scheme
- Inaccuracies in application with regard to whether anyone has lived in the property since 2015
- Rebuild will be for a larger building, disproportionate to the immediate neighbours
- No mention of machine ventilation in the application which would cause noise to neighbouring properties
- Rebuilding will require more energy and more carbon

Internal consultations:

Highways: The site has a Public Transport Accessibility Level score of 2 and the parking requirements for the site is 1.5-2 spaces per unit, which is in accordance with Policy DM17 of the Barnet local plan. As per the proposal, 3 bedroom and 1 office space is proposed with 1 car parking space accommodated off-street. This would create a shortfall by 1 parking space. However, taking into consideration the following factors:

- The site lies in short walking distance from a Finchley Central town centre location and a wide range of local amenities;

- The Controlled Parking Zone Resident permit holders only (Zone CE) Mon-Fri 2pm-3pm is for 1 hour only.
- Although the site lies in PTAL Zone 2 (poor accessibility), it is located within close proximity to 6 TfL bus routes facilitating connections to Brent Cross Shopping Centre, Archway and High Barnet and therefore is accessible by public transport;
- It is expected that additional on-street demand for 1 car parking space can be accommodated on the nearby roads.

The proposed development will be acceptable on highway grounds.

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

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

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

#### The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

#### Barnet's Local Plan (2012)

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

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

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as

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

### Barnet's Local Plan (Reg 22) 2021

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

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

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- 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 proposals would provide suitable living conditions for future occupiers of the proposed dwelling;
- Trees, Landscaping and Ecology;
- Highway Impacts.

### **5.3 Assessment of proposals**

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

#### Principle of development

The existing dwellinghouse is not listed and is not considered to have any particular architectural or historical merit. Subject to a replacement dwelling of appropriate design and scale, and with no adverse impact on the local character or residential amenities of neighbouring occupiers, the principle of demolition of the existing building and its replacement with a single dwellinghouse is considered to be acceptable.

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

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS5 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan).

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'. This section of St Marys Avenue is characterised by semi-detached two-storey properties, many of which have been extended in a variety of ways including two storey side extensions, rear extensions and roof extensions.

Approval was granted at the application site previously for a 'two storey side extension incorporating side dormer, part single part two storey rear extension and new front porch' (ref. 21/2730/HSE). The replacement dwelling would have a similar footprint to the extensions previously approved at the site. This previous approval is extant. With regards to the height of the proposed dwelling, the submitted elevations show that it would match that of the neighbouring semi-detached property and would be the same maximum height as the existing dwelling. An appropriate separation is retained between the flank wall at first floor of the proposed building and that of the neighbouring property to ensure that there is no harmful terracing effect on the streetscene. The separation distance would be similar to that of the previously approved scheme including two storey side extension and is therefore acceptable in principle.

Overall, it is considered that the form, scale and appearance of the proposed dwelling is in keeping with the scale of the existing building and neighbouring properties. The proposed dwelling would therefore have an acceptable impact on the streetscene and the wider locality, subject to the attached conditions. The proposal is therefore found to accord with

Policy DM01 and DM02 of Barnet's Local Plan and the Residential Design Guidance SPD.

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

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan policy D6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

When compared to the existing dwelling, the replacement dwelling will include the addition of a two storey side extension incorporating a side dormer, and part single, part two storey rear extension. These elements were considered to have an acceptable impact under the extant planning permission 21/2730/HSE and officers views remain the same that there would be an acceptable impact on amenities of neighbouring occupiers.

Impact on the amenities of future occupiers

The dwelling would have overall space of 213sqm. Table 3.1 of the London Plan (2021) and Barnet's policies and table 2.1 of Barnet's Sustainable Design SPD (Oct 2016) set out the minimum residential space standard requirements for new residential units. The required GIA for units is as follows:

- 3 bedroom unit for 6 persons on three floors requires 108sqm

The proposed dwelling meets and exceeds the min. GIA requirements.

The proposed development also meets the minimum ceiling standards, providing sufficient headroom for future residents. All Habitable rooms are to have adequate outlook and levels of light. Officers believe that the proposed development would provide an acceptable standard of living for any future residents.

Section 2.3 of the Sustainable Design and Construction SPD (2016) requires for houses a minimum of 85m<sup>2</sup> of outdoor amenity for a house of seven or more habitable rooms. This minimum is met by the proposal.

Refuse and Recycling

It is envisaged that there will be no alterations to refuse and recycling arrangements, however, confirmation of such and details of any refuse/recycling stores will be secured by way of a condition.

Parking and highways

The site has a Public Transport Accessibility Level score of 2 and the parking requirements for the site is 1.5-2 spaces per unit, which is in accordance with Policy DM17 of the Barnet local plan. As per the proposal, 3 bedroom and 1 office space is proposed with 1 car parking space accommodated off-street. This would create a shortfall by 1 parking space. However, taking into consideration the following factors:

- The site lies in short walking distance from a Finchley Central town centre location and a wide range of local amenities;
- The Controlled Parking Zone Resident permit holders only (Zone CE) Mon-Fri 2pm-3pm

is for 1 hour only.

- Although the site lies in PTAL Zone 2 (poor accessibility), it is located within close proximity to 6 TfL bus routes facilitating connections to Brent Cross Shopping Centre, Archway and High Barnet and therefore is accessible by public transport;
- It is expected that additional on-street demand for 1 car parking space can be accommodated on the nearby roads.

The proposed development will be acceptable on highway grounds.

Highways officers have reviewed the information submitted and noted that a cycle store has been presented on the proposed plans. A condition will be attached to secure the specification of cycle store.

### Accessibility and Sustainability

Conditions would be attached to any permission to ensure the integration of water saving and efficiency measures insofar as a maximum of 105 litres of water consumption per person per day to comply with Policy S1 5 of the London Plan (2021) and a reduction of CO2 emissions in accordance with the requirements of Policy SI 2 of the London Plan (2021).

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

- Long timeframe of development
- Subject to noise and dust

This is not a material planning consideration. Conditions are attached with regards a Demolition and Construction Management Plan and working hours.

- Loss of character by a new build
- Whilst recognised that the building is not listed, there is a wealth of original detailing and traditional features of merit
- Nos. 32, 34, 36 and 38 St Marys Avenue all currently retain a similar coherent appearance
- No demolition has taken place in and around St Marys Avenue and this would set a bad precedent
- Fails to preserve existing character
- Demolition of one half of a semi-detached pair would create an incongruous end result
- Rebuild will be for a larger building, disproportionate to the immediate neighbours

As discussed in the main body of the report, the form, scale and appearance of the proposed dwelling is in keeping with the scale of the existing building and neighbouring properties. The proposed dwelling would have a similar appearance to that approved under ref. 21/2730/HSE.

- Proposed rear dormer is larger than that previously approved
- Neighbours seeking reassurance that the AOD of rear extensions is unchanged compared to previous scheme

The agent has confirmed that the AOD of rear extensions is unchanged from the previous scheme and this has been noted on the plans with submission of the previously approved plans. The width of the rear dormer has remained the same as previously approved. The dormer has been re-positioned on the roofslope to sit level with the dormer to the

neighbouring property no. 32.

- Inaccuracies in application with regard to whether anyone has lived in the property since 2015

The comment above is noted, however, in this case it is not considered that this would alter the recommendation of the application.

- No mention of machine ventilation in the application which would cause noise to neighbouring properties

No external ventilation equipment is proposed as part of the application. A separate application would be required for any ventilation equipment in order to assess the impact to neighbouring occupiers.

- Rebuilding will require more energy and more carbon

Conditions will be attached to any approval to ensure that appropriate carbon dioxide emission reduction measures are taken.

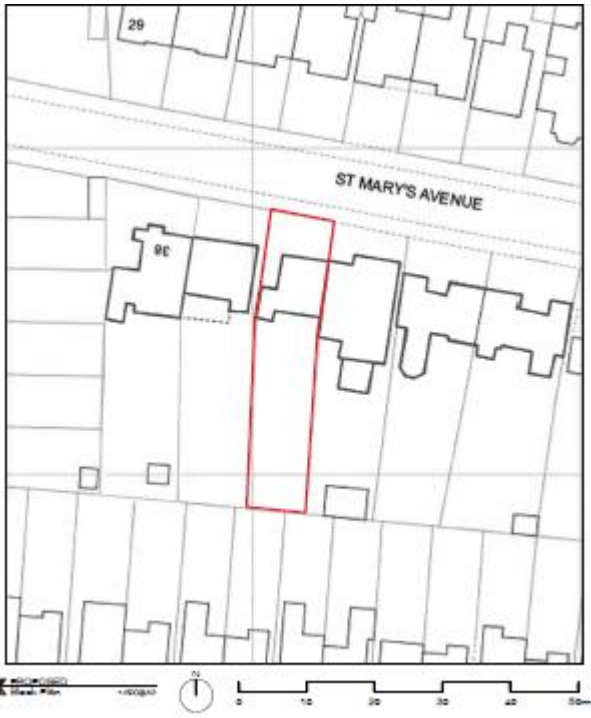
## **6. Equality and Diversity Issues**

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** 26 St Johns Road London NW11 0PG

**Reference:** 21/5708/FUL

Received: 27th October 2021

Accepted: 28th October 2021

**Ward:** Golders Green

Expiry 23rd December 2021

AGENDA ITEM 9

**Case Officer:** Emily Bell

**Applicant:** c/o Agent

**Proposal:** Subdivision of the existing dwelling into 3no self-contained flats including single storey rear extension. Associated cycle storage, amenity space and refuse/recycling store

### **OFFICER'S RECOMMENDATION**

Approve following legal agreement

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:

21.1282/001

21.1282/002

21.1282/003

21.1282/004

21.1282/005

21.1282/006

21.1282/007 REV C

21.1282/008

21.1282/009

21.1282/010

21.1282/011 REV A

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 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, before the development hereby permitted is occupied, 6 (long stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of cycles in connection with the approved development.

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

- 5
  - a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.
  - b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies

DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy SI5 of the London Plan and the 2016 Mayors Housing SPG.

- 7 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policy SI2 of the London Plan (2021) and the 2016 Mayors Housing SPG.

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

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 9 a) Before the development hereby permitted is first occupied, details of the subdivision and means of enclosure of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02

of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL. (Updated 01.04.2022)

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. (Updated 01.04.2022)

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

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

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

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

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

#### Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)
2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you

comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

Please visit

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

- 4 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email [highwayscorrespondence@barnet.gov.uk](mailto:highwayscorrespondence@barnet.gov.uk).
- 5 The applicant is advised that due to the large number of schools and school children in the area that site deliveries during the construction period should not take place between 0800 hrs to 0900hrs and 1500 hrs to 1600 hrs. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.
- 6 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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

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

## **OFFICER'S ASSESSMENT**

### **1. Site Description**



The application site relates to a two storey semi-detached dwellinghouse which has previously been extended by way of a large roof extension involving front, side and rear dormers. The area surrounding the site is predominantly residential consisting of similar semi-detached properties. The site is not located within a conservation area and is not listed.

The site is located within the Golders Green ward.

## **2. Site History**

Reference: 15/02722/FUL

Address: 3 St Johns Road, London, NW11 0PE

Decision: Approved subject to conditions

Decision Date: 11.06.2015

Description: Change of use from single dwelling house into 3 no. self contained flats

Reference: 17/2629/FUL

Address: 18 St Johns Road, London, NW11 0PG

Decision: Refused

Decision Date: 2 August 2017

Description: Conversion of property into 3no self-contained flats. Associated works

Appeal Ref: APP/N5090/W/17/3183091

Appeal Decision: Allowed

Appeal Decision Date: 08 January 2018

## **3. Proposal**

Subdivision of the existing dwelling into 3no self-contained flats including single storey rear extension. Associated cycle storage, amenity space and refuse/recycling store.

## **4. Public Consultation**

Consultation letters were sent to 71 neighbouring occupiers. 9 letters of objections have been received, summarised below:

- o This would change the balance of the type of housing in this street
- o Would exacerbate the parking problems in the street
- o Difficulty parking
- o Creates loss of neighbouring relationships
- o Strongly object to the proposal if it means more vehicles being parked on the road
- o May be followed by a subsequent application to subdivide the units
- o Noise and disruption to neighbours due to sub-division of the garden
- o Increased rubbish on the street
- o High demand for family housing in this area
- o Impacts of buildings works

## **5. Planning Considerations**

### **5.1 Policy Context**

Revised National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must

determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

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

### The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

### Barnet's Local Plan (2012)

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

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

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

### Barnet's Local Plan (Reg 22) 2021

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

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the

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

### Supplementary Planning Documents

#### 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:

- i. The principle of flats in this location
- ii. Whether the proposal provides satisfactory living accommodation for future occupiers
- iii. Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality
- iv. The impact on the amenities of neighbouring occupiers
- v. Parking and highways
- vi. Cycle Storage
- vii. Refuse and recycling storage.

## **5.3 Assessment of proposals**

### Principle of conversion into flats in this location

The Borough has an attractive and high-quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established

character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

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

Within Paragraph 2.8.1 of the Development Management Document which is a material consideration in the determination of this application, the Council state the following: "The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flat accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate.

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

However, policy DM08 advises that a variety of sizes of new homes to meet housing need and 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.

Assessment of council tax records indicate that of the properties along St Johns Road numbered 2-42, 4 properties are in use as flats comprising of the following properties: nos. 16, 18, 30 and 42. Approval was granted at no. 3 St Johns Road for the conversion of a single dwelling house into 3 no. self-contained flats and an appeal was allowed to approve the conversion of a single family house into 3no self-contained flats at no. 18 St Johns Road. On this basis, whilst flats are not prevalent, neither are they uncommon and the principle of flats in this location is, on balance, considered acceptable.

Barnet's Local Plan (Development Management Policies) states that Barnet's growing and increasingly diverse population has a range of needs that requires a variety of sizes of accommodation. The 3 proposed units replacing a single-family dwelling will contribute to increased housing provision and make a positive contribution to the mix of dwelling types in Barnet.

The principle of the proposed development is considered to be acceptable subject to other material planning considerations as set out below.

## Character and appearance

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 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan).

All new development is expected to preserve and respect the established character and appearance of the surrounding area. Policy DM01 states that:

b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposal includes the addition of a single storey rear extension measuring 3.6 metres in depth, 3.5 metres in width with an eaves height of 2.4 metres and maximum height of 3 metres. The Residential Design Guidance states that a depth of 3.5 metres is normally considered acceptable on a semi-detached property. It is noted that the proposed rear extension is marginally larger than this guidance suggests. However, the extension will infill an area between an existing part width rear extension and common boundary with no. 28 St Johns Road. The proposed extension will extend no further in depth than the existing rear extension and would not project any further than the rear addition to the adjoining neighbouring property. The principle of a marginally larger extension is therefore considered acceptable. Further, as the proposed extension is located to the rear it is not considered to result in harm to the character of the streetscene or wider area.

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

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough.

Floorspace standards:

The London Plan sets a minimum Gross Internal Floor Area for flats based on a standard set for the number of bedrooms (b) and persons-bedspaces (p). A 2 bed, 3 person property over 1 storey requires 61sqm, a 1 bed, 1 person property over 1 storey with a shower room instead of a bathroom requires 37sqm and a 1 bed, 2 person property over 2 storeys requires 58sqm.

Table 3.3: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

The proposed units are as follows:

Flat 1 is a 2 bedroom, 3 person property over the ground floor with GIA of 78sqm.

Flat 2 is a 1 bed, 1 person property over one storey at first floor level with a shower room instead of a bathroom with a GIA of 38.2sqm.

Flat 3 is a 1 bed, 2 person property over 2 storeys over the first floor and loft floor with a GIA of 64sqm.

All flats are shown to meet the relevant minimum standards for internal floorspace.

Outlook, light and 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 flats are considered to benefit from adequate light and outlook.

Stacking:

Policy DM04 of the Development Management Document (2012) part d. states that proposals will be refused if they lead to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures.

The proposed layout provides reasonable stacking throughout the property. In the event of an approval, a condition should be attached for Pre-Completion Sound Insulation Test Certificates to be submitted to the LPA.

Outdoor amenity space:

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m<sup>2</sup> per habitable room.

Flat 1 has 5 habitable rooms and requires 25m<sup>2</sup> of amenity space.

Flat 2 has 2 habitable rooms and requires 10m<sup>2</sup> of amenity space.

Flat 3 has 3 habitable rooms and requires 15m<sup>2</sup> of amenity space.

Flat 1 is provided with 42sqm of private amenity space. Flat 2 and Flat 3 are provided with 48sqm of shared amenity space. It is considered that the 3no flats are provided with adequate on site amenity space. The amenity space for Flat 1 is separated from the amenity space for Flat 2 and Flat 3 by a fence.

#### Impact on the amenities of neighbours

The proposed rear infill extension would be sited behind the existing part width extension adjacent to the boundary with no. 24 St Johns Road. As such, the extension will be obscured from view and will have no additional impacts on the amenities of these neighbouring occupiers. From a review of the site photographs submitted and aerial photography, it is noted that the adjoining neighbouring property at no. 28 St Johns Road benefits from a single storey rear extension and further verandah extension. The proposed extension would project approximately 0.5 metres past the neighbour extension excluding the verandah. This is not considered to give rise to a detrimental loss of light and outlook to the neighbouring property and is considered acceptable.

#### Parking and highways

Highways officers have reviewed the submitted information. The site lies within walking

distance from Golders Green Town Centre location including a primary shopping area and a wide range of local facilities. St Johns Road and the nearby roads have been included in an one-hour Controlled Parking Zone in operation from Monday to Friday between 11am and 12pm. The site has a PTAL rating of 3 which is regarded as good accessibility.

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 2 and 3 parking spaces.

No parking is provided on site. To overcome the shortfall and overspill of parking by 3 parking spaces, the current Traffic Management Order needs to be modified to exempt the future occupiers of new flats from the schedule of address eligible for parking permits in the CPZ zone. The applicant has agreed to enter this agreement.

### Cycle Storage

Cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport.

The submitted plans show that the proposed development would provide 6 cycle parking spaces which is acceptable in accordance with the 2021 London Cycle Parking Standards. The cycle parking spaces will be secured in associated storage facilities. Design details for the cycle parking spaces and the storage facilities will need to be provided in accordance with the London Cycling Design Standards. The above information will be requested by way of a condition.

### Refuse and recycling storage

The plans indicate that refuse storage is proposed to the front of the application site. Details of refuse storage will be requested by way of a condition.

### Accessibility and Sustainability

Conditions would be attached to any permission to ensure the integration of water saving and efficiency measures insofar as a maximum of 105 litres of water consumption per person per day to comply with Policy S15 of the London Plan (2016) and a reduction of CO2 emissions over Part L of the 2013 Building Regulations in accordance with the requirements of Policy SI2 of the London Plan (2016) and the 2016 Housing SPG's requirements.

## **5.4 Response to Public Consultation**

- o This would change the balance of the type of housing in this street
- o High demand for family housing in this area

As discussed within the main body of the report, the principle of flats in this location is considered acceptable and the 3 proposed units replacing a single-family dwelling will contribute to increased housing provision and make a positive contribution to the mix of dwelling types in Barnet.

- o Would exacerbate the parking problems in the street
- o Difficulty parking
- o Strongly object to the proposal if it means more vehicles being parked on the road

The applicant has agreed to modify the current Traffic Management Order to exempt the future occupiers of the new flats from the schedule of addresses eligible for parking permits in the CPZ zone.

- o Creates loss of neighbouring relationships

It has been noted within the main body of the report that the principle of conversion into 3 residential units is acceptable.

- o May be followed by a subsequent application to subdivide the units

Each application will be considered on its own merits. This application is for the subdivision of the single family dwelling house to 3 units only.

- o Noise and disruption to neighbours due to sub-division of the garden

The proposed flats can accommodate 6 people. As existing the single family dwelling benefits from 5 bedrooms which meet the requirements of double bedrooms, and therefore capable of accommodating 10 people. Whilst it is noted that the conversion to flats would result in a use of the amenity space by unrelated occupants, it is not considered that the use of the amenity space would result in unacceptable levels of noise and disturbance due to their residential use.

- o Increased rubbish on the street

The council's streetscene team have reviewed the information submitted and consider the bin provision to be acceptable. Details of refuse storage will be requested by way of a condition.

- o Impacts of buildings works

The impacts of construction works are not a material planning consideration. Working hours are subject to a condition

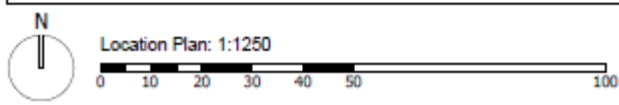
## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

Having taken all material considerations into account, it is considered that the proposed development would have an acceptable impact on the character and appearance of the application site and the general 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** Land Rear Of 63 - 65 Finchley Lane (Garrick Way) London NW4  
1BY

**Reference:** 22/0937/FUL Received: 22nd February 2022  
Accepted: 23rd February 2022

Ward: Hendon Expiry 20th April 2022

**Case Officer:** Tania Sa Cordeiro

Applicant: Mrs R Buddhdev

Proposal: Erection of 3no. two storey dwellings with rooms in the roofspace.  
Associated car parking, landscaping, refuse and recycling store and  
cycle store

### **OFFICER'S RECOMMENDATION**

Approve subject to conditions

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

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

Planning Statement  
Sustainability Statement  
Arboricultural Impact Assessment & Online Method Statement, Prepared by  
Arboricultural Solutions LLP  
Site Photos  
Drg.no. PP\_GARRICKWAY\_2 Rev.B ( proposed Site & Tree Constraints Plan)  
Drg.no. 20264-PP\_01-A (Location Plan)  
Drg.no. 20264-PP\_02-A (Site (Block) Plan)  
Drg.no. 20264-PP\_03-A (Existing North Elevation)  
Drg.no. 20264-PP\_04-A (Existing East Elevation)

Drg.no. 20264-PP\_05-A (Existing South Elevation)  
Drg.no. 20264-PP\_06-A (Existing West Elevation)  
The above were received on the 22/02/22.

Design & Access Statement v2

Drg.no. 20264-PP\_11-C (Proposed Site Plan)  
Drg.no. 20264-PP\_12-C (Proposed Ground Floor Plan)  
Drg.no. 20264-PP\_14-C (First Floor Plans)  
Drg.no. 20264-PP\_15-C (Second Floor Plans)  
Drg.no. 20264-PP\_16-C (Proposed Roof Plan)  
Drg.no. 20264-PP\_17-C(North (front) Elevation to Garick Way))  
Drg.no. 20264-PP\_18-C (East Elevation)  
Drg.no. 20264-PP\_19-C (Proposed Rear Elevation)  
Drg.no. 20264-PP\_20-C (West Elevation)  
Drg.no. 20264-PP\_21-C (North Elevation-Extended Front)  
Drg.no. 20264-PP\_22-C (East Elevation-Extended)  
Drg.no. 20264-PP\_23-C (Rear Elevatons-Extended)  
Drg.no. 20264-PP\_24-C (West Elevation-Extended)  
The above were received on the 31/03/22.

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.

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

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

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

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

(adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

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

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

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

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

i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;

ii. site preparation and construction stages of the development;

iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;

iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;

v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;

vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming

airborne at any time and giving rise to nuisance;

vii. noise mitigation measures for all plant and processors;

viii. Staff travel arrangement;

ix. details of contractors compound and car parking arrangements;

x. Details of interim car parking management arrangements for the duration of construction;

xi. Provision of a competent banksman;

xii. Details of a community liaison contact for the duration of all works associated with the development.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 7 Before the development hereby permitted is occupied, cycle parking spaces shall be provided in accordance with the submitted planning application and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason:

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

- 8 Prior to occupation of the development the proposed parking spaces within the parking area as shown in Drawing Nos.20264-PP\_11-C submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason:

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

- 9 Prior to occupation of the development of the development details of refuse collection must be submitted to and approved in writing by the Local Planning Authority. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to be designed in accordance with the Council's adoptable standards. The applicant will be expected to sign a Waiver of Liability and Indemnity Agreement to indemnify the Council against any claims for damage caused to private roads arising from and/ or in connection with the collection of waste by the Council vehicle from the premises.

Reason:

To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 10 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.

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

The development shall be maintained as such in perpetuity thereafter.

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

- 12 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 13 Details of all exterior lighting hereby approved must be submitted to and approved in writing to the Local Planning Authority before installation and must follow the guidance below:

- Cows to direct light downwards to where it is needed, and therefore avoid unnecessary light spill upwards.
- Light should be directed away from trees.
- Any lighting should be on a timer or sensor, and not be left on all night.
- Light levels at a height of 2 metres should be no more than 2 lux.
- Light sources should be used that emit minimal ultraviolet light and avoid white or blue wavelengths to avoid attracting lots of insects (attracting insects to lamps may reduce their abundance in darker foraging areas favoured by bats). If unavoidable, then UV filters or glass housing must be used to filter out UV.

Reason: To minimise the impact the development may have on bats, a European Protected Species.

- 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 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

- 17 The proposed roof terraces shown on drawing no. 20264-PP\_14-C (First Floor Plan) and the private rear garden area as shown in drawing no. 20264-PP\_11-C (Proposed Site Plan) submitted with the planning application shall be provided as amenity space and shall be maintained at all time. These areas shall be used only as agreed and not be used for any purpose other than the use of amenity space in connection with approved development.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of the proposed residential dwellings 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).

## **Informative(s):**

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

The applicant is advised that photographic records should be kept of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW.

- 2 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.
- 3 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.
- 4 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The proposal site is comprised of a parcel of land to the rear of Finchley Lane. The land is accessed via an existing road (Garrick Way) which is positioned to the north of the site. The proposal site is currently cleared and unoccupied, but is predominately covered by a large concrete foundation slab with an existing access point to the north east of the site.

The surrounding area is characterised by a mix of residential units including purpose built blocks, flatted conversions and single-family dwelling houses.

In isolation, Garrick Way is characterised by dwelling-houses of two to three storeys with associated private amenity spaces and private accesses off the highway.

There are surrounding trees along the boundary with the gardens of surrounding roads; however, these trees are not protected by Tree Preservation Orders (TPOs).

The site has a Public Transport Accessibility Level (PTAL) of 2, which indicates a low to medium level of accessibility. It is located within a 15-minute walk to the north-east of Hendon Central Underground station and in short driving distance to the North Circular and M1.

### **2. Site History**

Reference: 19/8021/QCE

Address: 63A Finchley Lane, London, NW4 1BY

Decision: Pre-application advice issued

Decision Date: 20 March 2019

Description: Description of proposed development, Description See pre-application supporting documents and Section 5 'The Proposal' within Pre-Application Planning Report., Current use(s) and other information Vacant brownfield site. See pre-application documents.

Reference: 19/3979/FUL

Address: 63A Finchley Lane, London, NW4 1BY

Decision: Approved subject to conditions

Decision Date: 25 October 2019

Description: Erection of 3no single family dwellinghouses. Associated car parking, landscaping, refuse and recycling store and cycle store

Reference: 22/0082/QCD

Address: 63A Finchley Lane, London, NW4 1BY

Decision: Pre-application advice issued

Decision Date: 15 March 2022

Description: Redevelopment of site to form either 2 detached houses or 3 detached houses. Advice sought on both proposals.

### **3. Proposal**

"Erection of 3no. two storey dwellings with rooms in the roofspace. Associated car parking, landscaping, refuse and recycling store and cycle store"

The proposed design includes the addition of three new family detached houses with a shared landscaped driveway and private rear gardens.

Each of the houses includes two storeys with additional accommodation within the pitched roof level. The houses are orientated North-South on the site with the front facades addressing the shared driveway and the end of the cul-de-sac.

### **4. Public Consultation**

Consultation letters were sent to 78 neighbouring properties.

7 letter of concern have been received.

Concerns have been summarised below.

- Overdevelopment of the site and the area
- exacerbate problem with parking
- The space between the front of the driveway of the property not adequate for maneuvering
- Site is too narrow for emergency vehicles
- Has caused a huge increase in local littering
- Harmful to the environment, with emissions from boilers and extra vehicle movements
- Existing residents in Garrick Way will have their privacy compromised by the closeness and density of the proposed development
- Block of flats at 1-6 Brinsdale Park is shown as 1-6 Brinsdale Road which is a different location
- By doubling the amount of traffic using Garrick Way this will compromise residents safety, both during and after completion of the construction.

### **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

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.

### Barnet's Local Plan (Reg 22) 2021

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

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

### Supplementary Planning Documents

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

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

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- 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**

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).

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. It goes on to state that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

### **Assessment:**

The applicant proposes to 'construct 3no. two storey dwellings with rooms in the roof space. Associated car parking, landscaping, refuse and recycling store and cycle store'. A similar proposal was previously allowed under ref.no.19/3979/FUL.

The difference between the two proposals is that under the consented application ref.no. 19/3979/FUL, the proposal involved the construction of a basement and lightwells. The current application has omitted the approved basement and rear lightwells. In addition, the approved fenestrations and roof lights have been altered. Whilst the internal layout has been reconfigured, each dwelling will still have 3no. bedrooms, which is the same number of bedrooms approved under ref. no. 19/3979/FUL . Due to the removal of the basement, the gross internal floor areas (GIA) is 162.23m<sup>2</sup> plus garage of 17m<sup>2</sup> for each of the three dwellings, which still meets the minimum space requirements for a 3 bedroom dwelling. Furthermore, the removal of the rear lightwells will improve the rear amenity for the occupier of the dwellings and reduce the impact on the surrounding trees.

Highways officers have been consulted and they are happy with the layout of the proposal.

Therefore, the acceptability of the overall character and appearance of the ultimate proposal above ground level and its impact on neighbouring occupiers has already been established by 19/3979/FUL. Since this decision was made on 17th of October 2019, no policy or material considerations have emerged that would make the character and appearance of the building unacceptable. It is not considered that the alterations to the approved fenestrations will have an unacceptable impact on the appearance and character of the application site more than what has been approved.

For completeness, the previous appraisal is cited below:

" Principle of Development:

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

Any scheme for the site would 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 would include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan) 7.4 and 7.6 (both of the London Plan).

The supporting text to Policy DM01, which results in part from the characterisation study undertaken as part of the production of the Local Plan sets out the character of different parts of the borough and how this character changes and evolves over time. The supporting text states that protecting the character helps to maintain Barnet's heritage, and that development proposals which are out of keeping with the character of an area will be refused.

The typology map in the DMD (sourced by the Characterisation Study) shows that the host site falls within the category of "suburban". Amongst other things, the character of an area relates to the established pattern of development, which refers to the arrangement of plots, buildings and open spaces around the buildings which form part of that area's character and identity.

The principle of residential use of the site is considered acceptable. This was established through the granting of planning permission under reference W13692C/05 for the erection of a new dwelling. The location of the proposed dwellings would be in keeping with Planning Policy Guidance and Regional Policy Guidance recommending the need for the effective use of land within urban areas and the use of previously developed land as far as possible.

- Impact on Character

Council Policies, in particular Policy DM01 of the Development Management Policies (Adopted 2012), state that new residential developments must harmonise with and respect the character of the area.

Barnet's Local Plan Residential Design Guidance (RDG) emphasises that development

needs to recognise local patterns of development. This included the perimeter block structure, which is characterised by the fronts of buildings facing onto the street and private spaces located at the rear, providing a clear distinction between public and private space.

Whilst planning does not seek to replicate design, development, whether modern or traditional in style, should be harmonious and sympathetic to its setting, particularly in such a constrained site. The modern style of buildings would be acceptable in principle. The overall size, scale, bulk, height and design of the development is considered to be appropriate within its context.

There is quite a varied array of size of house and design of houses along Garrick Way (and bordering Garrick Way) and it is not considered that the proposed houses would appear out of context in the street. Although the overall design of the scheme has a more modern design approach than the existing dwellings on Garrick Way, it is not considered that it is harmful to the established pattern of the street, and it is not considered that the proposed dwelling houses would appear out of context.

Therefore, the principle of replacing the developing the site for 3no. new dwelling houses is considered acceptable. The site does not include any listed assets nor is it within a conservation area designation. Consequently, it is considered that the redevelopment of the application site for the purposes of erection 3no. single family dwelling houses is in keeping with the character of Garrick Way.

Similarly, the houses are to share a palette of traditional construction materials of buff coloured brick, cast stone reveals, oak boarded joinery and slate tiled roofs. Existing trees around the site will generally be retained to preserve the setting and existing screening.

The success of the buildings will depend on the quality of materials to be used; a condition has been attached to the decision notice requiring the details of materials to be submitted prior to commencing in order to ensure that the building harmonises with its context and in particular the properties which border the proposal site.

#### - Impact on Amenity of Neighbouring Occupiers

New development should have due regard to the amenity of existing occupiers in neighbouring buildings.

Section 2.7 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 boroughs residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, blocks daylight, reduce sunlight, or results in a look of privacy or outlook.

#### Overlooking:

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and that there should be a distance of 10.5 metres between a new development and a neighbouring garden. Due to the proposed alignment of the proposed properties, it is assessed that the windows proposed in the elevations of the properties would be compliant with this requirement.



- Living Standards for Future Occupiers

All residential development is expected to comply with minimum space standards as advocated within the Sustainable Design and Construction SPD (2016) and the London Plan 2015.

Space Standards:

The London Plan (2016) and the Sustainable Design and Construction SPD (2016) set out the minimum space requirements for residential units and bedrooms.

Table 2.2 of the Sustainable Design and Construction SPD specifies that double bedrooms should provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm, in line with the National Standards. All units should be designed with a total area and room size and ceiling height to meet the minimum requirements set out in the London Plan and Barnet's Sustainable Design and Construction SPD. The proposed dwellings are assessed to comply with the above internal space standards.

The development complies with the space standard for new development outlines in the London Plan 2016. The proposal is considered to provide adequate internal space for the future occupiers.

Ground Floor - 55 sqm;  
Basement level - 55 sqm;  
First Floor - 47 sqm;  
Attic Level - 39 sqm\*

Total: 196 sqm for each of the three dwellings.

The areas are gross internal floor areas (GIA).

\*At attic level where the rooms are built within the pitched roof space only areas with a ceiling height above 1500mm have been included in accordance with the RICS SMM for measuring GIA.

Outlook:

New residential units are expected to provide suitable outlook and light to all habitable rooms whilst not compromising the amenities of neighbouring occupiers. The Council's Sustainable Design and Construction SPD stipulates that "the positioning of doors and windows should also be considered and single aspect dwellings should be avoided".

Section 2.4 of Barnet's Sustainable Design and Construction SPD (October 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. Based on the proposed arrangements of the units, it is expected that the units would benefit from suitable outlook to habitable rooms. In addition, there is unlikely to be any mutual overlooking between the proposed units due to their positioning.

Outdoor Amenity:

With regards to outdoor amenity space, all new residential development is expected to provide suitable, private and usable outdoor amenity space for future occupiers. For

houses with more than seven habitable rooms (each proposed dwelling has 5 habitable rooms - these being living rooms/kitchen and bedrooms), the minimum outdoor amenity space provision is 85sqm.

House 1;

Rear garden 72 sqm

First floor walled terrace 18 sqm

Total 90 sqm

House 2;

Rear garden 54 sqm

First floor walled terrace 18 sqm

Total 72 sqm

House 3;

Rear garden 78 sqm

First floor walled terrace 18 sqm

Total 96 sqm

Each proposed dwelling would meet the internal and external space requirements and would have floor plan and associate window arrangements that would provide sufficient outlook and daylight/sunlight for future occupiers.

- Highways and 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).

Based on the plans submitted and in view of Policy DM17, the proposed development would have a parking requirement of 4.5 to 6 spaces (cumulative). 6 onsite parking spaces are proposed and therefore no objection would be made on provision of onsite parking, access arrangements and the proposed location of the onsite parking would however be dependent on comments from highways consultation as part of any future planning application.

The application is advised that a crossover application will be required to facilitate access to the site's parking spaces. A crossover application can be made concurrently to the application for the alterations to the approved scheme (details of this have been provided as an informative attached if permission was to be granted).

The applicant has included details of the positioning of proposed cycle storage units to the rear garden of each of the proposed units, we would require details of the dimensions/visual appearance of these and the amount of bikes in which can be stored as part of any formal submission.."

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

Concerns have been mainly addressed in the body of the report. The scale of

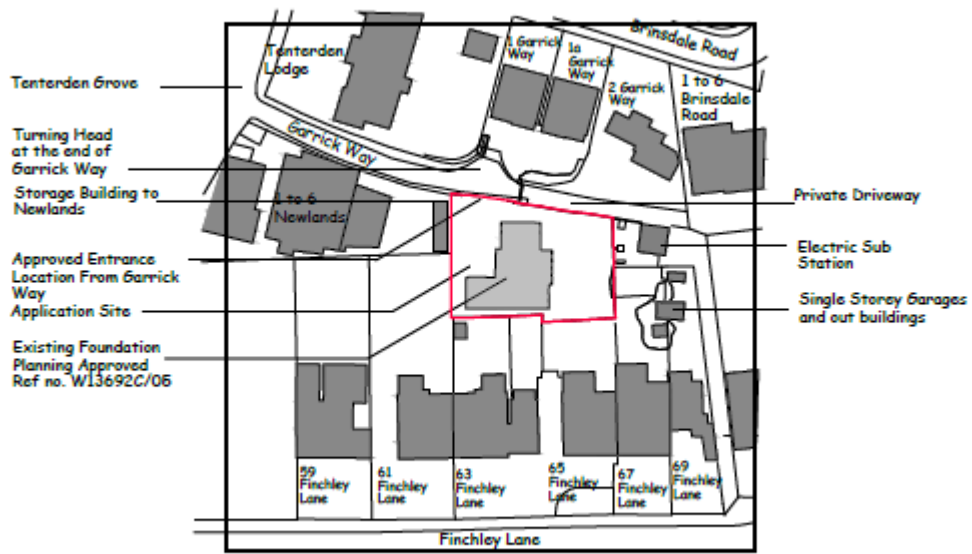
development and issues relating to overlooking and loss of privacy has already been assessed in the previous approval ref. 19/3979/FUL. Furthermore, Highways Officers were consulted and they have not raised any objection to the layout of the proposal. As stated above the parking arrangement and access road to the site has also been assessed in the previous approval ref. 19/3979/FUL.

## **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 wider area. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.



**Location** 9 Cenacle Close London NW3 7UE

**Reference:** 22/0589/S73

Received: 7th February 2022

AGENDA ITEM 11

Accepted: 9th February 2022

**Ward:** Childs Hill

Expiry 6th April 2022

**Case Officer:** Wilf Foster

**Applicant:** Mr & Mrs Tuchman

**Proposal:**

Variation of condition 1 (Approved Plans) of planning permission reference 21/3064/HSE dated 07/07/2021 for 'Single and two storey front, side, and rear extensions, including lower ground floor below ground floor terrace and infilling of first floor flat roof area. First floor rear extension with terrace with glass balustrades. New rear terraces at first floor level with glass balustrades. Conversion of garage into habitable room including new window to replace existing door. Demolition of existing gazebo and construction of new garden terraces with associated steps and balustrades. Insertion of rooflight to rear roofslope. Relocation of main entrance and alterations to fenestration.' Variation to include addition of a swimming pool and associated plant within the lower ground floor

### **OFFICER'S RECOMMENDATION**

Approve subject to conditions

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

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

Drawings: 29711K\_12 revB; 29711K\_13 revC; 29711K\_14 revB; 29711K\_15 revA; 29711K\_17 revC; 29711K\_20 revA; 29711K\_21 revA; 29711K\_22 revC; 29711K\_23 revC; 29711K\_26 revB.

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 have begun within three years from the date of the grant of permission of 21/3064/HSE (being 07.07.2021)

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) Before the development hereby permitted is first occupied, details of privacy screens to be installed along the first floor terrace along the boundary with no. 8 Cenacle Close 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).

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

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

- 6 a) No development other than demolition works shall commence on site in

connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the swimming pool 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.

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

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

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

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

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

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site is located at 9 Cenacle Close, NW3 7UE, consisting of a two-storey detached dwellinghouse with front and rear amenity space and parking facilities to the front. The area surrounding the site is predominantly residential consisting of two-storey detached dwellinghouses. The site is located within the Childs Hill ward and is locally listed. The local listing states:

"A cul-de-sac development of 16 houses built in 1970. Two storey finished in white render with horizontal boarded eaves detail and very shallow pitch roof. Dark stained timber windows with integral garages. Ted Levy Benjamin & Partners, led by the architect Ted Levy (1931-1986), designed a number of developments and one-off houses in north London throughout the 1970s and early '80s which are notable for their clever harnessing of natural light. The practice comprising three South African émigrés came to define contemporary architecture in north London in the 1970s. Ted Levy's ethos was to provide light and space which he achieved by pitching the ceilings in either the principal bedrooms



or reception rooms to give them double height."

## 2. Site History

Reference: 21/3064/HSE

Address: 9 Cenacle Close, London, NW3 7UE

Decision: Approved subject to conditions

Decision Date: 07 July 2021

Description: Single and two storey front, side, and rear extensions, including lower ground floor below ground floor terrace and infilling of first floor flat roof area. First floor rear extension with terrace with glass balustrades. New rear terraces at first floor level with glass balustrades. Conversion of garage into habitable room including new window to replace existing door. Demolition of existing gazebo and construction of new garden terraces with associated steps and balustrades. Insertion of rooflight to rear roofslope. Relocation of main entrance and alterations to fenestration.

Reference: 20/5021/HSE

Address: 9 Cenacle Close, London, NW3 7UE

Decision: Refused

Decision Date: 26 November 2020

Appeal status: Dismissed

Description: Two storey front extension, single storey side and rear extensions, and part infilling of first floor flat roof area. New lower ground floor level. New rear terraces at first floor level with glass balustrades. Conversion of garage into habitable room including new window to replace existing door. Demolition of existing gazebo and construction of new garden terraces with associated steps and balustrades. Insertion of rooflight to rear roofslope. Relocation of main entrance and alterations to fenestration

Reference: 20/1396/HSE

Address: 9 Cenacle Close, London, NW3 7UE

Decision: Approved subject to conditions

Decision Date: 12 May 2020

Description: Ground and first floor front, side and rear extensions. New rear terraces at first floor level with glass balustrades. Conversion of garage into habitable room including new window to replace existing door. Demolition of existing gazebo and construction of new garden terraces with associated steps and balustrades. Insertion of rooflight to rear roofslope. Relocation of main entrance and alterations to fenestration

Reference: 20/3364/HSE

Address: 9 Cenacle Close, London, NW3 7UE

Decision: Approved subject to conditions

Decision Date: 23 October 2020

Description: Two storey front extension, single storey side and rear extensions, and part infilling of first floor flat roof area. New rear terraces at first floor level with glass balustrades. Conversion of garage into habitable room including new window to replace existing door. Demolition of existing gazebo and erection of new garden terraces.

Reference: C01332AZ/00

Address: 9 Cenacle Close, London, NW3 7UE

Decision: Lawful

Decision Date: 30 January 2001

Description: Porch to front elevation.

### **3. Proposal**

Variation of condition 1 (Approved Plans) of planning permission reference 21/3064/HSE dated 07/07/2021 for 'Single and two storey front, side, and rear extensions, including lower ground floor below ground floor terrace and infilling of first floor flat roof area. First floor rear extension with terrace with glass balustrades. New rear terraces at first floor level with glass balustrades. Conversion of garage into habitable room including new window to replace existing door. Demolition of existing gazebo and construction of new garden terraces with associated steps and balustrades. Insertion of rooflight to rear roofslope. Relocation of main entrance and alterations to fenestration.'

The proposed amendments to the permission include:

- Addition of a swimming pool and associated plant within the lower ground floor.

### **4. Public Consultation**

Consultation letters were sent to 13 neighbouring properties. A total of 8no representations were received, including 7no objections. Their comments can be summaries as follows:

- Concern regarding impact of proposed basement level to foundations and groundwater.
- Concern regarding increased noise and disruption associated with construction works.
- Concern regarding noise impacts from the proposed swimming pool plant.

### **5. Planning Considerations**

#### **5.1 Policy Context**

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

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

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

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

##### The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure

that all Londoners benefit from sustainable improvements to their quality of life.

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

### Barnet's Local Plan (2012)

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

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

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

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

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

### Barnet's Local Plan (2021)

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

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

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

## **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 building, the street scene and the wider area;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposals would provide acceptable living conditions for future occupiers.

### 5.3 Assessment of proposals

In deciding whether a change is material a Local Planning Authority must have regard to the effect of the change on the planning permission as originally granted, together with any previous changes made under this Section. The LPA should consider amendments under S73 providing that the proposed changes do not amount to a fundamental alteration of the consented scheme.

Upon review of the proposal and the alterations to the planning permission reference 21/3064/HSE officers are satisfied that the proposed changes do not have the effect of a fundamental alteration of the allowed scheme and can be determined within the scope of an application under S73.

#### Impact of the proposal on the character and appearance of the building, the street scene and the wider area

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

The consent is for extensions and alterations to the existing building including the creation of a lower ground floor level. The proposed amendment would alter the internal layout to provide a swimming pool, recreation room, and media room at the lower ground floor level. A gym would no longer be provided, as per the approved lower ground floor plan. Plant relating to the proposed swimming pool would be located below the jacuzzi adjacent the rear of the swimming pool.

An internal swimming pool is considered to be an acceptable use within the lower ground floor level. The footprint and exterior of the proposed extensions would be unchanged as a result of the proposed amendment. As such, there are not considered to be any material impacts to the appearance of the host property or character of the wider locality.

#### The impact on the amenities of neighbouring occupiers

The proposed amendment would not alter the exterior of the approved extensions and therefore there would not be any additional impacts in terms of loss of light, outlook or overbearing to neighbouring occupiers.

The proposal would involve the addition of plant associated with the swimming pool use, to be located in the void below the jacuzzi at the rear of the extensions. Conditions are attached requiring the preparation of an acoustic report to establish the likely noise impacts of the plant, and to restrict the noise emitted by this plant to at least 5dB less than the background noise level, as measured from any point outside the window of any room of a neighbouring residential property. It is noted that the acoustic report must be submitted and approved by the Local Planning Authority prior to commencement. This is considered to be satisfactory to ensure that the development would not result in unacceptable noise impacts to neighbouring occupiers. As such, the proposed amendment is not considered to conflict with Policy DM01 or DM02, subject to the attached conditions.

#### The impact on the amenities of future occupiers

The proposed dwelling would continue to provide an acceptable level of amenity for future occupiers. As such, the proposed amendment is acceptable in this respect.

## 5.4 Response to Public Consultation

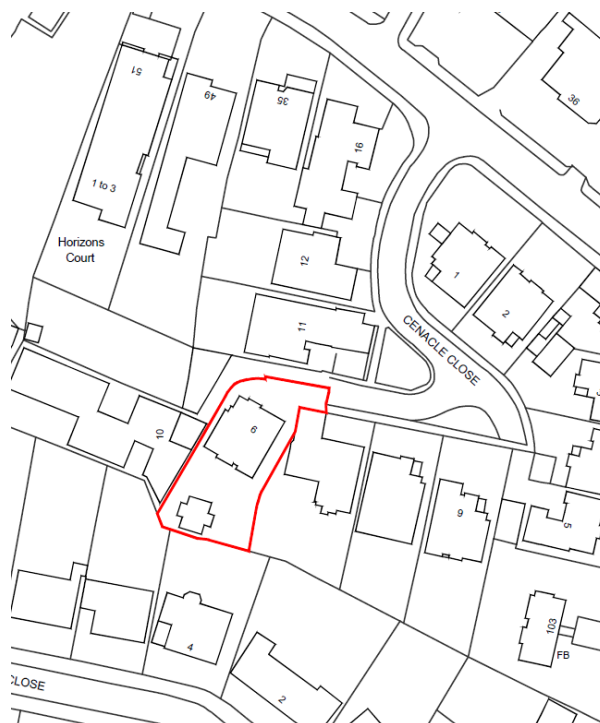
- Concern regarding impact of proposed basement level to foundations and groundwater. This is not considered to be material consideration in the assessment of the current application to make a minor amendment to the permission.
- Concern regarding increased noise and disruption associated with construction works. This is not considered to warrant a reason to refuse permission.
- Concern regarding noise impacts from the proposed swimming pool plant. The attached conditions are considered to be sufficient to ensure that the development would not prejudice the amenities of neighbouring occupiers.

## 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 amendments to the original permission are not considered to amount to a fundamental alteration of the scheme. The amended scheme is considered to remain in compliance with the Development Plan, subject to the attached conditions. This application is therefore recommended for APPROVAL.



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**Location** 5 Sunningfields Crescent London NW4 4RD

**Reference:** 20/6011/FUL Received: 14th December 2020  
Accepted: 14th December 2020

Ward: Hendon Expiry: 8th February 2021

AGENDA ITEM 12

**Case Officer:** Jack Wride

Applicant: Mr Gary Perkins

Proposal: Single storey side and rear extension to basement including lowering of the floor level. Two storey side extension. Roof extension including rear dormer window. New front entrance. New dwarf boundary wall. Associated amenity space, refuse/recycling storage, cycle store and provision of off-street parking. To facilitate the conversion of the existing 2no self-contained flats into 6no. self-contained flats [Amended Scheme]

### **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. 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:
    - i. Amendment to the Traffic Management Order:
 

-A contribution of £2392 towards the amendment of the Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing CPZ parking permits.
    - iii. 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:
  - o 041/S01A Existing block plan (received 14.12.2020)
  - o 041/S02A Existing site & roof plan; (received 14.12.2020)
  - o 041/S03A Existing front elevation; (received 14.12.2020)
  - o 041/S04A Existing side elevation; (received 14.12.2020)
  - o 041/S05A Existing rear elevation; (received 14.12.2020)
  - o 041/S06A Existing section AA; (received 14.12.2020)
  - o 041/S07A Existing section BB; (received 14.12.2020)
  - o 041/S08A Existing basement plan; (received 14.12.2020)
  - o 041/S09A Existing ground floor plan; (received 14.12.2020)
  - o 041/S10A Existing first floor plan; (received 14.12.2020)
  - o 041/AP01F Proposed block plan; (received 01.02.22)
  - o 041/AP02F Proposed site & roof plan (received 01.02.22)
  - o 041/AP03C Proposed front elevation (received 01.02.22)



- o 041/AP04F Proposed side elevation (received 01.02.22)
- o 041/AP05F Proposed rear elevation (received 01.02.22)
- o 041/AP06F Proposed section AA (received 01.02.22)
- o 041/AP07C Proposed section BB (received 01.02.22)
- o 041/AP08G Proposed lower ground floor plan (received 13.04.22)
- o 041/AP09E Proposed ground floor plan ((received 13.04.22)
- o 041/AP10E Proposed first floor plan; (received 13.04.22)
- o 041/AP11D Proposed second floor plan (received 13.04.22)

Covering Letter / Planning Statement [partially superceded] by Michael Burroughs Associates (dated 11th December 2020, received 14.12.2020)

Transport Assessment by Paul Mew Associates (dated March 2020 received 14.12.2020)

Design and Access Statement [partially superceded] by Christopher Tredway Architects (dated Friday 23rd October 2020, received 14.12.2020)

Daylight and Sunlight Report within Development by Right of Light Consulting Ltd (dated 18 November 2021 and received 23.11.2021)

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 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.

- 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.
- xi. details regarding the safety and management of the on site proposed excavations

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 SI1, T4 and D14 of the revised London Plan (2021).

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

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

- 6 The parking spaces shown in the approved proposed block plan 041/01 Rev F shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development. The access to the parking spaces shall be maintained at all times.

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; Policy DM17 of Development Management Policies (Adopted) September 2012; and Policies T6 and T6.1 of the London Plan (2021)

7 a) Notwithstanding the approved plans, before the development hereby permitted is first occupied, further details of cycle parking spaces and cycle storage facilities / enclosures to the required standard (secure, accessible, and covered) shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy T5 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; Policies T6 and T6.1 of the London Plan (2021).

8 a) Notwithstanding the approved plans, 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 S17 of the London Plan 2021.

9 a) The full implementation hard and soft landscaping shown the approved plans proposed block plan 041/01 Rev F including the of the sunwells, defensible space and landscaped screening 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

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

Reason: To ensure a satisfactory appearance to the development and preserve/enhance site biodiversity 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 D6, H2 and G5 of the London Plan (2021).

- 10
- a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments; front dwarf wall and any access gates, have been submitted to and approved in writing by the Local Planning Authority.
  - b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat
  - c) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 11
- a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.
  - b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or the first occupation of the development and retained as such thereafter.

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

- 12
- The proposed outdoor amenity space shall be implemented in full accordance with the details approved under drawing reference 041/01 Rev F before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 13 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of Policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policy SI2 of the London Plan (2021) and the 2016 Mayors Housing SPG

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012); Policy SI5 of the London Plan (2021) and the 2016 Mayors Housing SPG.

- 15 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future), with the specific exclusion of the proposed front steps. 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 2021 London Plan and the 2016 Mayors Housing SPG

- 16 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 on any other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

- 17 Before the building hereby permitted is first occupied the proposed window(s) in the south east elevation on the first floor of new development (flat 2.1) facing 6 Sunningfield Crescent 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 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 27 May 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):
  - (i) 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 T6.1 of the London Plan (2021), Policy CS9 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policy DM17 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Planning Obligations SPD (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](http://www.planningportal.gov.uk/cil).

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

Please note the Council has recently approved a new CIL charging schedule and that it will come into effect on Friday 1st April. This means that any liable planning decisions issued on or after 1st April will pay £300 a square metre rather than £200.

Please visit:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief and <https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy> for details regarding the recent changes to the charging schedule.

- 3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 4 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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



## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site relates to a two storey Victorian style townhouse with a limited existing basement level, which has been subdivided into two flats. The building is sited relatively far forward within its prominent and relatively expansive corner plot, set at roughly 45 degrees to the neighbouring building lines as Sunningfields Crescent / Road turns the corner.

The building features a number of existing alterations, with a new side entrance and steps, and two storey rear extension. Its semi-detached partner, 4 Sunningfields Crescent, has a two storey side / rear extension. To its immediate front, the application property has a landscaped area with a low boundary wall, and there is a more informal open gravel area containing parking (2 plus spaces) and bins storage to its front / side.

The surrounding area is residential in character and is mix of more traditional Victorian style properties, many of which are subdivided and new infills, mostly purposes built flat blocks. The large public green space of Sunny Park lies opposite, with an entrance that is a few metres from the property. The land rises to the north and west across the area and site.

The site is on the boundary of two Controlled Parking Zones (CPZs), one of which is an Event Day parking restriction. It is rated as PTAL 0 (very poor accessibility) and Flood Zone 1 site (lowest risk) with no surface water risks identified.

### **2. Site History**

20/1891/FUL - Single storey side and rear extension to basement level and lowering of the level height. Two storey side extension and roof extension involving rear dormer windows. New front porch and front boundary railings. Associated amenity space, refuse/recycling storage, cycle store and provision of off street parking. To facilitate the conversion of the existing 2no 3 bed self contained flats into 6no 2 bed self contained flats. Withdrawn on 10.08.2020.

H/04172/13 (as 5a Sunningfields Crescent - Proposed lowering of existing basement level to form a 2 bedroom self-contained flat. Roof extension involving rear dormer window to facilitate a loft conversion to first floor flat. Associated front lightwell. (Amended Description). Approved, subject to conditions, on 12.11.2013

H/00676/10 (as 5a Sunningfields Crescent) - Extensions to roof including side and rear dormer windows to facilitate a loft conversion. Approved, subject to conditions, on 09.04.2010.

H/04392/09 (as 5a Sunningfields Crescent) - Extensions to roof including hip to gable and rear dormer window to facilitate a loft conversion. Withdrawn on 27.01.2010

H/00392/08 Proposed lowering of existing basement level to form a 2 bedroom self-contained flat. Loft conversion to first floor flat including rear dormer. Approved, subject to conditions, on 21.05.2008

W07650A/06 at 5A Sunningfields Crescent - Lowering of existing basement level to create additional living space. Approved subject to conditions on 29.08.2006

### 3. Proposal

Single storey side and rear extension to basement including lowering of the floor level. Two storey side extension. Roof extension including rear dormer window. New front entrance. New dwarf boundary wall. Associated amenity space, refuse/recycling storage, cycle store and provision of off-street parking. To facilitate the conversion of the existing 2no self-contained flats into 6no. self-contained flats [amended scheme]

The main two storey element (with further basement level) has a maximum width 8.15m (rear elevation); increases the frontage by 4m and has a depth of 10.4 metres. Materials and design (including hipped roof form and window surrounds) of proposed extensions to match existing property

Each new basement level window will have associated lightwell / defensible space. Single car parking space to front. Cycle parking has been moved to rear in sunken secure outbuilding. Retained outdoor amenity space of 32m<sup>2</sup> (see key issue).

This is heavily revised scheme, with reduction in the side extension and amended site layout to ensure better residential amenity interactions and less impactful, cycle parking location. Internal layout changes have been made to meet National Space Standards and a further daylight / sunlight report has been supplied.

#### 3.1 New Dwelling Details

- Flat 0.1 - Basement 1 bed / 2 person / 51 m<sup>2</sup> GIA (highlighted Pink on plans)
- Flat 0.2 - Basement 2 bed / 4 person / 70 m<sup>2</sup> GIA (highlighted Blue on plans)
- Flat 1.1 - GF 1 bed / 2 person / 52 m<sup>2</sup> GIA (highlighted Light Blue on plans)
- Flat 1.2 - GF 2 bed / 3 person / 61 m<sup>2</sup> GIA (highlighted Purple on plans)
- Flat 2.1 - FF 2 bed / 4 person / 70 m<sup>2</sup> GIA (highlighted Green on plans)
- Flat 2.2 - FF & roofspace 2 bed / 3 person / 77m<sup>2</sup> GIA (highlighted Red on plans)

All flats on single level / storey with the exception of Flat 2.2, which is split across two levels.

### 4. Public Consultation

Consultation letters were sent to 85 neighbouring properties and a general site notice was posted 24.12.2020. A second round of consultation was undertaken (site notice posted 15.04.2021) to reflect the amended description and reworked envelope of the extension.

Eight (8) objections were received, which are summarised below. Note this is listed as 12 separate objections on the Barnet website due to additional comments received in relation to re-consultation from original responders.

- o Issues with parking / parking report not correct - Parking on the Crescent is used by the local school staff at SMSJ; Bupa Garden Hospital in Sunny Gardens Road; senior citizens home in Sunnyfields Road; Doctors surgery, Nursery and synagogue visitors in Sunningfields Road; university students and staff, building trades, and visitors to the park.

- o Increase in traffic
- o Issues with future Controlled Parking Zone (CPZ) application for permits
- o Need to increase CPZ
- o Increase in air pollution due to traffic
- See Transport Key Issue
  
- o Proposed cycle parking appears ridiculous
- This part of the proposals was subsequently revised post representation (relocated to rear and sunken to reduce impact). Also see transport key issue
  
- o Construction traffic
- The works would be controlled by a Development Construction and Management Plan if approved as standard for a larger development Also see transport key issue
  
- o Forms part of a row of Victorian properties. Whilst not listed, these properties have generally been preserved in their original state. Their appearance must not be degraded by the carrying out of further inappropriate visible extensions. The extension at No.4 looks ugly and fails completely to conform to the design of the original building, but at least this extension is partially hidden away round the corner of the crescent
- o The character of the locality will be altered
- o Out of keeping with neighbours. Prominent property given siting (includes elevation when approaching from Sunny Gardens Road)
- o Overdevelopment of site
- o Do not adhere to building lines
- See character and appearance key issue
  
- o Unacceptable loss of privacy at 3A and 6 Sunningfields Crescent / need for obscure glazing
- o Unacceptable loss of light at 3B and 6 Sunningfields Crescent
- o Dominance (overbearing form of development)
- o Noise and disturbance (from up to 24 occupiers)
- See residential amenity key issue
  
- o Proposals seriously compromise the structural integrity of the semi-detached block
- This is mostly a building control issue in terms of applicable structural safeguards, as the possibility of extension by itself would not prohibit the development in planning terms. The works would be controlled by a Development Construction and Management Plan if approved as standard for a larger development.
  
- o Proposed lightwells - In practice these will fill up with rainwater, windblown leaves and debris which will cause damp problems
- Lightwells are an established form of development and have been implemented successfully in many other schemes. Ongoing maintenance is not a planning consideration if such processes could be reasonably expected to be possible.
  
- o The revised plot plans show a small area for refuse bins at the front of the plot. This appears totally inadequate, in practice there will be a minimum of 12 wheely bins (1 black bin + 1 blue recycling bin) per flat.
- Covered in refuse / recycling key issue
  
- o Will cause extra strain on the existing sewage system and services.
- Unless in exceptional circumstances (not on display here), this is not planning issue. Relevant consents / license / approvals will still have to be sought from Thames Water.

Please also see comments from Thames Water below.

- o Inaccurate plans / drawings - Missing bay window for neighbouring properties.  
- Refers to block plan AP01041, scale 1:200, which includes general footprints of neighbouring properties. These bay windows are shown on the streetscape elevations; Planning Statement and agent site photos. These are therefore considered to be acceptable in terms of accuracy (given the scale involved and other documentation) and in line with Barnet's Local Requirements for validity.

- o Cosmetic consultation only

All objections to the scheme have been carefully looked at; have formed part of scheme's assessment as material consideration and are clearly listed in this committee report. The reduced reconsultation period reflected that the proposed amendments reduced impact on neighbouring residents as the applicant sought to address concerns. Given the ongoing nature of the amendment process for this application, any later objections raising material planning issues received outside of the formal reconsultation period would have been accepted into the process under the case officer's discretion.

#### 4.2 Internal and Statutory Consultees

#### 4.3 Barnet's Environmental Health Team commented on 29.12.2020

The premises overlook Sunny Hill Park then the A1 and A41 so there could be some background traffic noise for the habitable rooms that face in this direction so recommend some acoustic mitigation

C250 NOISE OF TRAFFIC FOR SMALL DEVELOPMENTS UNDER 10 UNITS

#### 4.4 Thames Water commented 21.12.21

##### Waste Comments

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further

information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water.

Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

The proposed development is located within 15 metres of our underground waste water assets and as such we would like the following informative attached to any approval granted. "The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

## Water Comments

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage.

The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the

necessary processes you need to follow if you're considering working above or near our pipes or other structures.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

#### 4.5 Barnet's Highways Team Commented on 07.01.22

The road fronting the site is Sunningfields Crescent, it is in a CPZ which operates on event days from 1pm-6pm and it lies in an area with a PTAL rating of 0, indicating that there are no public transport services within reasonable walking distance.

The conversion of the single dwelling into 6x2bed units will attract a maximum parking requirement of between 6 and 9 car parking spaces. 1 car parking space is shown on the proposed block plan (Dwg 04/APOI rev A). Given that the site has a PTAL score of 0, Highways would recommend that 9 spaces are provided and only 1 parking space is shown on the drawing which means that up to 8 vehicles could be displaced on-street. An overnight parking survey based on Lambeth Methodology has been undertaken by the applicant and the results showed an overnight parking stress of 75% with 21 spaces available. However, further analysis, revealed that there were only 9 spaces available on Sunningdale Crescent and thus displacing up to 8 vehicles on-street would have a huge impact on parking conditions on the road. Highways would therefore recommend that a CPZ permit restriction is imposed.

The planning application form indicate that no new vehicle access is proposed but alterations to the existing crossovers are needed. One has to be repositioned slightly and the other closed and reinstated to footway. This involves work on the public highway for which the applicant must obtain a s184 licence from the council.

Based on London Plan standards, a minimum of 12 cycle parking spaces are needed. 12 long stay and 2 short stay spaces are proposed which meets the minimum requirement. However, the gap between the rear building extension and boundary wall at its narrowest point may impede access to the set of 3 stands adjacent to the rear garden. The applicant is therefore asked to confirm the width of this gap. Cycle parking must be provided in a sheltered, covered, secure, lockable and enclosed compound. Also, the type of stands used must allow both wheels and the frame of the bicycle to be locked. Details of cycle parking are therefore requested by way of a planning condition.

It is assumed that existing refuse collection and servicing arrangements will remain and the location of refuse storage is acceptable. However, the type of storage proposed is to be confirmed and elevations of the refuse store provided. These are to be secured by way of a planning condition.

Given the residential nature of the road and the fact the proposed extensions will involve building and excavation works, a construction management and logistics plan is requested.

This can be secured by way of a planning condition.

Highways would raise no objection to the proposal subject to a s106 CPZ permit restriction and the following conditions/informative:

#### Conditions

- o Revised Parking Layout (referred to previous layout)
- o No works on the public highway including creation or modification of a vehicular access until detail designs submitted
- o Further Cycle Parking Details
- o Further Refuse / Recycling Parking Details
- o Standard Demolition Construction Management and Logistics Plan
- o Before and after highway condition survey

#### Informatives

- o Damage to Public Highway
- o Damage to Sewers

#### 4.6 Summary of Highways Regulatory Services comments on 13.05.21

At present the address No.5 Sunningfields Crescent NW4, is situated within the ED Event Day Controlled Parking Zone which operates 1pm to 6pm on Event Days. Currently, this address is only eligible to apply for ED Event Day parking permits.

I believe the cost of amending to permit eligibility schedule of the Charge for Traffic Management Order to exclude any future additional dwellings associated with No.5 Sunningfields Crescent would be approximately £2000 [aka a single payment rather than double - case officer note].

Future owners wouldn't be able to purchase permits from the neighbouring CPZ as the TMO is tied to the address of the property.

#### 4.7 Summary of Streetscene Comments on 19.01.2021

Request for further information (referred to previous layout)

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

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'.

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

#### The Mayor's London Plan (2021)

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM08, 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 22 (2021)

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.

- Key Development Management Policies: CDHOU5 (Extensions), CDHOU6 (Basements), CDHOU07 (landscaping and amenity space), TRC01 (Sustainable and Active Travel) TRC03 (Parking Management), ECC01 (Climate change), ECC02 (Environmental Consideration) & ECC02A (Water Management) and Policy HOU03 (Residential Conversions and Re-development of Larger Homes)

#### Supplementary Planning Documents



- o 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.
- o Barnet Residential Design Guidance (adopted October 2016)

#### Other Documents

- o Nationally Described Space Standards (March 2015)
- o Information for developers, architects and managing agents - Provision of Household Recycling and Waste Service (June 2021)

### 5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of the scheme
- Impact on character and appearance of the property or wider area;
- Transport and parking impacts of the scheme
- Whether harm would be caused to the living conditions of neighbouring residents.
- Amenity of future occupiers
- Accessibility and sustainability
- Waste and recycling details

### 5.3 Assessment of Proposals

#### 5.4 Principle of the Scheme

As identified in the site description, the area features a mix residential dwellings and small unit accommodation of various types. As such, it meets the main character test set out in Barnet Policy DM01 Part H., which states that 'conversion of dwellings into flats in roads characterised by houses will not normally be appropriate'.

It is accepted that the scheme would not be fully compliant with Policy HOU03 in terms of lack of local nearby facilities outside of Sunny Park, and weight has been given to this emerging policy in the assessment of this key issues. However, as an emerging policy, the adopted DM01 remains the primary policy for a development that otherwise meets the other policy criteria in principle, and this issue is considered to be counterbalanced by the additional housing units provided by the scheme to meet the housing needs of the borough and favouring sustainable development as advocated by the NPPF.

The individual impacts of the extension, additional flats and associated developments are examined more closely below.

#### 5.5 Impact on character and appearance of the property or wider area

The property is a Victorian style townhouse of architectural merit, whose qualities are currently slightly reduced by the ad-hoc arrangement to the side of the property as you approach from the east.

The main side / rear extension proposed to create the 4no additional flats on site partially mirrors the sideways development at 4 Sunningfields Crescent and replaces an existing smaller poor quality entrance extension on the side of 5 Sunningfields Crescent. The extension is considered substantial in terms of its development envelope, but subordinate in design to the existing townhouse with the requisite setbacks, lowered roof form and is under half the width of the existing building (4m versus 8076mm).

The extension would closely replicate the existing architecture features such as window surrounds; quoins and roof design and is considered high quality in this regard if implemented as shown. Materials are noted as matching and have been conditioned to ensure sufficient quality. In these respects, it is considered compliant with Barnet's Residential Design Guidance.

As highlighted in a number of objections, the extension comes forward of the existing building line of Sunningfields Crescent but this is already a feature of the existing property. Here the property substantially benefits from its clear differential to its neighbours as the planned corner property set at 45 degree to its neighbours, providing a focal point. Whilst this makes the extension site more visually prominent within the streetscape, it should not preclude further development here if it is of sufficient quality.

In regard to the associated development, the benefits of extending the front boundary treatment around the perimeter (currently lacking) is considered a planning positive of the scheme, and this will also help screen the expanded waste and refuse storage facilities. The large area of cycle parking has now been moved into the rear garden and partially sunken, partially in response to objections to their visual impact.

Overall, principle of a large extension development has been established elsewhere in the vicinity and in this context the good quality design has sufficiently mitigated its visual impact to be considered appropriate to this prominent site; help tidy up the existing open corner and to integrate well with the existing building.

## 5.6 Transport and parking impacts of the scheme

The parking impacts of scheme have attracted a substantial number of objections and have thusly been examined closely. The scheme will provide one off street car parking space and substantial cycle parking (now in a revised rear garden location).

Situation: 0-1 PTAL Out-Borough Development

- o Existing Maximum Car Spaces - 2 x 3 bedroom = 3 spaces, rising to around 4-5 under family homes exception
- o Proposed Maximum Car Spaces - 6 x 1-2 bedroom flats = Up to 9 spaces

It is noted that, as per the supplied transport assessment, the TfL PTAL rating doesn't take into account the pedestrian route through the park to the bus stops on the major A41 Watford Way route, for example between Edgware and Central London, that would potentially raise the effective PTAL level.

The on-site parking capacity would be supplemented by on street capacity within the Event CPZ. The lack of CPZ permits acting as a deterrent to car ownership within the development, but not an absolute bar.

The baseline parking survey (using the required Lambeth methodology) provided as part of the Transport Assessment report suggests there is sufficient on road parking available within

this area to accommodate the expected overspill from the proposed development, with 8-11 parking opportunities found within the ED CPZ and an overall parking stress of 75% for the wider area.

#### Event Day CPZ Details

A CPZ is in place on days when Saracens play their home matches at Copthall Stadium and on 2 extra 'major events' days each year. All matches and events are on Saturdays or Sundays and the CPZ will be in force from 1pm to 6pm.

On this basis, the Barnet's Highways Team have not objected to the scheme, subject to the relevant s106 agreement being in place, and it is considered, on balance, to be acceptable.

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

The extension is located to the less sensitive front/side of property with only limited impacts on 6 Sunningfields Crescent in terms of a slightly increased sense of enclosure and negligible additional impact on daylight / sunlight over its relationship to the existing house. The scheme does not add new development within the standard planning test for enclosure, the 45 degree zone from affected windows serving habitable rooms and is considered acceptable in this regard.

The proposed upper floor rear window (serving a kitchen-dinner) has potential privacy implication towards the side facing window at 6 Sunningfields Crescent. As this room serves a dual aspect room and is north-west facing, it can safely be conditioned as fixed / obscured to mitigate this issue.

No other properties would be affected as they are shielded by neighbouring development, including the bulk of the existing property.

#### 5.8 Amenity of Future Occupiers

The rooms in the newly created dwelling would have access to natural light (see daylight / sunlight report, which confirms very high level of compliance with BRE recommendations) ; meet London Plan / Nationally Described Space Standards in terms of bedroom size (minimum limits and inclusion of a larger double bedroom), gross internal floor area (see list below) and internal storage provision.

- Flat 0.1 - 1b2p / Requires 50m<sup>2</sup> and provides 51m<sup>2</sup> GIA
- Flat 0.2 - 2b4p / Requires and provides 70m<sup>2</sup> GIA
- Flat 1.1 - 1b2p / Requires 50m<sup>2</sup> and provides 52m<sup>2</sup> GIA
- Flat 1.2 - 2b3p / Requires and provides 61m<sup>2</sup> GIA
- Flat 2.1 - 2b4p / Requires and provides 70m<sup>2</sup> GIA
- Flat 2.2 - 2b3p / Requires 70m<sup>2</sup> and provides 77m<sup>2</sup> GIA (2 storey flat)

The proposed landscaping and light wells have been carefully positioned around windows to habitable rooms to provide defensible space that protects the privacy of occupiers, especially on the lower floors, from garden users (and vice versa).

Barnet's Sustainable Design and Construction SPD notes that dwellings should provide outdoor amenity space (see Section 2.3 Outdoor Amenity Space, pages 10-11) at 5m<sup>2</sup> for habitable rooms in regard. Under CDHO7 this is reduced to 5m<sup>2</sup> per unit plus one addition 1m<sup>2</sup> for each additional residents above 2 occupiers.

Barnet's Residential Design Guidance states that all dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides a reasonable level of privacy. The size, shape and slope gradient of amenity space is key to its usability.

The designated outdoor private amenity space for the development is located to the rear and provides a communal style garden area. The agent has stated this is 47m<sup>2</sup>, the officer assessment in terms of usable space is 32m<sup>2</sup>, a 4m<sup>2</sup> shortfall on the CDHO7 (see table 11) and the recent London Plan Standard standards.

Whilst overall there is shortfall, in this specific context the configuration is considered acceptable given the site is immediately opposite Sunny Park, which has a very high amenity value and would adequately supplement the onsite provision.

### 5.9 Accessibility and Sustainability

The application scheme is required by Policy D7 of the London Plan (2021) to meet Building Regulation accessibility requirement M4(2) where applicable. A condition would be attached in the event planning permission is granted to ensure compliance with these Policies, except in regard to the replication of the existing steps into the property (this section of frontage not having the required space for a ramp).

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 10% CO<sub>2</sub> reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy SI2 of the London Plan (2021) and the 2016 Housing SPG's requirements and a condition would be attached in the event planning permission is granted to ensure compliance with the Policy

In terms of water consumption, a condition would be attached in the event planning permission is granted to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy SI5 of the London Plan (2021).

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

### 5.10 Waste and Recycling Details

The area proposed for the waste and recycling is acceptable in principle, with good level access to both highway and proposed units. The visual impact will be limited by the proposed boundary treatment and enclosure (details via condition). Details regarding capacities can be supplied by condition, but the plot is considered sufficient to accommodate the required facilities (likely 2x 1100 litre bins) to meet Barnet's standard provision requirements.

Recycling (4x bedroom flats 2x single bedroom flat) - minimum 880 litres  
Waste - (4x bedroom flats 2x single bedroom flat) - minimum 880 litres  
Food Waste - 161 litres (7x 23L caddies) worth

No objection from the Highways Team. As per Streetscene comments, further information regarding specific details will be conditioned.

## 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 would have an acceptable impact on the character and appearance of the street scene and locality. The development would not result in an adverse impact to the amenities of neighbouring occupiers. The application is therefore recommended for APPROVAL.



**Location** 89 Burleigh Gardens London N14 5AJ

**Reference:** 21/0757/FUL

Received: 12th February 2021

AGENDA ITEM 13

Accepted: 25th February 2021

**Ward:** Brunswick Park

Expiry 22nd April 2021

**Case Officer:** Will Collier

**Applicant:** Mr Veli Bunul

**Proposal:** Conversion of the existing dwelling into 2no self-contained flats involving first floor rear extension and conversion of the existing back garden self-contained unit into an outbuilding for flat B.

### **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:

Existing Block Plan (Drawing No. 1385-100 Rev B)  
Existing Elevations (Drawing No. 1385-100 Rev B)  
Existing Floor Plan (Drawing No. 1385-100 Rev B)  
Existing Outbuilding Floorplan (Drawing No. 1385-160 Rev C)  
Existing Outbuilding Elevations (Drawing No. 1385-170 Rev C)

Proposed Block Plan (Drawing No. 1385-200 Rev C)  
Proposed Elevations (Drawing No. 1385-220 Rev B)  
Proposed First Floor Plan (Drawing No. 1385-211 Rev B)  
Proposed Ground Floor Plan (Drawing No. 1385-210 Rev B)  
Proposed Second Floor Plan (Drawing No. 1385-212 Rev B)

Proposed Sections (Drawing No. 1385-230 Rev B)  
Site Plan (Drawing No. 1385-00 Rev B)

Outbuilding - Proposed Elevations (Drawing No. 1385-250 Rev C)  
Outbuilding - Proposed Floor Plan (Drawing No. 1385-240 Rev D)  
Design and Access Statement dated 11 February 2021  
Planning Statement dated 11 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 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

- 4 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).

- 5 The use of the outbuilding hereby permitted shall at all times be used for a purpose incidental to the enjoyment of Flat B in this case identified as garden storage, playroom, and gym as stated on the approved plan No. 1385-240 Revision D . A purpose incidental to a dwellinghouse would not cover normal residential uses, such as separate self-contained accommodation nor the use of an outbuilding for primary living accommodation such as a bedroom, bathroom or kitchen.



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

- 6
- 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).

- 7
- a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
  - b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 8
- Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management

Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 9 Before the building hereby permitted is first occupied the proposed first and second floor windows in the side (west) elevation facing No. 87 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).

- 10 The layout of the residential units as indicated on the hereby approved plans shall be implemented and retained as such thereafter.

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

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

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

- 12 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies SI1 and SI13 of the London Plan 2021 and the 2016 Mayors Housing SPG.

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

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

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

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

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy,

please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)
2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

Please visit

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

## **OFFICER'S ASSESSMENT**

Application called in by Cllr Weeden Sanz on the grounds of "potential loss of a single family home which is contrary to DM01 and most particularly to DM08"

## 1. Site Description

The application site is a semi-detached property at the end of a mature well established residential street typically characterised by semi-detached properties set back from the road behind a front garden/driveway. It is situated close to the commercial area of Southgate High Street with a range of local services within about 100 metres and facilities immediately to the east of the site. In close proximity east of the site is No. 93 which was an office building converted to flats in 2014.

The property has been converted already into 3 flats as detailed in the section on enforcement history and background.

There is an outbuilding to the rear of the property.

It is not within a conservation area and is not a statutory or locally listed building. There are no Tree Preservation Orders on site.

## 2. Site History

### Planning History:

Reference: 19/6710/FUL

Address: 89 Burleigh Gardens, London, N14 5AJ

Decision: Refused (Appeal Dismissed 29 October 2020 - ref APP/N5090/W/20/3252455)

Decision Date: 14 February 2020

Description: Conversion of the existing dwelling into 2no self-contained flats involving first floor rear extension

Reasons for refusal:

1. The proposed development will introduce flats within an area predominantly characterised by single family dwellings. The proposed flats would be at variance to the prevailing character of the locality and the conversion of the property into self contained units would result in an over intensive use of the property with increased comings and goings, detrimental to the character of the area. The proposal is therefore considered contrary to policy DM01 of the Adopted Development Management Policies 2012, Supplementary Planning Documents Sustainable Design and Construction (2016) and the Residential Design Guidance (adopted October 2016).
2. The proposed first floor rear extension by virtue of its flat roof design would result in an overly dominant and unsympathetic addition in the context of the host property, which will fail to respect the established character and appearance of the host property and surrounding area. The proposal does not accord with Policy CS5 of Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (adopted October 2016).
3. The proposal by virtue of the siting of the single bedroom with a side window fronting the common access to the rear and this window being proposed to be obscured glazed would result in poor outlook to this habitable room, to the detriment of future occupiers of this unit. The proposal would therefore fail to provide adequate living conditions for future occupiers of the ground floor flat and the scheme would fail to accord with Policy 3.5 of the London Plan (2016), policies DM01 and DM02 of the Development Management Plan (2012), Residential Design Guidance SPD (adopted October 2016), and Sustainable Design and Construction

SPD (adopted October 2016).

Reference: 16/0761/PNH

Address: 89 Burleigh Gardens, London, N14 5AJ

Decision: Prior Approval Required and Refused

Decision Date: 17 February 2016

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and a maximum height of 3.15 metres

Reference: 16/1073/PNH

Address: 89 Burleigh Gardens, London, N14 5AJ

Decision: Prior Approval Not Required

Decision Date: 30 March 2016

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3.15 metres

Reference: 16/1312/PNH

Address: 89 Burleigh Gardens, London, N14 5AJ

Decision: Prior Approval Required and Refused

Decision Date: 2 March 2016

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and a maximum height of 3.15 metres

### **Enforcement history:**

Reference: ENF/00777/16

Address: 89 Burleigh Gardens, London, N14 5AJ

Decision: Enforcement notice issued on 17 October 2016 requiring: 1) Cease the use of the property as three self contained flats; 2) permanently remove all but one kitchen from the property, including the removal of kitchen units, sinks, cookers and food preparation areas; and 3) Permanently remove all but one bathroom from the property, including the removal of the toilet, bath/shower and basin.

Decision Date: 06 October 2016 (Appeal Dismissed – enforcement notice upheld with corrections and planning refusal upheld, APP/N5090/C/16/3163604, 8 August 2017)

Description: Residential subdivision

### **3. Proposal**

The proposed application seeks planning permission for the conversion of the existing dwelling (4 bed) into 2 x self-contained flats involving first floor rear extension and conversion of the existing back garden self-contained unit into an outbuilding incidental to the upper flat (Flat B).

The proposed flats comprise:

Flat A - located on the ground floor with 2 bedrooms (3 person)

Flat B - located on the first and second floors with 3 bedrooms (5 person) with access to the out building at the rear.

The proposed first-floor rear extension would measure 3m in depth, 3.25m in width and 5.3m in height with flat roof, flush with the west side elevation of the property.

The rear garden would be subdivided to create separate amenity space for each flat. The garden area closest to the house would be for Flat A.

The proposal includes the creation of a second exit/entrance to Flat B on the rear elevation.

Parking provision is at the front of the property in the form of an existing hardstanding.

The changes to the scheme since the previous refusal (19/6710/FUL) are as follows:

- o Inclusion of existing outbuilding as incidental to Flat B (upper flat).
- o Reconfiguration of internal layout of ground floor and first floor flats.
- o Reduction in width of part of the ground floor flat (flat A) to allow a new side passage for access to Flat B at the rear of the building.
- o Reconfiguration of the rear amenity space, cycling and refuse storage, with new separate access to the rear amenity space and outbuilding along the eastern boundary of the site.
- o The only external change since the previous scheme is a new door on the ground floor of the rear elevation for access to Flat B.

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

Consultation letters were sent to 50 neighbouring properties and a site notice was displayed nearby on 18th March 2021. 3 objections received raising the following concerns:

- Property has already been divided into 3 units unlawfully.
- Design is not in line with other properties which are predominantly family homes and sets precedent.
- There is an abundance of flat provision in Southgate, without converting further single family homes.
- Puts pressure on schools; already sufficient flats in Southgate.
- The outbuilding would become a third flat which is not referenced in the application.
- Intensification of the site would result in noise and disturbance to neighbouring properties.
- Tenants likely to use bin storage belonging to no. 87 due to its convenience.
- The outbuilding is missing from the block plan
- The conversion of the outbuilding would consume majority of amenity space for flat B
- Shared driveway is insufficient as potential volume of visitors and tenants would create additional parking need.
- The proposed first floor rear extension would block light to kitchen at No. 87 and compromise privacy at its garden.
- It is likely that rooms in the separate flats would be individually let out, resulting in overpopulation of the land.
- Loss of natural light and privacy to garden of No. 76 Crown Lane.

#### **5.1 Policy Context**

## National Planning Policy Framework and National Planning Practice Guidance

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

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

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

### The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, DM08

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

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

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

The Local Plan 2012 remains the statutory development plan for Barnet until such stage



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

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the principle of conversion of the dwelling into flats is considered acceptable
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether satisfactory living standards would be provided for future occupiers; and
- Whether harm would be caused to the local highways network and car parking

## **5.3 Assessment of proposals**

### Background

The property has been split into three units without planning permission. Two are accessible from the front door, whilst the other is accessed by a door on the side of the property.

There is no record of there being a building regulations application for the conversion.

An enforcement Notice served against the applicant on 17th October 2016 required the following:

1. Cease the use of the property as three self-contained flats;
2. Permanently remove all but one kitchen from the property, including the removal of kitchen units, sinks, cookers and food preparation areas; and
3. Permanently remove all but one bathroom from the property, including the removal of the toilet, bath / shower and basin.

The applicant appealed the enforcement notice, which was dismissed by the planning inspector on 8<sup>th</sup> August 2017 subject to the following amendments to the notice:

- (i) Deleting the text “shown edged and hatched black on the attached plan” in paragraph 2 and deleting the plan titled “SITE PLAN” attached to the enforcement notice.
- (ii) Deleting the text pertaining to paragraph 3 in its entirety and substituting therefore: “Without planning permission, the making of a material change of use of the property to use as three self-contained flats.”
- (iii) Deleting the word “three” in the first requirement at paragraph 5.
- (iv) Altering the text “toilet, bath/shower and basin” in the third requirement at paragraph 5 to “toilets, baths/showers and basins”.

Following the Court result on 18 December 2018 in which resulted in the issue of a fine, the enforcement team sent three reminder letters to the applicant that the above requirements had not been implemented and the council would take action.

The applicant subsequently applied for planning permission (19/6710/FUL) for the conversion of the property to two residential units, which was refused by the council on 14<sup>th</sup> February 2020 on grounds of loss of a single family unit, visual impact of flat roof extension and insufficient outlook to ground floor unit. The applicant appealed the decision, which was dismissed by the planning inspector on 29<sup>th</sup> October 2020. Out of the three reasons for refusal, only one was upheld by the planning inspector concerning the insufficient outlook.

The applicant thus submitted the current planning application for two units to address the third reason for refusal, and incorporating the outbuilding as incidental to Flat B. The status of the original enforcement case is that it is upheld by the hearing and remains live pending the outcome of the current planning application.

#### Whether the principle of conversion of the dwelling into flats is considered acceptable

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

In assessing whether flats are appropriate in this location, policy DM01 of Barnet's Development Management Policies states that consideration should be given to the character of the road and where proposals involve the loss of dwelling houses in roads characterised by dwelling houses, this will not normally be appropriate.

Section 2.8 of the Development Plan Policies document addresses the issue of flat conversions, with 2.8.1 stating that "the conversion of existing dwellings into flats can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of established residential areas". Further supporting guidance is provided by the Residential Design Guidance SPD (RDG SPD) adopted in 2016 (Section 15).

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

Policy DM08 of Barnet's Development Management Policies seeks to ensure a variety of sizes of new homes to meet housing need in the borough, setting out dwelling size priorities. For market housing, homes with 4 bedrooms are the highest priority and homes for 3 bedrooms are medium priority.

In assessing the principle of the conversion, attention is drawn to appeal decision for the previous refused scheme in which the inspector stated:

"Notwithstanding the difference between the main parties, single family housing would remain the predominant housing type in this location. Visually, the proposed self-contained flats would be indistinguishable from the appearance of the family dwellings in this location and there were few obvious physical signs on my site visit of the existing use of the property as self-contained flats". The inspector further added, "Therefore, based on the evidence before me and my observations during my site visit, I am unconvinced that the proposed use within this area would have a significant effect on the housing mix of the area nor result in an overconcentration of flats leading to a material detrimental change in the character of the area within this particular location. Given the proposed limited intensification of the use of the property and the noise and activities associated with the surrounding uses in this particular location, I consider that the development would not give rise to any significant harm to the character and amenity in the area".

In assessing this proposal it is noted that the street is characterised predominantly as single family dwelling houses, however there is one block of flats at 93 Burleigh Gardens in very close proximity which is a purpose-built block of offices that was converted into flats, in 2014, under ref.no. (B/00005/14/CAN).

With regard to the size of homes, it is acknowledged the proposal would result in the loss of one single family dwelling. However, one of the flats (Flat B on the upper floors) would provide 3 bedrooms (5 persons) and therefore would continue to provide a home of medium priority as identified in Policy DM08.

A further consideration is the location of the site and its proximity to the Southgate Town Centre.

Taking into account the appeal decision which dismissed the principle of conversion as a reason for refusal, together with the site's proximity to flats at 93 Burleigh Gardens and its location at the end of the street closest to the town centre, it is assessed that on balance the principle of the conversion is acceptable.

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

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan).

Whilst the Development Plan acknowledges that existing houses can be converted into flats, Policy DM01 of the DMP recognises that the conversion of existing dwellings to flats can have a cumulative effect that has the potential to damage the quality of the environment and detract from the character of established residential areas. In seeking to protect Barnet's character and amenity, Policy DM01 of the DMP states that the conversion of dwellings into flats in roads characterised by houses and the loss of houses in roads characterised by houses will not normally be appropriate.

Attention is drawn again to the appeal for the previous application. In the assessment of the impact on character, the inspector stated:

"...single family housing would remain the predominant housing type in this location. Visually, the proposed self-contained flats would be indistinguishable from the appearance of the family dwellings in this location and there were few obvious physical signs on my site visit of the existing use of the property as self-contained flats. The only external change to the proposal since the last refused proposal is a new rear entrance door on the rear elevation, providing access to the upper flat, which is considered acceptable in terms of visual impact." (para. 11, Appeal Decision APP/N5090/W/20/3252455).

With regards to the first floor rear extension with flat roof, attention is drawn to the previous appeal decision in which the inspector stated in para. 21 of the report, "...the proposed first floor extension would not have a harmful effect on the character and appearance of the host property and the area." Thus, given that the first floor rear extension is the same design in this current application, it is considered acceptable on account of the appeal decision.

The use of the outbuilding is proposed to be incidental to Flat B (the upper flat) and would remain the same in terms of its external appearance and thus is considered acceptable in terms of visual impact.

The arrangement of cycle and refuse storage and subdivision of the rear garden is considered acceptable, however details of boundary treatment should be submitted by means of a condition.

It is therefore assessed that giving due weight to the recent appeal decision, the proposal would be acceptable in terms of visual impact on the appearance of the property and character of the surrounding area.

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

It is important that any scheme addresses the relevant development plan policies (for

example policy DM01 of the Barnet Local Plan policy D6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

Policy DM04 of Barnet's Development Management Policies Document DPD (2012) states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Privacy is an important design issue and the positioning of homes, including their windows and balconies, should be carefully considered to ensure that adequate privacy is maintained. In particular, habitable rooms and areas of private gardens close to dwellings should not be excessively overlooked by windows or elevated amenity areas such as balconies/terraces.

This submission relates to the conversion of a single dwelling into two self-contained flats.

Three existing windows on the only side (west) elevation would be retained. The Planning and Design statement states that those windows would be obscure glazed. If this proposal would be recommended for approval a condition should be imposed that these windows should be non-open unless the open part would be 1.7m from the finish floor level.

It is not considered necessary however for the ground floor side window to be obscure glazed as there are no opposite facing habitable room windows.

It is assessed that the separation distance between the proposal and the rear of properties on Crown Lane well exceeds 21 metres and as such it is considered there would be no adverse loss of privacy to these properties. Furthermore, this was not considered an issue at the previous planning appeal.

In respect to the first-floor addition, the extension would be set back 2.5m from the boundary with No. 87 and would set back approx. 3.3m from No. 91. The extension would not have any side windows, as such it is not considered to have any detrimental impact on neighbouring amenities.

The use of the outbuilding at the rear of the garden as accommodation to Flat B is not considered to result in adverse loss of residential amenity, provided it is incidental in use with no additional bedrooms. Revised plans are annotated identifying the rooms within the outbuilding to be used for a combination of garden furniture storage, playroom and gym in connection with Flat B. This is considered acceptable and should be conditioned as such as incidental to Flat B.

A condition is also recommended for approval of boundary treatments for the subdivision of the rear of the site.

Thus, overall it is assessed there would be no harm caused to neighbouring residential amenity.

- Whether satisfactory living standards would be provided for future occupiers:

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation.

#### Light/outlook:

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

The previously refused scheme was dismissed on appeal on the basis of poor outlook to the ground floor unit. The inspector considered, "The single bedroom no. 2 would be served by an obscured glazed window with high level opening only on the side elevation directly facing a common shared pedestrian access way between Nos. 87 and 89 Burleigh Gardens. Whilst such design elements would reduce the impact of the proposal on the adjacent property and would allow reasonable light penetration, I consider this feature would severely restrict the outlook for the future occupant of bedroom no. 2 and result in a poor quality living environment for the future occupier in this particular case".

In this current scheme, however, the internal layout has been reconfigured, such that the bedroom has a window on the rear elevation which is not obscure glazed. It is considered this has overcome the previous reason for refusal, and each bedroom is therefore acceptable in terms of outlook.

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

#### Internal Space Standards:

Table 3.1 within Policy D6 of the London Plan 2021 provides minimum space standards for new dwellings.

According to the supporting statement, the Gross Internal Area (GIA) for flat A (2 bed, 3 person) would be 76.2m<sup>2</sup>. This is compliant with the London Plan space standards which requires a GIA of 61 sq metres (Table 3.1 of Policy D6 of London Plan 2021).

The GIA given for Flat B (3 bed 5 person) is 97.3m<sup>2</sup>. This exceeds the minimum space standards as per Table 3.1 of the London Plan (93 sq metres for a 3 bed, 5 person flat over 2 storeys). The units meet the space standard requirements set out in the London Plan.

#### Ceiling Heights:

The London Plan 2021 states the nationally described space standard sets a minimum ceiling height of 2.5 metres for at least 75% of the gross internal area of the dwelling so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space.

The proposed Section A-A drawing shows the ground floor to have a ceiling height of

2.645 metres. Flat A on the ground floor therefore meets the London Plan requirement.

The same section drawing shows Flat B on the first and second floors to have maximum ceiling heights marginally below 2.5 metres (2.45 metres). Ceiling height is compromised at second floor level in the front roof slope; however it is calculated that more than 75% of the GIA across the two floors would be a minimum of 2.4 metres in terms of ceiling height, and this is considered acceptable.

Room Stacking:

Policy DM04 of the Development Management Document (2012) part d. states that proposals will be refused if it leads to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures.

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors.

Para 2.14 of the Sustainable Design and Construction SPD 2016 states that internally the layout can help mitigate the impact of noise using the following measures:

- o Locate rooms that are sensitive to loud noise (i.e. bedrooms/living rooms) away from areas of the site that are most prone to loud or continuous noise.
- o Stacking rooms with similar uses on top of each other (i.e. living rooms, kitchens) to avoid unnecessary noise disturbance (Also see Residential Design Guidance section 9).

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

The planning statement states that the proposed layout ensures to comply with the above standards and Sound insulation between units should be incorporated into the scheme which should be following Requirements E of the Building Regulations 2010. It is considered necessary to secure this by condition.

Amenity space:

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. The Sustainable Design and Construction SPD advises that 5m<sup>2</sup> should be provided per habitable room for flats.

The amount of space required for Flat A (4 habitable rooms) on the ground floor is 20 sq metres (Sustainable Design SPD) and the amenity provision is 33 sq metres of amenity space, thus well exceeding the required provision.

Flat B (6 habitable rooms) would therefore require require 30 square metres of amenity space. 66 square metres (excluding the cycle shed) is provided and thus exceeds the provision required.

The application is considered acceptable on the grounds of the residential outdoor amenity provided for future occupiers.

- Whether harm would be caused to the local highways network and car parking;

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

The Council's Highways team has been consulted and comments are incorporated here.

This part of Burleigh Gardens is within a Controlled Parking Zone 4 and therefore has good public transport accessibility. The site is not located within a CPZ.

The proposed site plan demonstrates that the forecourt would provide 2 No. off-street parking spaces for the proposed units.

DM17 states that the maximum standards for residential development is as follows:

- 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);
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

The proposed development would require approximately 2-3 parking spaces and access to and from the site would be adequately served by the existing crossover arrangement.

Furthermore, in accordance with Table 10.3 within Policy T6.1 of the London Plan (2021) the maximum parking provision for the proposal would be 1.25 spaces. The proposal therefore accords with this requirement as well as the range within Policy DM17. Officers therefore consider the parking provision to be acceptable and would not result in adverse impact to the highway network.

Bin stores should be designed to include storage for both refuse and recycling and be in compliance with policies as set out in the Sustainable Design and Construction SPD (section 2.12) and Barnet's 'Provision of Household Recycling and Waste Service' guide. The bin store is not located within 10 meters of the public highway, therefore the bins will need to be brought forward on collection days. The location of the bin store is acceptable on highways grounds.

The required number of cycle parking spaces is 4. The cycle parking spaces and location of the store is acceptable.

## **5.4 Response to Public Consultation**

Objections raising matters that are material considerations have been addressed in the body of the report.

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

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



## **7. Conclusion**

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

**SITE LOCATION: 89 Burleigh Gardens**



**Location** **Land To Rear Of 43 Henry Road Barnet EN4 8BG**

**Reference:** **21/2330/FUL** Received: 26th April 2021  
Accepted: 28th April 2021

Ward: East Barnet Expiry 23rd June 2021

**Case Officer:** **Jade Gillespie**

Applicant: Kate & Charles Heal & Style

Proposal: Two storey detached single family dwellinghouse with associated amenity space, refuse and cycle storage and car parking

AGENDA ITEM 14

### **OFFICER'S RECOMMENDATION**

Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Site Location Plan P000
  - Existing ground floor E01
  - Existing Elevations E03, E04
  - Proposed ground floor plan P00 D
  - Proposed first floor plan P01 A
  - Proposed roof plan P02 A
  - Proposed rear and front elevation P03 A
  - Proposed side elevations P04 B
  - Proposed Block Plan P05 A
  - Vehicle tracking SK02 A
  - Energy Strategy March 2021

- Daylight, Sunlight and Overshadowing Report December 2020
- Planning Statement prepared by Planning Potential
- Sustainability statement March 2021
- Design and Access Statement 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) Notwithstanding the details shown on the plans No development other than demolition works shall take place until sample details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.  
b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies GG1, D1, D5, D6, D8 of the London Plan 2021.

- 4 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.  
b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2021.

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

Local Planning Authority.

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

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

- 6 Before the buildings hereby permitted are first occupied the proposed window(s) within the first floor elevation facing 43 Henry and elevation facing 109 Lancaster Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 7 The use of the garage hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

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

- 8 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

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

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 April 2013) and Policy 5.21 of the London Plan (2015).

- 9 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.

- 10 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 air source heat pump, 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.

- 11 The level of noise emitted from the air source heat pump 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), the Sustainable Design and Construction SPD (adopted April 2016) and Policies D13 and D14 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 as well as upgrades (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 the London Plan 2021.

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

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

- 14 Prior to occupation of the development, the proposed parking space and the access to the parking area from public highway shall be provided in accordance with approved plan P00 D. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason

To ensure that 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.

- 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 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 16 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 25 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

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

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

- 18 Prior to occupation of the development, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason

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

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

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

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



## Informative(s):

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

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

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

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

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

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

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

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

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

#### Relief or Exemption from CIL:

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

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

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

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

Please visit

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

- 3 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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

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

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

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

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

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

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

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

- 5 The applicant is advised that the bin store will need to be located within 10 metres from public highway with clear and levelled access provided for the refuse collection staff otherwise the dustbins will need to be brought to the back of footway on collection days.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site comprises part of the rear garden of No. 43 Henry Road. No. 43 Henry Road comprises an end of terrace residential property which is located at the junction of Henry Road and Lancaster Road, with the western boundary bordering Lancaster Road. Roughly two thirds of the southern end of rear garden has been tarmacked over and fenced off. The only access to the tarmacked area appears to be via a gate from the remaining small rear garden for No. 43 Henry Road. The rear garden/accessway to No. 33 Henry Road bounds the southern boundary.

The land use within the surrounding area includes a mix of residential, employment and community uses. To the north there are a number of predominantly two-storey buildings mainly in employment use, although some also appear to be in community use. To the south are a mix of residential properties including semi-detached houses, terraced properties, flatted developments and a limited number of buildings in commercial use.

The site does not contain a listed building and it is not within a designated conservation area. It is also located in a Flood Zone 1 so has a low probability of flooding.

### **2. Site History**

N/A

Other relevant planning history

Reference: 19/1677/FUL

Address: 30 Lancaster Road, EN4 8AP And Land To The Rear Of 43 Henry Road, EN4 8BG.

Decision: Refuse

Decision Date: 14.05.2019

Description: Additional storey at second floor level to form 4no. self-contained flats. Associated parking, cycle store and refuse and recycling

### **3. Proposal**

Planning permission is sought for the 'Two storey detached single family dwellinghouse with associated amenity space, refuse and cycle storage and car parking.'

The proposal will provide a 4b6p dwelling measuring 114sqm. Amenity space will be provided for with 76sqm for the new house and 81sqm for the existing dwelling at 43 Henry Road.

1 car parking space will be provided along with 2 cycle parking spaces.

Bin storage will be provided at the front of the property in a wooden slatted bin store. The proposal will erect a 2m high boundary fence along the property boundaries with Lancaster Road and the rear garden of 43 Henry Road.

## 4. Public Consultation

Consultation letters were sent to 81 neighbouring properties. 7 public responses were received comprising 7 letters of objection. These can be summarised as follows:

Objection:

- Design of flat roof not in keeping with other houses
- New house will impact air quality and pollution
- Obscure light to neighbouring properties
- Impact upon privacy and increase overlooking to neighbouring properties
- Design of the house not in keeping
- Impact on parking levels in the area
- Overdevelopment of the area

Internal consultees

Highways - no objection to the proposal following amended plans for the pedestrian crossover. Recommended conditions and informatives.

Design officer - no objection following amended plans

EHO - no objections subject to conditions

Amendments

Amendments have been made to the scheme following comments from highways and the design officer. These amendments are as follows:

- New pedestrian access and low boundary wall
- South elevation now reflects the CGI
- Setback of northern element to reduce visual length of the frontage
- Recessed element at first floor reduced in width

## 5. Planning Considerations

### 5.1 Policy Context

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

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

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

[The Mayor's London Plan 2021](#)

The London 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.

#### 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, DM17.

#### Supplementary Planning Documents

Residential Design Guidance SPD (October 2016)

Sustainable Design and Construction SPD (October 2016)

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

The main issues for consideration in this case are:

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

### **5.3 Assessment of proposals**

#### **Principle of development**

Policy DM01 of the adopted Development Management Policies (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'. Policy DM01 goes on to states that all development should represent high quality design.

The general pattern of development within the area is largely linear with a well-connected street pattern. Although commercial uses are found to the north of the site and some to the south the prevailing character within the immediate vicinity of the application site is residential. A mix of semi-detached houses, purpose built blocks and terraced properties can be found within Lancaster Road. The dominating house type on the eastern side of

Lancaster Road, where the proposed development's principle frontage would face, is that of terrace houses, two storeys in height with pitched roofs. These properties along with the other semi-detached properties on this side of the road are set back from the road frontage by a small front garden. They form a strong building line with generous sized narrow gardens found to the rear. The opposite side of the road has a more mixed style with purpose built flats and semi-detached houses found alongside some commercial flat roofed buildings. These properties are also set back from the road frontage. The predominant building height in the area is two storeys with further accommodation often found within the roof space.

It is considered that given the mix of residential styles in the area, the introduction of an additional residential unit to the area would not be out of character.

Policy DM08 states that the boroughs most in demand properties are those that provide 3 and 4 bedrooms suitable for families. The proposed dwelling provides a 4 bedroom family dwelling and therefore the introduction of a family unit is welcomed by the Council.

The addition of one residential unit in this location is acceptable in principle subject to other material planning considerations which are discussed below.

### **Character and appearance**

All new development is expected to preserve and respect the established character and appearance of the surrounding area. Policy DM01 states that:

b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposal would result in the creation of a two storey detached dwelling located at the rear of 43 Henry Road which would be alongside NO. 109 Lancaster Road. The proposed house would have its frontage and access via Lancaster Road. As discussed in the principle of development section, the introduction of a residential unit would not be out of character with the surrounding area. The Council's design officer has commented on the proposal and considers that the proposed design would result in a contemporary development rather than a pastiche copy of the existing residential properties in the area. The new dwelling is two storey in height which is in keeping with the height of the surrounding residential properties and has a flat roof which is in keeping with the commercial building located at 30 Lancaster Road which is opposite the application site. As such, the proposal seeks to blend the design of neighbouring buildings and therefore respects the established character and appearance of the surrounding area.

The new dwelling would have a maximum height of 6m and this would ensure that it is not a dominant addition when viewed from the surrounding street scene. The dwelling will face onto Lancaster Road and would not extend beyond the established building line of 109 and 111 Lancaster Road. Amended plans have been received which introduced a small setback of the northern element at ground floor level. This setback reduces the visual length of the frontage and the dwelling is now more in keeping with the width of frontages of neighbouring properties. At first floor level, the scale and mass of the dwelling has been reduced with the first floor recessed element having a reduced width to ensure it appears as a subordinate feature and will not dominant when viewed from the surrounding street scene. The amended plans will ensure the proposal respects the pattern of the surrounding buildings.

The new dwelling has been sensitively positioned within the plot to ensure the character of the area is not harmed. The new dwelling will have a distance of 4.3m from the flank wall of 109 Lancaster Road and is setback from the front boundary by 3m. The proposed development would maintain a good level of visual separation between adjacent properties and would not result in a visually cramped form of development or lead to an overdevelopment of the plot.

The proposal will have a new vehicular crossover to serve the proposed garage and allow access to the site via car. There is also a separate pedestrian access which is separated from the vehicular access via a low boundary wall. The site frontage would provide a mixture of hard and soft landscaping in the front and side garden. It is considered that the proposed development would result in an improved visual appearance to the benefit of the wider streetscene. This is considered to comply with Policy DM01 which states:

Development proposals will be required to include hard and soft landscaping that:

- i. is well laid out in terms of access, car parking and landscaping
- ii. considers the impact of hardstandings on character
- iii. achieve a suitable visual setting for the building
- iv. provide an appropriate level of new habitat including tree and shrub planting
- v. make a positive contribution to the surrounding area

Furthermore, the proposed dwelling will have a large garden of 76m<sup>2</sup> which is considered sufficient to retain the suburban character of the application site stated as a priority in paragraph 2.9.1 of Policy DM01.

The building elevations will be finished with two contrasting bricks that are similar to that recently approved by the Council at 30 Lancaster Road. The contrasting bricks will help define building volumes and break down the massing of the building. Fine framed aluminium doors and windows are proposed. The roof will be finished with a metal standing seam roofing. The design officer has stated that the architectural detailing is nice and that texture and interest has been added through the contrasting brick colour. Further details of the materials will be secured via a condition. Overall, the new dwelling would create an active street frontage that uses materials in keeping with the character of the area.

Based on the above, it is considered that the design, scale and siting of the proposed detached dwelling would have an acceptable impact on the established pattern of development and character and appearance of Henry Road and Lancaster Road, and given the distances afforded from adjacent dwellings, would not result in a cramped form of development. Moreover, it is not considered that its development would set an undesirable design precedent which if replicated would be detrimental to the visual appearance of the wider streetscene. Consequently, it is considered that the proposed development is in compliance with Policy DM01 and is therefore recommended for approval on character and appearance grounds.

### **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 boroughs 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 proposal is accompanied by a Daylight, Sunlight and Overshadowing report prepared by CHP Surveyors. An analysis has been undertaken in accordance with the Building Research Establishment's publication "Site Layout Planning for Daylight and Sunlight. A Guide to Good Practice". (BRE guidelines) to establish the effect the proposals will have on the daylight and sunlight enjoyed by the neighbouring properties:

- 36 Lancaster Road
- 38 Lancaster Road
- 43 Henry Road

The results of the analysis demonstrate that in all instances the numerical values set out in the BRE guidelines are achieved. The proposals will therefore not have a significant effect on the neighbour's enjoyment of daylight and sunlight.

An assessment has been undertaken of the proposed accommodation and demonstrates that this will have access to good levels of daylight and sunlight.

With regards to loss of privacy and overlooking, there are 3 windows that may result in overlooking to neighbouring habitable rooms or rear amenity areas. These windows will all be obscurely glazed and therefore the privacy of the neighbours will be maintained. This will be secured via a condition.

The proposed 4-bedroom house is located in a residential area and therefore the proposal would not introduce a new use resulting in noise pollution for neighbouring residents that would be unexpected in the area.

A 2m high fence is provided between the existing house and the new house. The fence will prevent overlooking into gardens on the ground floor.

Based on the above, it is considered that the proposed development would have an acceptable impact on the residential amenity of neighbouring occupiers by way of outlook, daylight / sunlight, privacy and enclosure, and is consequently recommended for approval on amenity grounds.

### **Living standards for future occupiers**

Floor Area:

The London Plan (2021) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum gross internal area (GIA) space requirements for residential units. A bedroom measuring 11.5m<sup>2</sup> and above is calculated as a two-person room. The proposed dwelling complies with these standards as evidenced below:

- 4-bed, 6-person, 2-storeys: 106m<sup>2</sup> required / 114m<sup>2</sup> provided.

Table 2.2 contained within the Sustainable Design and Construction SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All proposed bedrooms meet the above standards.

Floor to ceiling height:

The London Plan 2021 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 dwelling meets the above standard.

Light/outlook:

Barnet's Sustainable Design & Construction SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and that bedrooms and living rooms /kitchens should have a reasonable outlook with clear glazed windows.

It is considered that the proposed dwelling would benefit from dual aspect outlook and an acceptable level of daylight / sunlight provision to all habitable rooms.

Amenity Space:

Section 2.3 of the Sustainable Design & Construction sets out the external amenity space requirements for houses. Both the proposed and existing dwellings would meet the external amenity space requirements as demonstrated below:

The new dwelling would have 76sqm of outdoor private amenity space. The dwelling at 43 Henry Road would have 81sqm of amenity space. It should be noted that the 81sqm at 43 Henry Road is existing and the proposal will not result in any loss of private amenity space for the occupants of 43 Henry Road.

The proposed development would provide sufficient and good quality outdoor amenity space resulting in good quality of accommodation for future residents which would be compliant with policies CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012), Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012), the Adopted Residential Design Guidance SPD (2016) and the Sustainable Design and Construction SPD (2016).

## **Highways**

Lancaster Road, EN4 and Henry Road, EN4 are not included in a Controlled Parking Zone (CPZ) with on-street parking being unrestricted in established parking bays facilitating mainly two-wheel parking and even 4-wheel parking on the footway to the immediate north of the point where those two roads intersect. Additionally, the arms of the T-junction between Lancaster Road, EN4 and Henry Road, EN4 are subject to double yellow lines preventing motor vehicles from waiting or parking there at any time.

The Public Transport Accessibility Level (PTAL) for the site is assessed as 3 which is regarded as moderate accessibility. New Barnet National Rail station providing access to Great Northern and Thameslink Rail services can be reached in 6 minutes from the site on foot. The site is also located within walking distance from the Transport for London (TfL) bus stops to the west of New Barnet station (A and Z1) served by the bus routes 84, 107

and 383 as well as from the bus stops Victoria Road BA and BS in each direction of A110 which are accessible by the routes 184, 307, 326, 383 and 626.

According to the Parking Standards as set out in Barnet Council's Local Plan Development Management Policy DM17, the proposed development would be required to provide between 1.5 and 2 off-street parking spaces.

Based on the PTAL rating for the site as 3 (moderate accessibility), 1 off-street parking spaces would be required to meet the parking standards of DM17 policy. The proposed development will be able to accommodate up to 2 off-street parking spaces within its curtilage, one of which within a garage, and therefore is compliant with the DM17 policy standards.

The forecourt area will accommodate 1 off-street car parking space that will be accessed by a proposed vehicular crossover off Lancaster Road, EN4. A pedestrian/cycle access will also be taken from Lancaster Road, EN4 adjacent to the proposed vehicular crossover to facilitate the main property's entrance. The applicant is advised that the provision of the vehicular crossover will require a separate application under S184 of the Highways Act 1980 to be submitted to the Council's Highways Domestic Crossovers Team. The works on public highway will need to be carried out in accordance with the approved design and construction details accompanying the highway application. A condition will be attached to ensure this is enforced.

The Council's highway engineer has reviewed the proposal and has considered the proposed parking arrangement to be acceptable. Amended plans were received and the proposed access has been re-designed to take into account the adjoining crossover and provide a shared access 4.2m wide as per the Barnet Crossover Policy. Vehicle tracking has also been demonstrated by the amended plans and therefore the proposal provides an acceptable crossover.

The proposed development will need to provide 2 long stay cycle parking spaces in accordance with the 2021 London Plan Cycle Parking standards. The cycle parking spaces will need to be secured in an enclosed compound that is well-lit, overlooked and accessible by the residents only. The type of stands will need to allow the frame and at least one wheel to be locked. Design details for the cycle parking spaces and the associated storage facility will also need to be provided in accordance with the London Cycle Design Standards (LCDS). This information will be requested by a way of a condition.

Based on the above, this application is considered acceptable on highways grounds and is consequently recommended for approval.

### **Refuse**

The proposed development is required to comply with Barnet's Waste and Recycling Strategy (2021). The positioning and location of the bin storage area will be secured via a suitably worded condition.

### **Sustainability**

The application scheme is required by Policies D6 of the London Plan 2021 to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed

development would meet this requirement, and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the will need to achieve a 19.8% CO2 reduction over Part L of the 2013 building regulations as per the requirements of Policy SI2 of the London Plan 2021. A condition will be attached to ensure compliance with the Policy.

In terms of water consumption, a condition is attached to require the 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 2021.

The proposal will involve the insertion of a heat pump at the front of the site. The air source heat pump system will be installed for the dwelling to provide both space heating and domestic hot water. A hot water cylinder would be provided, with both space heating and domestic hot water provided by the heat pump. An underfloor heating system or low temperature radiators are proposed for the dwelling, as the lower water temperatures required for this type of heating system are more appropriate for heat pumps, and provide significantly higher efficiencies. The dimensions of the unit is 870x1380x460mm. The EHO is happy with the proposed location as it is street side which is a nosier location due to noise from traffic. A condition will be attached to ensure the level of noise admitted from the heat pump is appropriate.

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan 2021.

## **5.4 Response to Public Consultation**

Public comments have been received and addressed where relevant in the report above. For clarity please see below:

- Design of flat roof not in keeping with other houses : Design officer has reviewed the proposal and it is in keeping with 30 Lancaster Road.
- New house will impact air quality and pollution - see sustainability section
- Obscure light to neighbouring properties - See amenity section
- Impact upon privacy and increase overlooking to neighbouring properties - see amenity section
- Design of the house not in keeping - see character section.
- Impact on parking levels in the area - highways have no objection.
- Overdevelopment of the area - see character section.

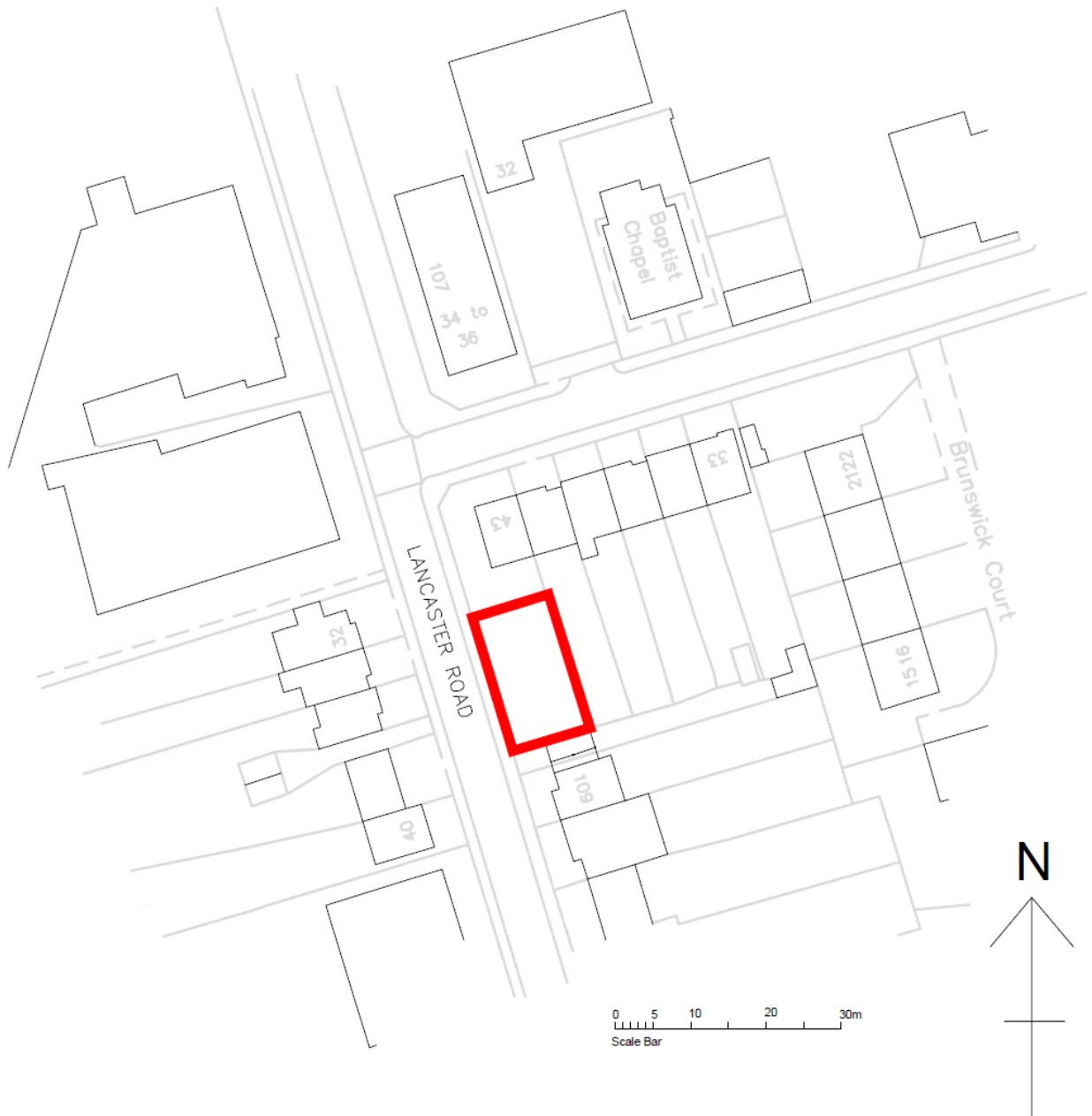
## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

The proposed development is considered to have an acceptable impact on the character and appearance of the application site and the wider streetscene. Furthermore, it is considered that the proposed development would have an acceptable impact on the residential amenity of neighbouring occupiers and would provide sufficient amenity for

future occupiers by way of internal and external space compliance and good levels of outlook and daylight /sunlight. The proposed development is also considered acceptable on highways grounds. Consequently, this application is recommended for approval.



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**Location** Development Site North Of Park House At Former 12 - 18 High Road London N2 9PJ  
**Reference:** 21/6385/S73 Received: 7th December 2021  
Accepted: 7th December 2021  
Ward: East Finchley Expiry 8th March 2022

**Case Officer:** Shay Bugler

Applicant: Mr Can Deniz

## AGENDA ITEM 15

Proposal: Variation of Condition 1 (Approved Plans) of planning permission reference 18/5822/FUL dated 17/06/2020 for 'Demolition of existing buildings and construction of two 4-storey buildings (plus basement) providing 24no self-contained flats and (Class B1a) office space with associated refuse and recycling storage, cycle storage, 2no off-street parking spaces and amenity space' Amendments include correction to the line of the boundary wall and introduction of 2no. angled windows on the 1st floor central section of the eastern elevation and corrections to the neighbouring buildings to the north and east of the site".

### **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. Deed of variation to legal agreement in relation to permission 18/5822/FUL to secure the following:
  - o A contribution of £930,000 towards off site Affordable Housing
  - o A contribution of £34,000 towards off site carbon savings
  - o A contribution of £10K towards travel plan monitoring
  - o A contribution of £7.5k towards sustainable plan measures/incentives
  - o A contribution of £30K towards road safety improvements at the junction of High Road/Bishops Avenue
  - o A contribution of £2,000 towards the cost of amending traffic order to prevent residents of the development from obtaining parking permits - £2,022
  - o Monitoring of the Agreement - £20,270
  - o Car club associated with the development

## RECOMMENDATION II:

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

- 1 This development must be begun within three years from the date of the original grant of consent under 18/5822/FUL on 17/06/2020
 

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 and documents:
 

Drawing numbers: HR-H-AE01A; HR-H-AE02A; P-A204 Rev. P1; HR-H-AE04A; P-A203 Rev. P1; P-A202 Rev. P1; P-A201 Rev. P1; P-A301 Rev. P1; HR-H-AE09A; HR-H-AE10A; HR-H-AE11A; P-A102 Rev. P1; P-A103-1 Rev. P1; P-A104 Rev. P1; P-A105-1 Rev. P1; P-A101 Rev. P1; P-A102 Rev. P1; H P-A103 Rev. P1; P-A104 Rev. P1; P-A105 Rev. P1; P-A106 Rev. P1; P-A106 Rev. P1; 200 Rev P1; D101 Rev P2; D103 Rev P1; D104 Rev P1; D105 Rev P1; D102-1 Rev P3; D105 Rev P3; D201 Rev P2; D202 Rev P2

  - o Cover letter by Peacock and Smith dated 6 December 2021
  - o Sustainable Urban Drainage Strategy Prepared by jms Civil & Structural Consulting Engineers. 12-18 High Road, East Finchley, London. JMS Project



Reference: EX2011907 Rev B

- o Thames Water: Notice of consent to connect to a public sewer/public lateral drain (letter dated 17 February
- o Accommodation schedule dated September 2019
- o Transport Assessment produced by Trace Design Consultants dated July 2019
- o Framework Travel Plan produced by Trace Design Consultants Limited dated July 2019
- o Design and Access Statement-September 2019
- o Planning Statement produced by GL Hearn dated October 2018
- o Heritage Appraisal of the existing building onsite by Martin O' Rourke consultants dated April 2017
- o Environmental Sustainability Statement by Aecom dated 28.10.2019
- o Construction Management Plan by Trace Design Limited dated August 2018
  
- o Daylight and Sunlight Assessment by GLA Hearn dated 13 November 2018
  
- o Utilities Assessment by Building Services Solutions dated 6 February 2019
  
- o Ventilation Strategy by Building Services Solutions dated 6 February 2019
- o Drainage Strategy drawing no: 200 Rev A
- o Waste & Recycling Schedule by Award Design Limited dated 11 March 2019
  
- o Financial Viability Report by GL Hearn dated 20 December 2018
- o Planning Statement by
- o Refuse and Recycling schedule
- o Air Quality Assessment by Air Quality Consultants Limited dated March 2016
- o Tree Impact Assessment and Method Statement by Bartlett Consulting dated July 2018, including Tree site constraints plan (reference no: JL/R180176R/sh dated 12 July 2018 & Tree Protection Plan (reference no: JLR180176R/sh dated 12 July 2018).
- o Planning Statement dated November 2018
- o Environmental Noise Report by HRS Services Limited (ref: 128187-AC-2v1 dated 13/03/2018
- o Environmental Sustainability Report by AECOM dated October 2019
- o Document entitled "Carbon emission modelling" by AECOM dated June 2016
  
- o Energy assumption information sheet by L16 Design dated 25.07.2017
- o Masonry Cavity wall insulation details (version 1.0)
- o Regulations compliance report by Stroma - version 1.0.4.8 dated July 25 2017
- o Storm sewer design details (existing and proposed), by Micro Drainage Consultants dated 16.06.2019
- o Foul sewer design details (existing and proposed) by Micro Drainage Consultants dated 16.06.2019
- o Greenfield run off rates by Micro Drainage Consults dated 19.06.2019

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

- 3 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 3 (site levels) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall 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).

- 4 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 4 (materials) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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

- 5 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 5 (Refuse and Recycling facilities) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 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), policies SI 7 & SI 8 of the London Plan (2021).

- 6 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 6 (Wheelchair accessible or easily adaptable) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and policies D5 & D6 of the London Plan

(2021).

- 7 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 7 (means of enclosure and boundary treatments) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

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

- 8 The details approved under planning ref: 20/4100/CON dated 27.10.20 pertaining to condition 8 (contract for works) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM06 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 9 The details approved under planning ref: 20/4189/CON dated 21.10.20 pertaining to condition 9 (land contamination risk assessment) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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).

- 10 a) The details approved under planning ref. 20/4137/CON pertaining to condition 10 (sound mitigation measures) pursuant to planning ref. 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under and retained as such thereafter.

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

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

the Sustainable Design and Construction SPD (adopted April 2013), and policy D14 of the London Plan (2021).

- 11 a) The details approved under planning ref: 20/4137/CON dated 20.10.20 pertaining to condition 11 (ventilation/ extraction plant) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.
- b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and policy D14 of the London Plan 2021.

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

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

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

- 13 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwelling houses (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 DM01 of the Development Management Document (2012) and policies D5 & D6 of the London Plan (2021).

- 14 a) The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 14 (landscaping works) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the

details as approved prior to the first occupation of the development and retained as such thereafter.

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 April 2013).

- 15 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 15 (Sustainable Urban Drainage Strategy) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter

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 April 2013) and policy SI 13 of the London Plan (2021).

- 16 a) Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

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

- 17 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 17 (Cycle parking) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

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

- 18 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 18 (privacy screens and balconies) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development 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 April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

- 19 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); D14 & SI 1 of the London Plan (2021).

- 20 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: 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 and T4 of the London Plan (2021)

- 21 Prior to the first occupation of the new dwelling house(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 Prior to the first occupation of the development hereby approved, evidence shall be submitted to and approved in writing by the Local Planning Authority to show that the development has been constructed incorporating carbon dioxide emission reduction measures in accordance with the Environmental Sustainability Statement by Aecom dated 28.10.2019. 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 3 of the London Plan (2021).

- 23 No parts of the roof of each floor shall be used as balcony, amenity or sitting out area, unless shown as such on the approved drawings.

Reason: To safeguard neighbouring amenity in accordance with Policy DM01 of the Development Management Policies DPD (Adopted) September 2012.

- 24 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 24 (the access and access road(s)) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure the safe form of access to the development and to protect the amenity of the area 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 the London Plan (2021).

- 25 The buildings shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012; Policy DM17 of Development Management Policies (Adopted) September 2012 and policies T3 & T4 of the London Plan (2021).

- 26 Before the development permitted is first occupied, details of the gated access system must be provided, including a maintenance agreement, and all equipment for the access barrier system must be installed within the site's boundaries and not encroach on the public highway.

Reason: To control onsite parking in the interest of highway and pedestrian safety

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 T4 of the London Plan (2021).

- 27 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.

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, Policy DM17 of Development Management Policies (Adopted) September 2012 and policies T7 of the London Plan (2021).

- 28 a) The details approved under planning ref: 20/4100/CON dated 27.10.20 pertaining to condition 28 (tree protection measures) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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.

- 29 The details approved under planning ref: 20/4100/CON dated 27.10.20 pertaining to condition 29 (Development and Construction Management) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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 D14; SI 1, SI 8 and T4 of the London Plan (2021).

- 30 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 30 (car parking layout plan) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.



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 T6 of the London Plan (2021).

- 31 The details approved under planning ref: 20/5651/CON dated 06.01.2021 pertaining to condition 31 (energy measures) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure compliance with policy S1 2 & S1 3 of the London Plan (2021) and policy DM04 of the Adopted Barnet Development Management Policies 2012.

- 32 Within 3 months of occupation, a Framework (work and 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 mode 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 Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM17 of the Development Management Policies DPD (adopted September 2012), and T1, T2 and T3 of the London Plan (2021).

- 33 Within 6 months of first occupation, certification demonstrating compliance with Secured by Design standards (or any superseding accreditation) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of community safety in accordance with London Borough of Barnet's Local Plan Policy CS12 of Core Strategy (September 2012) and Policy DM02 Development Management Policies (September 2012), and policies D4 & D11 of the London Plan (2021).

- 34 No properties shall be occupied until confirmation has been provided that either:  
- all wastewater network upgrades required to accommodate the additional flows from the development have been completed;

Or

- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://www.thameswater.co.uk/preplanning).

Reason: The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents, in accordance with policy DM04 of the Development Management Document (2012) and policies SI 12 & SI 13 of the London Plan (2021).

- 35 No properties shall be occupied until confirmation has been provided that either:- all surface water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://www.thameswater.co.uk/preplanning).

Reason: The development may lead to flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents, in accordance with policy SI 12 & SI 13 of the London Plan (2021).

- 36 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 36 (public highway works (s)) pursuant to planning ref no: 18/5855/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

The applicant will be expected to enter into with the Highways Authority under Section 278/184 of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and 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 CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted)

September 2012.

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

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interest of good air quality in accordance with policy DMO4 of the Development Management Document (2012) and policy SI 1 the London Plan (2021).

- 38 a) The details approved under planning ref: 20/4336/CON dated 30.10.20 pertaining to condition 38 (air quality report) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.
- b) The approved measures shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and policy SI 1 the London Plan (2021).

- 39 a) The details approved under planning ref: 20/4336/CON dated 30.10.20 pertaining to condition 38 (air quality mitigation) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.
- 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 (adopted October 2016 ) and policy SI 1 of the London Plan (2021).

- 40 a) Prior to first occupation, details of measures to improve biodiversity across the site shall be submitted to and approved in writing by the Local Planning Authority.
- b) The measures shall be implemented prior to first occupation and retained thereafter.

Reason: To enhance biodiversity in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016) and policy G6 of the London Plan.

- 41 The basement and ground floors of block A shall be used for offices and for no other purpose (including any other purpose in Class E 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 Policies DM01 and DM04 of the Development Management Policies DPD (adopted September 2012).

### **RECOMMENDATION III:**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 30 August 2022 unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

The proposals would make inadequate provision for off street parking and as a result would generate significant parking pressures on surrounding roads which would result in harmful impact on highway and pedestrian safety. The proposals do not include the provision of the necessary mitigation and as such the proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Barnet Core Strategy 2012.

The proposals make no provision for necessary highways works which would result in harmful impact on highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Barnet Core Strategy 2012.

The application does not provide any on site affordable housing or a contribution

towards affordable housing in the local area. The application is therefore unacceptable and contrary to policies DM10, CS NPPF, CS4 and CS15 of the Barnet Local Plan

Core Strategy and Development Management Policies Document (both adopted September 2012), policies H4, H6, H7 of the London Plan (2021), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February

2007 and August 2010) Supplementary Planning Documents and the Mayoral Housing Supplementary Planning Guidance.

The proposed development does not include mitigations and provision for appropriate Carbon offsetting. As such, the proposed development would fail to address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy

(adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

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

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

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of

development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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

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

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

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

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

- 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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 4 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
  
- 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 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.

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 4.8 meters.

Information on application for a crossover can be obtained from London Borough Of

Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, NW9.

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,.

- 7 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.
- 8 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.
- 9 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 10 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
  - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
  - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
  - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
  - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
  - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
  - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 11 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.

- 12 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.

- 13 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.

- 14 Prior to commencement of the development a Condition Survey of the existing public highway shall be undertaken and the result submitted to the Local Highway Authority. Within one month of the construction work ceasing a second road condition work shall be undertaken and the results submitted to the Local Highway Authority. Thereafter, any damage to the public highway identified by the two condition surveys shall be rectified by the applicant in agreement with the Highway Authority within one year of the development being constructed.

A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

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 Highway 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 Highway 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.

No development shall commence until a highway condition survey 50 metres on either side of the development access has been carried out, and the details have been submitted to and approved in writing by the Local Highway Authority.

- 15 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 16 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or 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. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works.
- 17 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](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto: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.

Prior to the occupation of the development a Waiver of liability and indemnity agreement in relation to the non-adopted roads in each phase within the development must be signed by the developer and be submitted to and approved in writing by the Local Highway Authority. This is to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site is located at the southern tip of High Road in East Finchley Town Centre, within the London Borough of Barnet administrative area. The site, which is 0.14 hectares in size, previously consisted of 2 buildings and a large car park, all of which were occupied by GLH, a taxi business operating under a mixed Sui Generis and B1(a) use.

The site generally has a flat topography with a slight upward gradient towards the sites entrance. Although located within East Finchley town centre, the site is not located within the Primary or Secondary Shopping Frontage.

The site adjoins a row of mixed use, three storey terraces to the north which are allocated under the development plan as Secondary Shopping Frontage. These predominately consist of commercial uses at ground floor with residential units or offices above. Directly

opposite the site is the East Finchley Underground Station, which extends to three commercial storeys in height.

The site is not listed and not located within a Conservation Area.

## 2. Site History

Ref no: 18/5822/FUL

Description of development: Demolition of existing buildings and construction of two 4-storey buildings (plus basement) providing 24no self-contained flats and (Class B1a) office space with associated refuse and recycling storage, cycle storage, 2no off-street parking spaces and amenity space.

Decision: Approved subject to conditions and legal agreement

Decision date: 17 June 2020

Ref no: 20/5035/CON

Description of development: Submission of details of conditions 3 (levels), 4 (external materials), 5 (refuse/recycling store), 6 (wheelchair access), 7 (enclosure), 14 (hard and soft landscaping), 15 (drainage strategy), 17 (cycle and storage facilities), 18 (privacy screens and balustrades), 24 (access and access roads), 30 (parking layout), 36 (detailed design drawings) pursuant to planning permission 18/5822/FUL dated 17/06/2020

Decision: Approved

Approved: 22 March 2021

Ref no: 20/4137/CON

Description of development: Submission of details of conditions 10 (Sound insulation) 11 (Ventilation and extraction) pursuant to planning permission 18/5822/FUL dated 17/06/2020

Decision: Approved

Approved: 20.10.20

Ref no: 20/4100/CON

Description of development: Submission of details of condition 8 (Contracts for demolition works), 28 (Tree protection plan) and 29 (Demolition and construction management logistics plan) pursuant to planning permission 18/5822/FUL dated 17/06/2020

Decision: Approved

Approved: 22 March 2021

Ref no: 20/4189/CON

Description of development: Submission of details of conditions 9 (Preliminary Risk Assessment) pursuant to planning permission 18/5822/FUL dated 17/06/2020

Decision: Approved

Approved: 21.10.20

Ref no: 20/4336/CON

Description of development: Submission of details of conditions 38 (Air quality neutral assessment) and 39 (Air quality assessment) pursuant to planning permission 18/5822/FUL dated 17/06/2020

Decision: Approved

Approved: 30.10.20

Ref no: 20/5651/CON

Description of development: Submission of details of condition 31 (Energy measures)

pursuant to planning permission 18/5822/FUL dated 17/06/2020

Decision: Approved

Approved: 06.01.21

Reference: 16/2351/FUL:

Address: 12-18 High Street

Decision: Approved subject to conditions and Section 106 Agreement

Decision date: 08/01/2018

Description: Demolition of existing buildings and construction of two 4 storey buildings providing 21 self-contained flats and 265sqm of B1 office space with associated refuse and recycling storage, cycle store 2 off street parking spaces and amenity space

Reference: 15/06475/FUL:

Address: 12-18 High Street

Decision: Withdrawn on 04/03/2016

Description: Redevelopment of the site to provide 24 apartments and B1 office space within two separate 4 storey buildings

Reference: C00050X/04

Address: 12-18 High Street

Decision: Approved subject to conditions

Decision date: 30/11/2014

Description of development: Change of use from offices (B1) to mixed use, part offices, part control and despatch for private hire vehicles (B1/sui generis)

Reference: C0050W/03

Address: 12-18 High Street

Decision: Approved subject to conditions

Decision date: 11/02/1004

Description: Change of use from Local Government municipal offices to educational facility for a temporary period expiring 31 December 2005

### **3. Proposal**

#### **Background**

The Committee report for the original planning application (ref no: 18/5822/FUL) describes the development, sets out the relevant material planning considerations and assesses and evaluates them in full. These documents also set out the conditions and Heads of Terms for the Section 106 Agreement recommended to the committee for this application.

Following the planning consent, and during construction works onsite, it became apparent to both the applicant and local residents that the approved contextual drawings showing the separation distance of block B to properties to the east on Ingram Road, the siting of the boundary wall to the east, and building line to the existing residential development to north of block B were incorrect.

Local Residents contacted the Local Planning Authority Enforcement team to advise that Block B development has been constructed 9.6 metres instead of 10.5 metres from the existing brick boundary onsite. This would be inconsistent with the approved plans under condition 1 of planning permission, 18/5822/FUL.

The subject proposal is a Section 73 (minor material amendment application) to vary

condition 1 (Approved Plans) of planning permission reference 18/5822/FUL dated 17/06/2020 for 'Demolition of existing buildings and construction of two 4-storey buildings (plus basement) providing 24no self-contained flats and (Class B1a) office space with associated refuse and recycling storage, cycle storage, 2no off-street parking spaces and amenity space' Amendments include correction to the line of the boundary wall and introduction of 2no. angled windows on the 1st floor central section of the eastern elevation and corrections to the neighbouring buildings to the north and east of the site".

The following minor material amendments to be considered under this application are:

- o Amend contextual drawings showing the siting of building (Block B) and its proximity to boundary wall to the east of the site; existing properties at nos 5-13 Ingham road, amended the building line to existing building to the north Block B.
- o Replace clear glazing with of 2no. angled windows on the 1st floor (central section) on the eastern elevation on Block B.

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

Consultation letters were sent to 282 neighbouring properties on 16.12.2021. A site notice was also published on 16.12.2021, and advertised in the Barnet Press on 16.12.2021

A summary of the objections received are as follows:

oThe circumstances leading to the submission of this retrospective application to the Local Planning Authority was a breach of planning consent to the original approved inaccurate contextual drawings showing the distance between Block B and neighbouring boundary wall and existing properties to the east on Ingham Road. The inaccuracies on the approved drawings undermines the planning and decision-making process.

oThe approved drawing showed a distance of 10.5m from the ground floor rear wall to the boundary which accordance with the Councils adopted Residential Design Guidance SPD which seeks a minimum of 10.5m to the boundary. The proposal would reduce the separation distance from 9,4m at the south end and 9,8m towards the northern boundary, measured to the far side of the wall, which would be contrary to the Residential Design Guidance SPD.

oThe siting of Block B has been "built out" by approximately 1.5-2m m to the east than what was shown on the approved drawings. As a consequence, Block B would now be located closer to existing properties at nos 1-13 Ingham road. This would have an adverse impact on privacy and daylight and sunlight levels to these properties.

oResidents are not confident that the details and separation distances shown in the proposed drawings are correct, and request that a site visit is conducted by an independent surveyor to accurately measure and compare the built scheme against the approved and proposed drawings.

(Officer comment: The above matters are addressed within the assessment of the report, and also within the "response to public consultation" section of the report).

Other objections received which are not directly applicable to this subject Section 73 planning application.

oThe collection of waste from this site means that at least three lorries a week (domestic, commercial and recycling) would have to use this street and could have an adverse impact on highway safety and result in congestion during collection times. . It is not clear whether

there would be sufficient turning circles for vehicles onsite before coming back onto the High Road. This would have a significant impact on the flow of traffic and the ability of pedestrians to use the pavement without having to step into the road to go around the parked waste lorry.

oThere is a significant gradient at the entrance to the site and so the other alternative of the waste lorry parking illegally near the crossing on the High Street and then moving all the large waste containers in and out is also fraught with risk.

oThe applicant has not provided details of foul and surface water storage tanks or details of turning circles.

oThe proposed design of the development is out of character with the area.

(Officers comment: Specific to these grounds of objection, the subject Section 73 application would not present any new material planning considerations which were not already considered and addressed under the original planning consent ref no: 18/5822/FUL dated 17th June 2020, and are considerable acceptable, subject to appropriate conditions. The original committee report is attached as an appendix for Committee Members to refer to for ease of reference)

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

#### Statutory Consultees

#### Consultee comments

#### Transport for London (TfL)

Having considered the submitted details, TfL considers that the latest proposed amendments would not result in any transport impact materially differ from the consented proposal, therefore TfL has No Objection subject to all highway/ transport related planning conditions/ obligations will be carried forward/ re-secured in the new consent.

#### Metropolitan Police

There is no objection from the MPS in respect of this particular application.

"Should you issue a new decision notice upon any approval, then can I please respectfully request that condition 33 (Secured by Design compliance - planning ref 18/5822/FUL) remains as a formal planning condition for this site."

#### Local Lead Flooding Authority

The Local Lead Flooding Authority raise no further comments.

#### LBB Environmental Health team

LB Environment Health have raised no further comments.

#### LBB Highway team

Highways would raise no objection to the proposed changes but request that all conditions attached to the original application apply.

## 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 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:

SD6 Town Centres and high streets

SD7 Town centres: development principles and Development Plan Documents

D1 London's form, character and capacity for growth

D2 Infrastructure requirements for sustainable densities

D3 Optimising site capacity through the design led approach

D4 Delivering good design

D5 Inclusive design

D6 Housing quality and standardsD7 Accessible housing

D8 Public realm

D11 Safety, security and resilience to emergency



D12 Fire Safety  
D13 Agent of change  
D14 Noise  
H1 Increasing housing supply  
H2 Small sites  
H3 Meanwhile use as housing  
H4 Delivering affordable housing  
H6 Affordable housing tenure  
H7 Monitoring of affordable housing  
H8 Loss of existing housing and estate redevelopment  
H10 Housing size mix  
S4 Play and Informal recreation  
G6 Biodiversity and access to nature  
G7 Trees and woodlands  
SI 1 Improving air quality  
SI 2 Minimising greenhouse gas emissions  
SI 3 Energy Infrastructure  
SI 4 Managing heat risk  
SI 5 Water infrastructure  
SI 8 Waste capacity and net waste self sufficiency  
SI 9 Safeguard waste sites  
SI 12 Flood Risk Management  
SI 13 Sustainable Drainage  
T3 Transport capacity, connectivity and safeguarding  
T4 Assessing and mitigating transport impacts  
T5 Cycling  
T6 Car parking  
T6.1 Residential parking  
T7 Deliveries, servicing and construction  
T9 Funding transport infrastructure through planning  
DF1 Delivery of the Plan and Planning Obligations  
M1 Monitoring

### 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, CS9, CS11, CS12, CS13, CS14, CS15

-Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM09, DM10, DM11, DM13, DM14, DM16, DM17

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

## Supplementary Planning Documents

- o Residential Design Guidance (2016)
- o Sustainable Design and Construction (2016)

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

The original planning permission considered the following:

- o Context and background of this application.
- o Principal of development
- o Heritage issues
- o Whether the proposed design would cause harm to the character and appearance of the existing building, the street scene and the wider locality;
- o Whether the dwelling mix and affordable housing matters are acceptable
- o Whether harm would be caused to the living conditions of neighbouring residents.
- o Whether the scheme would provide an adequate standard of accommodation for future residents.
- o Highway and parking matters
- o Energy and Sustainability
- o Trees and biodiversity

Following the original planning permission dated 17th June 2020, the London Plan was adopted in March 2021. The relevant London Plan policies have been considered within the assessment of the report, and in terms of planning considerations listed above, would not materially impact on these matters. Moreover, this subject Section 73 application would not present any new material considerations on the abovementioned planning considerations, and therefore are not discussed within this report. The original Committee report is attached as an appendices to this report and should be read and considered in conjunction with this report.

The main issues for consideration pertaining of this application are follows:

- Whether the proposal would cause harm to the living conditions of neighbouring residents.
- Whether harm would be caused to the living conditions of future occupiers of Block B

### **5.3 Assessment of proposals**

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

Amenities of Neighbouring and Future Residents Part of the 'Sustainable development' imperative of the NPPF 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 a distance of 10.5 metres or more should be maintained between the windows of habitable rooms in new development and neighbouring gardens. These distances relate particularly to typical two or more storey development, where first floor windows can overlook neighbouring properties. The purpose of setting the 10.5 metre distance in the Sustainable Design and Construction SPD is to ensure that there is sufficient privacy for residential properties.

The approved drawings showed a separation distance of approximately 10.5 metres between Block B and the boundary wall to the east. The proposed block B as built onsite is located approximately 9.4m at the south end and 9.8m towards the northern boundary, from this boundary wall.

Whilst this would fall short of the SPG Guidance, it is considered to be marginal, and on balance would not materially or unduly compromise residential amenity relative to the approved scheme. It is considered that the public benefits associated with the proposal would also outweigh the relatively minor shortfall between the separation distances.

The approved drawings show a separation distance of a minimum of 21m from Block B to existing habitable rooms and properties to the east on 5-13 Ingram Road. Block B "as built" and as shown on the retrospective drawings shows a separation distances of a minimum of approximately 21 metres from properties at nos 5,7, 11 and 13 Ingram road, in accordance with policy. The separation distance between the part of block B directly facing no 9 Ingram road is approved at 18 metres (thereby less than 21 metres).

In order to address this matter, and to ensure that windows on the first floor at Block B would not result in direct undue intervisibility between habitable rooms, the proposal would replace the approved rear facing clear windows with 2no. angled windows comprising of clear glass facing north east and obscured glass to the south eastern section of the window (up to 1.7 metres high) to ensure there would be no overlooking or loss of privacy to residents of no. 9, but also that the amenities of numbers 5, 7, 11 and 13 would not be compromised.

Similar style angled windows were approved on the earlier application to the rear of Block A, along its eastern elevation to ensure these respective windows would not compromise residential amenity. Further, the principle of angled windows has already been established and approved onsite, and thereby the introduction of these style windows at first floor level would continue to be respectful of the design and architectural integrity of the approved development.

The proposal would not materially alter the level of daylight and sunlight levels experienced to these properties, when considered against the approved development.

#### Whether harm would be caused to the living conditions of future occupiers of Block B

The approved scheme included clear rear facing windows to living/kitchen/dining rooms to two flats on the eastern elevation of block B at first floor level.

The proposed angled windows at first floor level to the habitable rooms would not compromise the residential amenity of future occupiers. Part of the windows would be clear glass facing north east to ensure future occupiers have acceptable outlook; and the

proposed obscured glass to the south eastern section of the window (up to 1.7 metres high, to protect both the privacy to residents on Ingraham Road. The proposed units would continue to receive acceptable daylight and sunlight levels in accordance with BRE Guidelines.

Therefore, the proposed minor material amendments would continue to deliver good standard of residential accommodation to block B.

## **5.4 Other matters**

### **5.5 Amendments to the original Section 106 Agreement**

Should this Section 73 (minor material amendment) application be approved, a new decision notice for the entire development onsite would be issued by the Local Planning Authority. As such, a Deed of Variation to the original Section 106 Agreement accompanying the planning application would be required in order to secure the same planning obligations which were included within the original Section 106 Agreement, associated with the original approved planning application. The following planning obligations are required in order to mitigate against the development:

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

- o A contribution of £930,000 towards off site Affordable Housing
- o A contribution of £34,000 towards off site carbon savings
- o A contribution of £10K towards travel plan monitoring
- o A contribution of £7.5k towards sustainable plan measures/incentives
- o A contribution of £30K towards road safety improvements at the junction of High Road/Bishops Avenue
- o A contribution of £2,000 towards the cost of amending traffic order to prevent residents of the development from obtaining parking permits -£2,022
- o Monitoring of the Agreement - £20,270
- o Car club associated with the development

## **5.6 Planning conditions**

Several of the conditions pursuant to the original planning permission ref no: 18/5822/FUL dated 17/06/2020 have already been discharged. These are conditions 3 (levels), 4 (external materials), 5 (refuse/recycling store), 6 (wheelchair access), 7 (enclosure), 14 (hard and soft landscaping), 15 (drainage strategy), 17 (cycle and storage facilities), 18 (privacy screens and balustrades), 24 (access and access roads), 30 (parking layout), and 36 (detailed design drawings). The details approved for these respective conditions, will be required to be implemented and retained thereafter. They would become compliance conditions to the new planning permission.

## **5.7 Response to Public Consultation**

All planning matters raised, including objections and concerns raised from local residents and the community have been considered within the evaluation above, and all representations received from residents were fully considered in the assessment of the application and are available to view online at the Councils website. All planning matters which are not directly applicable to this subject Section 73 application, but for the wider

scheme in general have been fully assessed within the original committee report (attached as appendices).

It is unfortunate that the approved drawings (ref no: 18/5822/FUL dated 17 2020 inaccurately show the position of the boundary wall; rear gardens and properties at nos 5-13 Ingram Road to the east of the Block B. In 2021, the Councils Planning Enforcement team were made aware of these inaccuracies and subsequently investigated this matter accordingly. Following this investigation, the applicant was advised to submit a retrospective Section 73 application with accurate contextual drawings in order for Planning Officers to consider whether the proposed amendments are deemed to be "minor material" in nature. As discussed within the Officers Assessment of this report, it is considered that the proposal would not compromise the residential amenity of future occupiers at block B or existing properties directly north, or properties at nos 5-13 Ingram Road, to the east of the site.

The Local Planning Authority is not required, nor is it standard practice to appoint an Independent Surveyor to conduct a site visit to confirm whether the measurements provided within the submitted drawings are correct. It is important to note that the onus is on the applicant to ensure that all the information provided on drawings is accurate.

Notwithstanding, the Councils Enforcement team conducted site inspection visits on a number of occasions and have taken measurements onsite. The Enforcement team have advised Planning Officers that the location of block B "as built", the boundary wall and properties to the east at nos 5-13 Ingram Road reflect the details provided within the submitted drawings accompany this subject application.

## **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 and the quality and standard of residential accommodation is acceptable. This application is therefore recommended for approval, subject to conditions and legal agreement.



**Location** 12-18 High Road, London, N2 9PJ

**Reference:** **18/5822/FUL** Received: 28.09.2018  
Accepted: 28.05.2019

Ward: East Finchley Expiry 22.08.2019

Applicant: **Safeland Plc**

**Proposal:**

Demolition of existing buildings and construction of two 4-storey buildings (plus basement) providing 24no self-contained flats and (Class B1a) office space with associated refuse and recycling storage, cycle storage, 2no off-street parking spaces and amenity space

**Recommendation:** Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning 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 his 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;
  - A contribution of £930,000 towards off site Affordable Housing
  - A contribution of £34,000 towards off site carbon savings
  - A contribution of £10K towards travel plan monitoring
  - A contribution of £7.5k towards sustainable plan measures/incentives
  - A contribution of £30K towards road safety improvements at the junction of High Road/Bishops Avenue
  - A contribution of £2,000 towards the cost of amending traffic order to prevent residents of the development from obtaining parking permits - £2,022
  - Monitoring of the Agreement - £20,270
  - Car club associated with the development

## 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:

Drawing numbers: HR-H-AE01A; HR-H-AE02A; HR-H-AE03A; HR-H-AE04A; HR-H-AE05A; HR-H-AE06A; HR-H-AE07A ; HR-H-AE08A ; HR-H-AE09A; HR-H-AE10A; HR-H-AE11A; HR-H-AG01A; HR-H-AG02A; HR-H-AG03A; HR-H-AG04A; HR-H-AGP00A; HR-H-AGP01A; HR-H-AGP02A; HR-H-AGP03A; HR-H-AGP04A; HR-H-AGP05A PROJECT REF 19018 DWG NO: 200 REV A

Air Quality Assessment dated March 2016  
Environmental Noise Report (ref: 128187-AC-2v1 dated 13/03/2018)  
Masonry Cavity Wall Insulation Plan  
Transport Assessment dated 2019  
Construction Management Plan dated August 2018 by Trace Design  
Daylight and Sunlight Assessment by GLA Hearn (13 November 2018)  
Utilities Assessment  
Ventilation Strategy  
Waste & Recycling Schedule  
Financial Viability Report  
Planning Statement  
Design and Access Statement dated September 2019  
Refuse and Recycling schedule by Award dated 06/08/2019

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 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 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

5. a) No development other than demolition work shall take place until details of the location within the development and specification of the 2 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority.

The specification provided for those identified units shall provide sufficient particulars to demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users.

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

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and Policies 3.8 and 7.2 of the London Plan 2016.

6. 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).

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

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

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

8. The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.

Reason: To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM06 of the Local Plan Development Management Policies DPD (adopted September 2012).

9. Before development commences other than for investigative work:

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

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

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

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

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

## Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2016.

10. a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted 2016) and 7.15 of the London Plan (2016).

- 11 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 2016) and Policy 7.15 of the London Plan 2016.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

- 13 The basement and ground floors of block A shall be used for offices and for no other purpose (including any other purpose in Class B1 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 Policies DM01 and DM04 of the Development Management Policies DPD (adopted September 2012),

- 14 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwelling houses (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 Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 15 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 before the development hereby permitted is commenced.

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 2016) and 7.21 of the London Plan 2016.

16 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 2016) and Policies 5.13 and 5.14 of the London Plan 2016.

17 a) Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

b) The 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 the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted 2016), the Planning Obligations SPD (adopted April 2013) and Policy 3.6 of the London Plan 2016.

18 No flat within the development shall be occupied until cycle parking and cycle storage facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority.

The following amount of cycle parking spaces shall be provided, in accordance with the emerging London Plan Standards:

- 45 long stay plus 2 short stay parking spaces to serve the residential element of the development

- 3 long stay plus 1 short stay to serve the office floorspace

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

- 19 a) Before the development hereby permitted is first occupied, details of privacy screens and balustrades 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 2016) and the Sustainable Design and Construction SPD (adopted 2016).

- 20 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) and 7.15 of the London Plan (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: 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 and 6.11 and 6.12 of the London Plan (2016).

- 22 Prior to the first occupation of the new dwelling house(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.

- 23 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures in accordance with the

Environmental Sustainability Statement by Aecom dated 28.10.2019. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2016) and the 2016 Mayors Housing SPG.

- 24 No parts of the roof of each floor shall be used as balcony, amenity or sitting out area, unless shown as such on the approved drawings.

Reason: To safeguard neighbouring amenity in accordance with Policy DM01 of the Development Management Policies DPD (Adopted) September 2012.

- 25 Prior to the commencement of the development, details of the access and access road(s) shall be submitted to and approved in writing by the Local Planning Authority. Highways Engineering Drawings and detailed Construction Specifications shall be submitted, with a minimum scale of 1:200. The estate road as approved shall be constructed in accordance with the approved details before the site is occupied. For further guidance and contact details please refer to the Development Team, Environment and Operations Directorate.

Reason: To ensure the safe form of access to the development and to protect the amenity of the area 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 6.11 and 6.12 of the London Plan (2016).

- 26 The buildings shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012; Policy DM17 of Development Management Policies (Adopted) September 2012 and policies 6.11 and 6.12 of the London Plan (2016).

- 27 Before the development permitted is first occupied, details of the gated access system must be provided, including a maintenance agreement, and all equipment for the access barrier system must be installed within the site's boundaries and not encroach on the public highway.

Reason: To control onsite parking in the interest of highway and pedestrian safety 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 policies 6.11 and 6.12 of the London Plan (2016).

- 28 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.

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, Policy

DM17 of Development Management Policies (Adopted) September 2012 and policies 6.11 and 6.12 of the London Plan ("016).

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

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

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

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

- i. details of provisions for recycling of materials, the provision on site of a storage/deliver area for all plant, site huts, site facilities and materials;
- ii. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- iii. 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;
- iv. noise mitigation measures for all plant and processors;
- v. details of contractor's compound and car parking arrangements;
- vi. Details of a community liaison contact for the duration of all works associated with the development.
- vii. 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 polices 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

31 Notwithstanding the parking layout submitted with the planning application, prior to construction of the development; a detailed parking layout plan showing the exact dimensions of the existing/proposed crossovers and proposed off-street parking spaces in the development shall be submitted to and approved in writing by the Local



Planning Authority. Thereafter, the off-street parking space 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., with one active and one passive electric vehicle charging point.

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 6.11, 6.12 & 6.13 of the London Plan (2016).

- 32 Before the development hereby permitted commences (Other than for purposes of demolition), full details of the energy measures specified within the Amended Carbon Emission Modelling Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details.

Reason: To ensure compliance with policy 5.2 and 5.3 of the London Plan (2016) and policy DM04 of the Adopted Barnet Development Management Policies 2012.

- 33 Within 3 months of occupation, a Framework (work and 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 mode 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 Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM17 of the Development Management Policies DPD (adopted September 2012), and 6.11 of the London Plan (2016).

- 34 Within 6 months of first occupation, certification demonstrating compliance with Secured by Design standards (or any superseding accreditation) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of community safety in accordance with London Borough of Barnet's Local Plan Policy CS12 of Core Strategy (September 2012) and Policy DM02 Development Management Policies (September 2012), and policy 7.3 of the London Plan (2016).

- 35 No properties shall be occupied until confirmation has been provided that either:  
- all wastewater network upgrades required to accommodate the additional flows from the development have been completed;

Or

- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning).

Reason: The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents, in accordance with 5.14 of the London Plan (2016).

- 36 No properties shall be occupied until confirmation has been provided that either:- all surface water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning).

Reason: The development may lead to flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents, in accordance with policy 5.13 of the London Plan (2016).

- 37 No works on 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 with the Highways Authority under Section 278/184 of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and 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 CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 38 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 7.14 of the London Plan (2016).

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

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

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

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

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan 2016.

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

The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

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

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and

Construction SPD (adopted October 2016 ) and Policies 3.2, 5.3 and 7.14 of the London Plan (2016).

- 41 a) Prior to first occupation, details of measures to improve biodiversity across the site shall be submitted to and approved in writing by the Local Planning Authority.
- b) The measures shall be implemented prior to first occupation and retained thereafter.

Reason: To enhance biodiversity in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016) and policy 7.19 of the London Plan.

**Informative(s):**

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 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 £2450.00 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 £9450.00 payment under Barnet CIL.

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

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

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit

to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

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

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

Relief or Exemption from CIL:

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

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

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

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

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

Please visit

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

- 3 The applicant is advised that 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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 4 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 5 The submitted Construction Method Statement shall include as a minimum details of:
  - Site hoarding
  - Wheel washing
  - Dust suppression methods and kit to be used
  - 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.
  - Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - 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.
  - For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
  - 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 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.

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 4.8 meters.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

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, Barnet House, 1255 High Road, Whetstone N20 0EJ.

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

To minimize 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](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto: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

- 8 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.
- 9 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 10 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

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

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

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise; 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas; 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice; 4) Department of Transport: Calculation of road traffic noise (1988); 5) Department of Transport: Calculation of railway noise (1995); 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

11. 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.

- 12 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.

- 13 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
- 14 Prior to commencement of the development a Condition Survey of the existing public highway shall be undertaken and the result submitted to the Local Highway Authority. Within one month of the construction work ceasing a second road condition work shall be undertaken and the results submitted to the Local Highway Authority. Thereafter, any damage to the public highway identified by the two condition surveys shall be rectified by the applicant in agreement with the Highway Authority within one year of the development being constructed.

A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

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 Highway 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 Highway 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.

No development shall commence until a highway condition survey 50 metres on either side of the development access has been carried out, and the details have been submitted to and approved in writing by the Local Highway Authority.

- 15 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed “extraordinary traffic” for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 16 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or 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. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council’s term contractor for Highway Works.
- 17 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](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto: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.
- 18 Prior to the occupation of the development a Waiver of liability and indemnity agreement in relation to the non-adopted roads in each phase within the development must be signed by the developer and be submitted to and approved in writing by the Local Highway Authority. This is to indemnify the Council against any claims for

consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

### **RECOMMENDATION III**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31 January 2020 unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

The proposals would make inadequate provision for off street parking and as a result would generate significant parking pressures on surrounding roads which would result in harmful impact on highway and pedestrian safety. The proposals do not include the provision of the necessary mitigation and as such the proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Barnet Core Strategy 2012.

The proposals make no provision for necessary highways works which would result in harmful impact on highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Barnet Core Strategy 2012.

The application does not provide any on site affordable housing or a contribution towards affordable housing in the local area. The application is therefore unacceptable and contrary to policies DM10, CS NPPF, CS4 and CS15 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.11 and 3.12 of the London Plan (2016), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Documents and the Mayoral Housing Supplementary Planning Guidance.

The proposed development does not include mitigations and provision for appropriate Carbon offsetting. As such, the proposed development would fail to address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

## **Officer's Assessment**

### **1. Site Description**

The application site is located at the southern tip of High Road in East Finchley Town Centre, within the London Borough of Barnet. The site, which is 0.14 hectares in size, currently consists of 2 buildings and a large car park, all of which are occupied by GLH, a taxi business operating under a mixed Sui Generis and B1(a) use.

The site generally has a flat topography with a slight upward gradient towards the site's entrance. Although located within East Finchley town centre, the site is not located within the Primary or Secondary Shopping Frontage.

The site adjoins a row of mixed use, three storey terraces to the north which are allocated under the development plan as Secondary Shopping Frontage. These predominately consist of commercial uses at ground floor with residential units or offices above. Directly opposite the site is the East Finchley Underground Station, which extends to three commercial storeys in height.

The site is not listed and not located within a Conservation Area.

### **2. Site History**

Reference: 16/2351/FUL:

Address: 12-18 High Street

Decision: Approved subject to conditions and Section 106 Agreement

Decision date: 08/01/2018

Description: Demolition of existing buildings and construction of two 4 storey buildings providing 21 self-contained flats and 265sqm of B1 office space with associated refuse and recycling storage, cycle store 2 off street parking spaces and amenity space

Reference: 15/06475/FUL:

Address: 12-18 High Street

Decision: Withdrawn on 04/03/2016

Description: Redevelopment of the site to provide 24 apartments and B1 office space within two separate 4 storey buildings

Reference: C00050X/04

Address: 12-18 High Street

Decision: Approved subject to conditions

Decision date: 30/11/2014

Description of development: Change of use from offices (B1) to mixed use, part offices, part control and despatch for private hire vehicles (B1/sui generis)

Reference: C0050W/03

Address: 12-18 High Street

Decision: Approved subject to conditions

Decision date: 11/02/1004

Description: Change of use from Local Government municipal offices to educational facility for a temporary period expiring 31 December 2005 (Approved 11/02/2004);

### 3 Proposal

The proposed development seeks to provide the same scheme as was approved by planning permission 16/2351/FUL along with an additional 3 dwellings and additional office space at basement level. On this basis, the proposed description of development is: "Demolition of existing buildings and construction of two 4 storey buildings (plus basement) providing 24 self-contained flats and B1 office space with associated refuse and recycling storage, cycle store 2 off street parking spaces and amenity".

The proposed development is split across two blocks; Block A on the western side of the site fronting onto High Road and Block B located on the eastern side (rear) of the site. The blocks are separated by a communal garden.

Block A is four storeys plus basement with office space (487 sqm) at ground and basement level with residential accommodation on the upper floors. Block B is four storeys plus basement; this block is entirely residential.

Vehicular access to the site is gained from an existing crossover from High Road at the northern edge of the site. The proposal includes two car parking spaces located at the end of the access road in front of Block B.

A communal cycle store is provided at the ground floor level of Block A for the benefit of both office and residential occupants. Bin storage is also provided at the ground level of Block A.

#### Proposed Office Space

- The proposed office space is located in Block A at ground floor and basement level. The offices are accessed from a dedicated entrance fronting onto High Road. The basement office space is accessed by stairs. The proposal comprises of 487 sqm of office floorspace. A ground floor office (B1) of 261m<sup>2</sup> and a basement office (B1) of 226m<sup>2</sup> in block A.
- Block A containing 8 residential units ( 4 x 1 and 4 x 2 bedroom units). Block B contains 16 residential units comprising 4 x 1 bed, 10 x 2 bed and 2 x 3 bed units)

### 4. Public Consultation

Consultation letters were sent to 192 neighbouring properties. A site notice was published on 04.06.2019 and press notice published 30.05.2019

79 responses have been received, comprising 78 letters of objection, and 1 letter of support.

The objections received can be summarised as follows:

#### Principle of Development

Density Excessive

#### Design Issues

- Overdevelopment
- Poor Quality Design

- The height and scale of development is out of keeping with the area.

#### Highways

- Proposals don't make provision for parking
- Access issues for vehicles for commercial development, deliveries, fire access
- Waste Management Issues
- Access road will cause disruption in Town Centre
- Proposal further exacerbates concerns regarding traffic accidents and congestion
- The design will lead to an increased risk of traffic accidents and congestion
- Road safety is a real concern, especially next to the nursery.
- The lack of adequate parking and turning space on the new site means many of these departures will have to reverse out onto the High Road.
- Refuse collection in Barnet is bad enough already without the addition of further collections

#### Amenity Issues

- Overcrowding, it would cast long shadows over the main road and the Martins School
- Loss of light
- Loss of privacy
- Noise pollution during construction
- Air Source Heat pumps will cause noise
- Developers frequently exceed working hours and the noise will be extremely disruptive

(Officers comment: All of the above objections were raised in the previous application and addressed within that committee report on 19 January 2017. On balance, Officers consider that the introduction of a basement level to accommodate 4 additional mezzanine units would materially deviate from what was previously approved. The overall height broadly remains the same as the extent consent. The proposal does not propose additional parking spaces. On balance, Officers do not consider that the proposal would not introduce any new material matters which would substantially deviate from what was previously accepted by Committee Members. The previous Committee reports have been attached for Members attention.

Notwithstanding all Matters raised within the consultation responses have been considered by Officers in the assessment of this subject application.

### **Sustainable Urban Drainage**

Prior to grant of permission, the applicant should be required to submit a surface water runoff drainage strategy report and associated information to and approved in writing by the Local Planning Authority prior to the commencement of works onsite.

(Officers comment: This would be secured by way of condition, as with the extant permission).

### **Transport for London (TfL)**

Trip Generation

TfL is satisfied the additional trip rates generated from this development will not result in a negative impact on public transport services and therefore no mitigation is required. The applicant is proposing a car-free scheme which is welcomed by TfL. In total, the applicant is proposing 2 car parking spaces; one car club, and one Blue Badge space (3% of residential dwellings), which is encouraged. TfL requests the applicant passively provide a further 2 blue badge parking spaces to serve the residential dwellings should demand arise, and one further Blue Badge parking space from the outset to serve the commercial floorspace proposed. TfL requests one parking space is provided with electric charging facilities with passive provision for the remainder, in accordance with draft London Plan standards.

(Officers comment: Given the site constraints, it isn't considered appropriate to request further car parking spaces onsite. The extant consent provided two car parking spaces which is considered acceptable).

#### Access

Access to the site would be controlled by security gates. Details of this gate would be secured by way of a condition.

The applicant is proposing access from High Road. The applicant has provided swept path analysis showing vehicles will be able to enter and exit the site in a forward gear.

#### Cycle Parking

The applicant notes that the proposed cycle parking is in line with London Housing Design Guide standards; TfL requests the applicant provide cycle parking in line with draft London Plan standards, which accumulates to 45 long stay plus 2 short stay parking spaces to serve the residential element of the development, and 3 long stay plus 1 short stay to serve the office floorspace. TfL requests the applicant ensure the design, location and access of cycle parking is in accordance with London Cycle Design Standards. Cycle parking details should be secured by condition.

#### Freight

The applicant has provided an outline Construction Logistics Plan (CLP) which appears acceptable. The applicant should provide a detailed CLP, in line with TfL's best practice guidance, and the Council should ensure this is secured by condition. The applicant should also provide a full Delivery and Servicing Plan (DSP), in line with TfL's best practice guidance, and the Council should ensure this is secured by condition.

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

#### **Thames Water**

Thames Water request that a condition is added to ensure that prior to occupation, confirmation has been provided that either all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

(Officers comment: The details would be secured by way of condition).

#### **LBB Highways**

Highways raise no objection to the proposal subject to the following s106 obligations and conditions:

- A contribution of £10K towards travel plan monitoring
- A contribution of £7.5k towards sustainable plan measures/incentives
- A contribution of £30K towards road safety improvements at the junction of High Road/Bishops Avenue
- Non-financial obligation to deny residents of the development the right to purchase CPZ permits

(Officers comment: The above contributions would be secured in a S106 Agreement).

The following conditions are recommended to be attached to a planning consent:

- Parking Layout plans
- Cycle Parking Details
- Construction Management and Logistics Plan
- Travel Plan
- Delivery and Servicing Plan (DSP)

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

### **Environment Health**

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

- Details of the impact of noise from ventilation and extract plant on development.
- Insulation against internally/externally generated noise
- Restrict noise from plant
- Air quality neutral assessment
- Condition for Air Quality Report
- Contaminated land

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

### **Metropolitan Police**

Metropolitan Police have confirmed that they do not raise any formal objections provided that the development achieve Secured by Design Accreditation, prior to occupation.

(Officers comment: The above will be secured by way of condition).

## **5. Planning Considerations**

### **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 updated National Planning Policy Framework (NPPF) was published in February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

The following London Plan policies are relevant to the subject proposal:

- 2.15 Town centres Policy
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable
- 3.11 Housing Affordable Housing targets
- 3.12 Negotiating Affordable housing
- 3.13 Affordable Housing Threshold
- 4.2 Offices
- 4.3 Mixed Use Development and Offices
- 4.7 Retail and Town Centre development
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.14 Improving air quality
- 7.15 Reducing Noise
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 8.1 Implementation
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

## Barnet's Local Plan (2012)

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, CS9, CS11, CS12, CS13, CS14, CS15

-Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM09, DM10, DM11, DM13, DM14, DM16, DM17

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

## 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).

## **Main issues for consideration**

The main issues for consideration in this case are:

- Context and background of this application.
- Principal of development
- Heritage issues
- Whether the proposed design would cause harm to the character and appearance of the existing building, the street scene and the wider locality;
- Whether the dwelling mix and affordable housing matters are acceptable
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the scheme would provide an adequate standard of accommodation for future residents.
- Highway and parking matters
- Energy and Sustainability
- Trees and biodiversity

## **Assessment of proposals**

### Context and background of this subject application

Planning permission was approved on 08.01.2018 for the demolition of existing buildings and construction of 2 no. 4 storey buildings providing 21 no. self-contained flats and 265sqm of B1

office space at ground level to block A with associated refuse and recycling storage, cycle store, 2no off street parking spaces and amenity space.

The subject proposal follows the same design and scale of development as the extant permission. The proposal makes provision for 24 units (increase of three residential units). In order to accommodate these additional mezzanine units, this proposal includes a basement and these three units would be accommodated at the basement and ground floor level.

Most of the key planning matters have already been considered by Members in the extant application. The committee reports are attached as Appendices 1 & 2 for ease of reference.

This subject committee report should be read in conjunction with the previous committee reports (attached as appendices) particularly the sections dealing with consultation responses and material planning considerations. The majority of the material planning matters have already been considered and approved in the extant consent, the remainder of this committee report will provide an assessment for the additional 3 residential units, additional office space and the excavation to provide a basement.

During the consideration of the current application, amended plans were submitted which amended the layout of the new flats. This followed concerns expressed by officers about the provision of flats solely within the basement. All the units are now duplex, such that bedrooms are proposed at basement level with living rooms at ground floor level. The amended plans were the subject of re-consultation.

#### Principal of development

The site is currently a minicab and courier business and associated car parking. This is considered to be a Sui Generis use.

Whilst such uses are not protected per se, the existing minicab hire and courier business and associated offices do generate jobs. Policy DM14 states 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.'*

Compliance with policy DM14 needs to be demonstrated in order to address this issue. It should be noted that the proposals seek to provide 487 sq metres of office space within the town centre and this is considered to address policy DM14.

#### Heritage issues

Previously consultation responses have referred to the existing building on site and it's historic significance within East Finchley. The building appears to be of Victorian era and notable features include it's attractive brick façade, sash windows and detailing.

However it must also be noted that the existing building has been altered substantially in the past.

As such, it is recognised that the building is of some historic significance. It is accordingly considered as a non-designated heritage asset. Therefore the loss of the existing building must be considered against paragraph 135 of the National Planning Policy Framework.

This states that: *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

The loss of the building therefore needs to be weighed up against the benefits of the scheme, i.e. provision of housing units and office space and redevelopment of a town centre site. It must be noted that the building has been substantially altered in the past, especially the rear

of the building. It is considered that whilst there is some harm resulting from the building being demolished, the significance of the building is moderate. Retention of the building would also be likely to be prejudicial to the redevelopment of the site given its low site coverage and siting.

It was considered during consideration of the extant permission scheme, that the loss of the building was outweighed by the wider benefits of the scheme. This amendments proposed within this application do not change this view.

The site lies opposite the listed underground station. The underground station is a notable listed building within East Finchley Town Centre, which is located opposite the site. Whilst the replacement building forming part of the development is of some presence, it is not considered that it would be overpowering or prejudicial to the setting of this listed building.

### **Layout, scale and design**

The proposed layout, height, bulk, massing and material are the same as approved under the extant consent. The development is considered to result in high quality design as has been approved previously with only minor visible impact resulting from the basement development. Lightwells are proposed to the residential basement units. This residential aspect of the development is located at the rear of the site and will not be visible from the street scene or from the adjacent properties.

The proposed basement to Block A would not be visible from the front of the building from High Road with a lightwell proposed to the rear only.

This subject proposal would not compromise the overall architectural integrity and design of the extant consent and would not cause harm to the character and appearance of the existing building, the street scene and the wider locality.

### **Density**

The site has a Public Transport Accessibility Level of 5 and the London Plan density matrix guidance sets out a density range of 45-260dph in urban areas. The site has an area of 0.13 hectares and the additional 3 units (24 in total) would give a residential density of approximately 192 dwellings per hectare (dph), and thereby accords with the density guidance. In any case, the proposal would not result in symptoms associated with overdevelopment.

### **Housing dwelling mix**

The proposal makes provision for 8 x 1 bed, 14 x 2 bed and 2 x 3 bed room units. On balance, given that the site is located within a town centre, the provision of smaller units was considered to be acceptable. This approach (large number of one and two-bedroom units) was considered acceptable in the extant consent.

### **Affordable Housing**

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual private residential and mixed use schemes. It suggests that negotiations on sites should take account of their individual circumstances including development viability. This approach is reflected in Policy CS4 of the Core Strategy and policy DM10 of the Development Management Policies DPD. The Policy sets a target of 40% affordable housing on sites of 10 units of more.

The extant planning consent for 21 residential units secured an off-site affordable housing contribution of £870,000.

With reference to this subject application for 24 units, the applicant has submitted a Financial Viability Report in support of the scheme. This has been independently reviewed by Colliers International on behalf of the Council. Further to this, it has been agreed that a contribution of £930,000 can be made towards off site affordable housing within the Borough.

The report concludes that a financial contribution for off -site affordable housing can be achieved with this proposed development.

Whilst commuted sums are only acceptable in exceptional circumstances it is suggested that where a scheme either can only provide a small number of units on-site and there isn't an obvious self-contained block, a commuted sum could be justified.

In this way, the proposals take the same approach as the extant permission scheme and would comply with policy DM10 of the Development Management Policies DPD 2012.

### **Quality of accommodation**

The London Plan and Barnet policy DM02 set out standards for internal and external amenity levels in new build residential schemes. The London Plan requirement is 50sqm for one bedroom units is 70 sqm for two bedroom units.

The proposed mezzanine units contain bedrooms at basement level, which receive natural daylight through lightwells. These bedroom have direct access to private amenity space which complies with minimum size requirements for private amenity space. The kitchen/living/dining areas for these subject units are located at ground floor level and are afforded good outlook. Further, the proposed units receive acceptable daylight and sunlight levels.

On balance, it is considered that the proposal provides good quality residential accommodation.

### **Impact on the amenities of neighbours**

The report on the previous scheme (attached) considered the impacts on neighbouring residents in term of daylight and sunlight, privacy, visual impact, outlook and light pollution, with particular reference to 20-22 High Road and properties in Ingram Avenue.

Officers consider that the proposal would not present any new amenity considerations to neighbours to the scheme already approved under the extant consent.

In terms of noise and disturbance, the additional commercial floorspace would be sited to the front of the site away from residential properties to the rear.

### **Highways**

#### **Car Parking**

The proposed provision for two car parking spaces (one of which is to be designated as a car club bay and the other for the one proposed 3 bed unit) is acceptable given the high public transport accessibility of the site, and its proximity to East Finchley Station. The applicant would be required to enter into a S106 agreement with the Council which prevents residents of the development the right to purchase CPZ permits and provides a robust travel plan and adequate mitigation to reduce car use and ownership. Highways support the provision of a car club bay but would like to know how public access to the proposed car club space will be

facilitated, especially as access to the site will be restricted by a gate. The previous permission included provision of a car club which was secured via the S106.

One of the bays is provided with an active electric vehicle charging point and passive provision for an electric vehicle charging point is installed for the other bay. This would be secured by condition.

Highways have identified improvements to the public highway which will be secured through the S106 agreement, as detailed above.

### **Cycle Parking:**

The applicant is required to submit details of cycle parking which should be secured by way of condition.

### **Sustainability and Energy**

Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2) sets out requirements Energy and Sustainability requirements which new developments must adhere to.

The GLA's emerging policy for the residential units say the "be Lean" emissions should be reduced by 10% and the total on site emission reduction should be at least 35%. The proposal residential "be lean" reduction is estimated to be 15% whilst the total is estimated to be 40%, thereby in compliance.

For non-residential units "be lean" emissions should be reduced by 15% and their total on site emission reduction should be at least 35%. When the residential and non-residential emission reduction is combined it is estimated to be 36.7 %.

The applicant has advised that zero carbon targets cannot be fully achieved onsite, and any shortfall should be provided, in agreement with the borough through a cash in lieu contribution to the borough's carbon offset fund. The applicant has agreed to make a contribution of £34,000 to offset carbon emissions and make carbon savings elsewhere in the Borough. This would be secured in a Section 106 Agreement.

### **Trees and Biodiversity**

It is considered that given the footprint and access remains the same as the approved scheme, there would be no greater impact on the protected yew tree in front of Park House. To ensure the tree is not damaged during construction, a condition is proposed requiring tree protection.

Policy DM16 states that when considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity.

The existing site contains buildings and hardstanding, with some vegetation around the residential boundaries with neighbouring properties. It is considered to be of low ecological value and as such, there is no requirement for surveys of protected species. A condition is attached requiring biodiversity improvements in accordance with policy DM16.

### **Community Infrastructure Levy**

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail.

The CIL will apply to all 'chargeable development' defined as: - Consisting of buildings usually used by people; - Delivering 100sqm or more of gross internal floorspace or the creation of one additional dwelling, even if the gross internal floorspace is <100sqm; or - Floorspace that is not exempted under the Act, the Regulations or for a locally defined reason.

In Barnet, an adopted CIL charge of £135 per sqm (index linked) is applied to residential, including C4 and Sui Generis HMOs. All other uses and ancillary car parking are set at a rate of £0 per sqm for Barnet CIL.

The Mayor of London adopted a CIL charge on 1st April 2012. In February 2019 the Mayor adopted a new charging schedule (MCIL2) and on April 1st 2019 this was adopted setting a rate of £60 per sq metre (index linked) on all forms of development in Barnet except for a £0 per sqm rate for education and health developments.

As the proposal would result in the creation of new residential units the proposal has been calculated to be liable for Barnet CIL and Mayor's CIL.

Based on the above, the following contributions are sought:

- Barnet Community Infrastructure Levy £395,201.47
- Mayoral Community Infrastructure Levy - £123,726.00

## **Response to Public Consultation**

The objections and concerns from residents have been considered within the evaluation above.

## **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 proposals would involve the redevelopment of a town centre site and provide contribution to office stock within the borough as well as additional residential units. The development would make a contribution to affordable housing within the borough. The development would not have a harmful impact on highway safety subject to legal agreement and not materially harm neighbouring living conditions. Whilst there is some harm arising from the loss of the non-designated heritage asset, this is considered to be moderate and outweighed by the benefits of the scheme. The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

