

MEETING

PLANNING COMMITTEE B

DATE AND TIME

WEDNESDAY 22ND JUNE, 2022

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF PLANNING COMMITTEE B (Quorum 3)

Chair: Councillor Claire Farrier
Vice Chair: Councillor Arjun Mittra

Melvin Cohen Gill Sargeant
Nick Mearing-Smith Tony Vourou

Substitute Members

Richard Barnes Joshua Conway Michael Mire
Nagus Narenthira Danny Rich Tim Roberts

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is Friday 17th June 2022 at 10AM. Requests must be submitted to planning.committees@barnet.gov.uk

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

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

Andrew Charlwood – Head of Governance

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

Media Relations Contact: Tristan Garrick 020 8359 2454 Tristan.Garrick@Barnet.gov.uk

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	5 - 12
2.	Absence of Members	
3.	Declaration of Members' Disclosable Pecuniary Interests and Other Interests (if any)	
4.	Report of the Monitoring Office (if any)	
5.	Addendum (if applicable)	
6.	1522 High Road London N20 9PT - 21/5449/FUL - Barnet Vale	13 - 40
7.	39 Friern Park London N12 9DE - 21/4204/FUL - Woodhouse	41 - 54
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9.	393 - 395 Hendon Way London NW4 3LP - 21/3308/FUL - West Hendon	119 - 164
10.	55 The Broadway London NW7 3DA - 21/1521/FUL - Mill Hill	165 - 186
11.	Dawlish Court And 63 Daws Lane Daws Lane London NW7 4SG - 20/4355/FUL - Mill Hill	187 - 216
12.	121 Friern Park London N12 9LH - 21/6306/HSE - Woodhouse	217 - 226
13.	27 Abbots Gardens London N2 0JG - 22/1312/HSE - East Finchley	227 - 236
14.	356 Cricklewood Lane London NW2 2QH - 20/3715/S73 - Childs Hill	237 - 254
15.	133 Brent Street London NW4 4DA - 21/4966/FUL - Hendon	255 - 292
16.	Any item(s) that the Chair decides are urgent	

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Decisions of the Planning Committee B

30 March 2022

Members Present:-

AGENDA ITEM 1

Councillor Golnar Bokaei (Chairman)
Councillor Melvin Cohen (Vice-Chairman)

Councillor Ammar Naqvi Councillor Nicole Richer
Councillor Roberto Weeden- Councillor Anne Hutton
Sanz

Apologies for Absence

Councillor Reema Patel Councillor Alan Schneiderman

1. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 15 February 2022 be agreed as a correct record.

2. ABSENCE OF MEMBERS

Apologies were received from Councillor Schneiderman who was substituted by Councillor Hutton.

Apologies were received from Councillor Patel.

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

The Chairman advised that she had made an objection in relation to item 6 on the agenda, Land adjacent to the National Grid Sub-station Partingdale Lane in her capacity as Ward Councillor. The Chairman would therefore not be taking part in the discussion or voting on the item.

Councillor Melvin Cohen declared an interest in relation to item 8 Dental Surgery 150 Broadfields Avenue, by virtue of it being his dentist and the practice being located close to his home address.

Councillor Naqvi declared an interest in relation to item 8 Dental Surgery 150 Broadfields Avenue, by virtue of the practice being located close to his home address.

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. LAND ADJACENT TO THE NATIONAL GRID SUB-STATION PARTINGDALE LANE LONDON NW7 1NS - 20/4241/FUL - MILL HILL

The Chairman declared that she would be leaving the room and not voting on the item, due to having expressed an objection to the application in her capacity as a Ward Councillor. The Chairman handed over chairing of the item to the Vice-Chairman, Councillor Cohen.

The report was introduced, and slides presented by the Planning Officer.

The Committee received verbal representations from Mr Temple, Mr Selby, Councillor Hart, Councillor Duschinsky, Councillor Simberg, Councillor Richard Cornelius and Mr Offord in objection to the application.

The Committee received verbal representations from the agent to the Applicant.

The Committee had the opportunity to ask questions of the speaker and officers.

Following discussions, the Committee voted on the Officer recommendation to approve the application subject to conditions as set out in the report.

Votes were recorded as follows:

For (Approval): 0

Against (Approval): 5

Abstention: 0

RESOLVED that the application not be approved.

The Chairman, seconded by Councillor Richer moved a motion to refuse the application for the following reasons:

- The proposed development would constitute inappropriate development within designated Metropolitan Green Belt land and very special circumstances do not exist such as to outweigh the harm to the Green Belt by reason of inappropriateness. As such, the proposed development conflicts with Paragraphs 147 to 151 of the National Planning Policy Framework (2021), Policy G2 of the London Plan (2021), Policy CS7 of the Barnet Core Strategy (2012) and Policy DM15 of the Barnet Development Management Policies (2012).

The reasons for refusal were unanimously agreed by the committee.

Votes on the motion to refuse for the reason outlined above were recorded as follows:

For (Refusal): 5

Against (Refusal): 0

Abstention: 0

- **RESOLVED that the application be REFUSED as the proposed development would constitute inappropriate development within designated Metropolitan**

Green Belt land and very special circumstances do not exist such as to outweigh the harm to the Green Belt by reason of inappropriateness. As such, the proposed development conflicts with Paragraphs 147 to 151 of the National Planning Policy Framework (2021), Policy G2 of the London Plan (2021), Policy CS7 of the Barnet Core Strategy (2012) and Policy DM15 of the Barnet Development Management Policies (2012).

7. 38-44 BALLARDS LANE LONDON N3 2BJ - 21/4977/FUL - WEST FINCHLEY

The Chairman, Councillor Bokaei, re-joined the meeting and chaired the remainder of the items on the agenda.

The report and addendum were introduced, and slides presented by the Planning Officer.

The Committee received verbal representations from Mr Razvi and Councillor Houston, in objection to the application.

The Committee received verbal representations from the Applicant.

The Committee had the opportunity to ask questions of the speaker and officers.

Following discussions, the Committee voted on the Officers recommendation to approve the application subject to conditions as set out in the report.

Votes were recorded as follows:

For (Approval): 4

Against (Approval): 2

Abstention: 0

RESOLVED that the application be approved subject to conditions and obligations secured by a legal agreement under section 106 under the Town and Country Planning Act 1990 (and other powers) as set out in the report and addendum AND that the Committee also grants delegated authority to the Service Director of Planning and Building Control or the Head of Development Management 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. DENTAL SURGERY 150 BROADFIELDS AVENUE EDGWARE HA8 8SS - 21/6150/FUL - EDGWARE

Councillor Melvin Cohen declared an interest in the item and therefore decided to leave the room during the discussion and voting of the item.

The report and addendum were introduced, and slides presented by the Planning Officer.

The Committee received verbal representations from Mr Shaffer and Mr Saffery in support of the application.

The Committee received verbal representations from the Applicant.

The Committee had the opportunity to ask questions of the speaker and officers.

Following discussions, the Committee voted on the Officers recommendation to refuse the application as set out in the report.

Votes were recorded as follows:

For (Approval): 1

Against (Approval): 4

Abstention: 0

RESOLVED that the application not be refused.

The Chairman, seconded by Councillor Richer moved to approve the application for the following reasons:

- The establishment would be used as a health facility.
- The loss of the residential use and the rear cabin extension was outweighed by the benefit of expanding the service and members felt this adequately demonstrated the benefits of the scheme.
- Members did not consider that the retention of the cladding would be unduly incongruous, or that the proposed use and associated air conditioning units would have an unacceptable impact on the residential amenity of neighbouring occupiers.

The committee unanimously agreed the reasons for approval.

Votes on approval of the application for the reasons outlined above were recorded as follows:

For (Approval): 4

Against (Approval): 1

Abstention: 0

RESOLVED that the application be approved subject to conditions, for the following reasons:

- **The establishment would be used as a health facility.**
- **The loss of the residential use and the rear cabin extension was outweighed by the benefit of expanding the service and members felt this adequately demonstrated the benefits of the scheme.**
- **Members did not consider that the retention of the cladding would be unduly incongruous, or that the proposed use and associated air conditioning units would have an unacceptable impact on the residential amenity of neighbouring occupiers.**

9. 133 BRENT STREET LONDON NW4 4DA - 21/4966/FUL - HENDON

The report was introduced, and slides presented by the Planning Officer.

The Committee received a verbal representation from Mr Falk in objection to the application. The Committee received a verbal representation from Mr Bishop and Councillor Shooter in support of the application.

The Committee received verbal representations from the Applicant.

The Committee had the opportunity to ask questions of the speaker and officers.

Following discussions, Councillor Cohen, seconded by Councillor Hutton moved a motion to defer the application. The Committee were minded to approve the application, but wished to have more time to consider robust reasons. Due to the next committee meeting taking place after the elections and therefore being constituted of new Members, if deferred, the application would be required to be re-heard in its entirety.

Votes on the motion to defer the application for the reasons outlined above, were recorded as follows:

For (deferral): 4

Against (deferral): 2

Abstention: 0

RESOLVED that the application be deferred to a future meeting.

10. 19 ESMER CRESCENT LONDON NW9 7BL - 21/6135/HSE - WEST HENDON

The report was introduced, and slides presented by the Planning Officer.

The Committee received a verbal representation from Councillor Richman in support of the application.

The Committee received verbal representations from the Applicant.

The Committee had the opportunity to ask questions of the speaker and officers.

Following discussions, the Committee voted on the Officers recommendation to refuse the application as set out in the report.

Votes were recorded as follows:

For (Refusal): 5

Against (Refusal): 1

Abstention: 0

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

11. REAR OF 184 BURNT OAK BROADWAY EDGWARE HA8 0AS - 21/4174/OUT - BURNT OAK

The report and addendum were introduced, and slides presented by the Planning Officer.

The Committee had the opportunity to ask questions of the speaker and officers.

Following discussions, the Committee voted on the Officers recommendation to refuse the application as set out in the report.

Votes were recorded as follows:

For (Approval): 5

Against (Approval): 1

Abstention: 0

RESOLVED that the application be APPROVED subject to conditions as set out in the report and 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).

12. RAILWAY ARCHES COLINDEEP LANE LONDON NW9 6HD - 21/3264/RCU - COLINDALE

The report was introduced, and slides presented by the Planning Officer.

The Committee had the opportunity to ask questions of the speaker and officers.

Following discussions, the Committee voted on the Officers recommendation to approve the application as set out in the report.

Votes were recorded as follows:

For (Approval): 6

Against (Approval): 0

Abstention: 0

RESOLVED that the application be APPROVED subject to conditions as set out in the report and 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).

13. 1 ALBERT ROAD BARNET EN4 9SH - 21/5554/FUL - EAST BARNET

The report and addendum were introduced, and slides presented by the Planning Officer.

The Committee received verbal representations from Mr Dix in objection to the application.

The Committee received verbal representations from the agent of the Applicant.

The Committee had the opportunity to ask questions of the speaker and officers.

Following discussions, the Committee voted on the Officers recommendation to approve the application subject to the conditions as set out in the report.

Votes were recorded as follows:

For (Approval): 1

Against (Approval): 3

Abstention: 2

RESOLVED that the application not be approved.

Councillor Richer, seconded by Councillor Hutton moved the motion to refuse the application for the following reasons:

- **The development would fail to provide adequate private or communal amenity space for 7no of proposed units, to the detriment of the residential amenity of future occupiers and contrary to Policy DM02 of the Local Plan: Development Management Document (2012), Sustainable Design and Construction SPD (2016) and the Residential Design Guidance SPD (2016).**
- **The proposed integrated communal play and amenity space, by virtue of its siting and design, would result in a sub-standard environment through exposure to unacceptable noise and poor air quality, to the detriment of the residential amenity of future occupiers and contrary to Policies D6, D14 and S4 of the London Plan (2021), Policy DM02 of the Local Plan: Development Management Document (2012), Sustainable Design and Construction SPD (2016) and the Residential Design Guidance SPD (2016).**
- **Insufficient information has been submitted to demonstrate that the proposed units would not be exposed to the risk of overheating, to the detriment of the residential amenity of future occupiers, and that the units would adequately ventilated without adverse impact on the urban heat island from an over reliance on energy intensive mechanical cooling systems, contrary to Policies D3, D6 and SI 4 of the London Plan (2021), Policies CS4 & CS13 of the Local Plan: Core Strategy (2012) and Policies DM01, DM02 & DM04 of the Local Plan: Development Management Document (2012).**

The committee unanimously agreed the reasons for refusal.

Votes on refusal of the application for the reasons outlined below were recorded as follows:

For (Refusal): 3

Against (Refusal): 0

Abstention: 3

RESOLVED that the application be REFUSED for the following reasons:

- **The development would fail to provide adequate private or communal amenity space for 7no of proposed units, to the detriment of the residential amenity of future occupiers and contrary to Policy DM02 of the Local Plan: Development Management Document (2012), Sustainable Design and Construction SPD (2016) and the Residential Design Guidance SPD (2016).**

- **The proposed integrated communal play and amenity space, by virtue of its siting and design, would result in a sub-standard environment through exposure to unacceptable noise and poor air quality, to the detriment of the residential amenity of future occupiers and contrary to Policies D6, D14 and S4 of the London Plan (2021), Policy DM02 of the Local Plan: Development Management Document (2012), Sustainable Design and Construction SPD (2016) and the Residential Design Guidance SPD (2016).**
- **Insufficient information has been submitted to demonstrate that the proposed units would not be exposed to the risk of overheating, to the detriment of the residential amenity of future occupiers, and that the units would adequately ventilated without adverse impact on the urban heat island from an over reliance on energy intensive mechanical cooling systems, contrary to Policies D3, D6 and SI 4 of the London Plan (2021), Policies CS4 & CS13 of the Local Plan: Core Strategy (2012) and Policies DM01, DM02 & DM04 of the Local Plan: Development Management Document (2012).**

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

The Vice-Chairman thanked the Chairman and officers for their hard work on the committee.

The Chairman thanked all the committee Members.

The meeting finished at 10.10pm.

Location 1522 High Road London N20 9PT

Reference: 21/5449/FUL

Received: 13th October 2021

Accepted: 8th November 2021

Ward: Barnet Vale

Expiry 3rd January 2022

AGENDA ITEM 6

Case Officer: Stephen Volley

Applicant: .

Proposal:

Demolition of existing dwelling and construction of a new two storey dwelling with basement level and rooms in the roof space, to provide 8no. self-contained flats. Associated off street parking, cycle store, refuse and recycling storage and amenity space

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:

291_S_01 Rev P3 - Site location plan
291_EE_02 - Existing East & South Elevations
291_SU_00 Rev P1 Existing Site Plan
291_EE_01 - Existing West & North Elevations

109_PL1_GA_-01 Rev P2 - Proposed basement plan
109_PL1_GA_00 Rev P3 - Proposed ground floor plan
109_PL1_GA_01 Rev P1 - Proposed first floor plan
109_PL1_GA_02 Rev P1 - Proposed second floor plan
109_PL1_GA_03 Rev P1 - Proposed roof plan
109_PL1_GA_10 Rev P2 - Proposed Ground Floor Block Plan

109_PL1_GE_01Rev P2 - Proposed West and North Elevations
109_PL1_GE_02Rev P2 - Proposed East and South Elevations

109_PL1_GS_01_Rev P1 - Proposed sections A & B
109_PL1_GS_02_Rev P1 - Proposed contextual sections C & D

109_GS_10 Rev P1 - Proposed section C (rear lightwell)
109_GS_11_Rev P1 - Proposed section C (rear lightwell)
109_GS_12 Rev P1 - Proposed section C (rear lightwell)
109_GS_13_Rev P1 - Proposed section C (front lightwell)
109_GS_14 Rev P1 - Proposed section C (rear lightwell)
109_GS_15_Rev P1 - Proposed section C (front lightwell)
109_GS_16_Rev P1 - Proposed section C (rear lightwell)

109_PL1_LA_01 Rev P3 - Proposed landscape plan

109_PL1_SU_00 Rev P1 - Existing site plan
109_PL1_SU_01 Rev P1 - Existing site plan

Ecological Impact Assessment Oct 2021
Transport Assessment Sept 2021
Tree & Construction Survey Oct 2020

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

- 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 D3, D4, D5 and D6 of the London Plan 2021.

- 4 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection measures shown on the approved tree protection plan (19253/TPP/01) have 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.

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.

- 5
- a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, 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 G7 of the London Plan 2021.

- 6
- Prior to occupation of the development the proposed parking spaces and access to the parking area from the public highway as shown in Drawing No. 109_PL1_GA_00 RevP3 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 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 and policy T6 of the London Plan 2021.

- 7
- 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, 4 (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 and policy T5 of the London Plan 2021.

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

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

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

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

- 13 No flat shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority, and have been installed in their entirety; details of privacy screens to adequately screen the private amenity areas/balconies associated with the development, The screens shall be permanently retained as such thereafter.

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

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

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

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

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

- 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 October 2016) and the London Plan 2021.

- 17 The development shall be implemented and thereafter maintained in accordance with the recommendations made within the Ecological Impact Assessment dated 1st October 2021

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

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

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

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

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

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

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

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

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

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

21 Before the building hereby permitted is first occupied the proposed balcony

screening for unit 2.01 shall be glazed with obscure glass only and shall be permanently retained as such.

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

Informative(s):

1 NPPF approach to development

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

Please visit

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

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

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

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

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from

the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

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

- 5 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway. To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.
Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

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

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

- 8 Any gates must open inwards and not out onto the public highway for health and safety reasons.
- 9 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.
For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, (Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014
Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 10 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
 - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

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

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

OFFICER'S ASSESSMENT

1. Site Description

The application site lies north of Whetstone Town Centre and is located on the eastern side of High Road, currently consisting of a two-storey detached dwellinghouse. The surrounding area is primarily residential consisting of a variety of typologies, including detached, semi-detached and purpose-built flats. The site is bordered by 2no roads, those being High Road and Kingswood Close to the East. It is located within Flood Zone 1 and has a PTAL rating of 2/3.

The north of the site is bordered by a two-storey detached property and the south by a purpose-built block of flats. High Road is to the west, and Kingswood Close to the east. Terraced properties face the host site opposite Kingswood Close.

The site is not located within a conservation area and there are no listed buildings on or adjacent to the host site. A tree preservation order TRE/BA/42/G1 protects trees along the rear boundary of the site between Kingswood Close.

2. Relevant Site History

Reference: 20/2394/FUL

Address: 1522 High Road, London, N20 9PT

Decision: Refused

Decision Date: 30 October 2020

Appeal: Dismissed August 2021.

Description: Demolition of existing dwelling and construction of a new two storey dwelling with basement level and rooms in the roof space, to provide 8no. selfcontained flats. Associated off street parking, cycle store, refuse and recycling storage and amenity space

The application was refused for the following reasons:

1 . The proposed basement and second floor units by reason of inadequate outlook would result in a poor and sub-standard accommodation detrimental to the amenity of future occupants. The proposal is contrary to Policy 3.5 of the adopted London Plan (2016), Policy CS5 of the Barnet's Local Plan (Core Strategy) DPD and Policies DM01 and DM02 of the Barnet's Local Plan

2. The proposed development would by reason of its excessive depth to the rear and large lightwells constitute a visually incongruous form of development within its immediate context and would also be contrary to the established pattern and form of developed in the surrounding area. The proposal would therefore be contrary to Policies CS5 of the Local

Plan Core Strategy (adopted September 2012), Policies DM01 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).

3. The proposed basement units by reason of inadequate private amenity space, would result in a poor and sub-standard accommodation detrimental to the amenity of future occupants. The proposal is contrary to Policy 3.5 of the adopted London Plan (2016), Policy CS5 of the Barnet's Local Plan (Core Strategy) DPD and Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (both adopted September 2012), SPD: Sustainable Design and Construction (Adopted 2016) and SPD: Residential Design Guidance (Adopted 2016).

4. The proposed second floor roof terrace located on the south elevation, by reason of its siting and use would result in overlooking and loss of privacy detrimental to the amenities of the occupiers of Weston Court, contrary to policies CS NPPF and CS5 of Barnet's Adopted Core Strategy(Adopted 2012) and policy DM01 of Barnet's Development Management Policies DPD (Adopted 2012) and Supplementary Planning Document: Residential Design Guidance (Adopted 2016).

5. Insufficient information has been provided to demonstrate that the proposed development would not have a harmful impact on growing on adjoining land which provide significant visual amenity to the character and appearance of the area. In addition, no details have been provided to assess the risk of bat roosts in a building to be demolished contrary with Policy DM16 of Development Management Policies DPD (2012). The development would therefore have an unacceptable impact on the character and appearance of the area and street scene, contrary to policies CS NPPF and CS1 of the Local Plan Core Strategy (2012) and policies DM01 and DM16 of the Local Plan Development Management Policies DPD (2012).

An appeal was lodged and subsequently dismissed in August 2021.

The Planning Inspector found in favour of the character and appearance of the proposed development but dismissed the appeal for the following reasons:

1. That the proposed development would significantly harm the living conditions of occupiers at Weston Court, particularly through a loss of privacy. This would fail to comply with the amenity aims of London Plan Policy D3, CS Policies CS NPPF, CS5, DMP Policy DM01, the SPD1 and the requirements of the Framework.

2. That the proposed development would not provide satisfactory living conditions for future occupiers. This would be contrary to the amenity aims of London Plan Policy D3, CS Policy CS5, DMP Policies DM01, DM02, the SPD1 and the requirements of the Framework.

3. In the absence of certainty regarding the likely effect of the proposal on bats or whether adequate mitigation could be incorporated within the scheme as necessary, I conclude that the proposed development could give rise to an unacceptable risk of harm to biodiversity, with specific regard to a protected species (bats). It would therefore conflict with the biodiversity aims of DMP Policy DM16 and the Framework.

Reference: 19/8472/QCE

Address: 1522 High Road, London, N20 9PT

Decision: Pre-application advice issued

Decision Date: 12 February 2020

Description: The proposals comprise the proposed demolition of 1522 High Road, Whetstone and construction of two new three and four storey buildings which will provide 9 residential units (6 no. x 1 bed roomed dwelling / 3 no. x 2 bed roomed dwelling)

3. Proposal

Planning permission is sought for the demolition of existing dwelling and construction of a new two storey dwelling with basement level and rooms in the roof space, to provide 8no. self-contained flats. Associated off street parking, cycle store, refuse and recycling storage and amenity space.

The Proposed Development is arranged over four floors comprising the following unit mix:

- 3 x 1bed units
- 4 x 2bed units
- 1 x 3bed unit

A total of 75m² of communal amenity space and 101.5m² of private amenity space is proposed

The proposed development facilitates 3 car parking spaces, one of which would be a disabled space. The car parking spaces are accessed using the existing vehicular crossover off High Road (rather than to the rear). Cycle parking and refuse storage will be located to the rear and accessed from Kingswood Close.

To help soften the impact of the development and to protect the amenity of future occupiers a landscaping scheme is proposed incorporating new tree and shrub planting and grassed areas.

4. Public Consultation

Consultation letters were sent to 210 neighbouring properties. A total of 55 responses have been received, comprising 54 letters of objection (Including a signed petition by neighbours and an objection from the Friern Barnet & Whetstone Residents' Association) and 1 letter in support of the application

Support received:

- Provides much needed homes within the Borough

The objections received can be summarised as follows:

- Overdevelopment
- balustrade is of poor design
- outdoor amenity space does not provide access for wheelchair users
- loss of privacy, outlook, daylight and sunlight
- Insufficient parking provision, highway, and pedestrian safety issues
- Access to the rear of the site is poor and owned by the residents of Kingswood Close.
- Noise and pollution
- Removal of trees will impact visual amenity
- Loss of privacy to Western Court

- Bin storage collection not suitable
- No notice has been served upon the owners and the application is invalid.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

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.

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposal provides a good standard of accommodation for future occupiers;
- Whether the proposal would have an Arboricultural or Ecological Impact

- Highways, vehicular and pedestrian access and parking; and
- Other material considerations.

5.3 Assessment of proposals

Principle of development

The NPPF (2021) stipulates that planning decisions should "optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development".

Policy DM08 of the Barnet Local Plan seeks to ensure a variety of sizes of new homes to meet housing needs. The policy recognises that flatted 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 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. These planning issues are dealt with in the main body of this report but the principle of flatted development on this site is considered by Officers to be policy compliant.

No in-principle refusal reasons were raised by Officers or by the Planning Inspectorate in the previously refused application (20/2394/FUL). Moreover, the surrounding area consists of a variety of different typologies, including but not limited to, semi-detached properties, detached properties, terraced units and purpose-built flats. Given the diverse dwelling typology within the surrounding area, such development would therefore be acceptable subject to its design and character.

The proposed demolition of the existing property and subsequent erection of a purpose-built block of flats is considered acceptable in principle.

Impact on the character of the area

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

"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process."

Paragraph 130 of the National Planning Policy Framework (2021) states:

"Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (46); and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

The development plan for Barnet comprises the Barnet's Core Strategy DPD (2012) and Barnet's Local Plan (Development Management Policies) Development Plan Document (2012).

Policy CS5 of Barnet's Core Strategy DPD (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high-quality design. Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (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."

Barnet's Local Plan Supplementary Planning Document: Residential Design Guidance (2016) emphasises that development needs to recognise local patterns of development. This includes 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.

The previous application (20/2394/FUL) was refused on grounds of character and appearance but this was not upheld at appeal (with other matters relating to the living conditions of future / neighbouring occupiers and protected species resulting in the appeal being dismissed).

The Inspector reasoning states:

'8. The proposed development would extend further into the rear garden of No 1522 when compared to the existing detached house, and it will extend beyond the established rear building line of neighbouring properties, particularly those either side of the site.

9. However, I find that the proposed development would be articulated, and the elements that would project into the rear garden would be subordinate to the main property. Furthermore, the larger footprint of the proposed development would be contained at the lower levels, with the first and second floor being set back from the rear elevation. Whilst the proposed development would still extend beyond the existing rear building line of the adjacent buildings, this distance would not be excessive.

10. Lightwells would be constructed to the front and rear of the proposed development, which would also provide private outdoor amenity space for the occupiers of both the basement units. Even though, I find such lightwells are not a common feature in the locality, equally, I do not consider that they would form an incongruous feature on the proposed development or within the wider street scene. The rear lightwell would not be clearly visible from anywhere in the public realm, and the front lightwell due to the distance

that would be maintained from the road and the rising levels within the site, would result in limited views from High Road.

In view of the favourable conclusions made by the Planning Inspector the design of this proposal, including the footprint/site coverage and scale/massing remain largely the same. The building is again arranged over four floors, however due to the design and level changes across the site, when viewed from High Road the building will appear as a two storey building with a pitched roof similar in height to its immediate neighbour 1524 High Road. The architectural language is informed by the prevalent Arts and Crafts style found within this section of High Road. The brick detailing and dark timber cladding will ensure a high quality contemporary design benefitting the established character and appearance of the area whilst the gabled frontage proposed is a subordinate feature that will assist in reducing the massing of the building when viewed from High Road.

A small number of minor design alterations have proposed to overcome overlooking issues and to ensure a good standard of accommodation for future occupiers. They comprise an additional window, both to the front and rear of the building at second storey level, and 1.5m high opaque glass balustrades comprising one at the ground floor front and one at the ground floor rear of the building to protect the privacy of the basement level occupiers. Opaque glass balustrading at a height of 1.5m is also proposed on the south elevation at roof level to prevent direct overlooking of habitable rooms in Western Court. Additional landscaping has also been proposed to help soften the impact of the development and to provide additional privacy to the basement level units.

Overall, the scale, massing and design of the building is considered by officers to be acceptable and in accordance with design policy.

Impact on the amenities of neighbours

Section 12 of the National Planning Policy Framework (2021) sets out guidance for 'achieving well-designed places'. This includes in Paragraph 130 of the Framework states that planning policies and decision should ensure that development "...create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users..." (part f)

Policy D3 of the 2021 London Plan seeks to deliver appropriate outlook, privacy and amenity through a design led approach.

Policy CS5 of the LB Barnet; Local Plan (Core Strategy) DPD (2012) and Policy DM04 of the LB Barnet; Local Plan (Development Management Policies) DPD (2012) seek to protect and enhance Barnet's character and identify the environmental considerations for development. Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. Barnet's Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016) sets out guidance.

Any development, particularly in a suburban site, should ensure that the amenities of neighbouring occupiers are respected. The Council's guidance advises that new development should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing building and using an appropriate roof form to ensure that the amenities of

neighbours are not harmed.

The previous application (20/2394/FUL) was refused on loss of privacy to neighbouring occupiers as one of the roof terraces serving the second-floor unit would face directly onto the flank elevation of Weston Court, which has three windows (albeit that one is obscured glazing). The residential development guidelines advise there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms. With a separation distance of 6.6m the application was refused and subsequently upheld by the Planning Inspector for the following reasons:

14. The terrace at second floor of the proposed development would face Weston Court and would be located within the roof of the proposed development. Access to the terrace would be taken from the kitchen/dining room of the 2-bed, 4no. person dwelling at second floor, and would measure 6m² in area.

15. The distance between the second-floor terrace and the side elevation of Weston Court is modest and would face a number of windows, some habitable, in the facing elevation at Weston Court. This would include some windows at a similar and lower levels. Additionally, whilst the rear garden area at Weston Court would be sited at an oblique angle, I am not convinced that a portion of this area would not be overlooked. Consequently, whilst I acknowledge the contention that the windows below would be afforded some protection, I am not convinced that a loss of privacy would not occur. Furthermore, I find that a suitably worded condition could not be imposed in this instance, to ensure that otherwise unacceptable development could be made acceptable.

In response, an opaque balustrade now envelops the roof terrace thus preventing any direct overlooking into main habitable rooms at Weston Court. This design approach is considered acceptable to Officers and can be secured by condition.

The amenities of future occupiers

Any proposal for residential development will need to demonstrate that it is providing suitable amenities for its future occupiers. The policy framework for assessing such issues is found in the London space standards of the London Plan (2021), Development plan policies DM01, DM02 (of the Barnet Local Plan) and the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance'.

The previous application (20/2394/FUL) was refused as the proposed development would not provide satisfactory living conditions for future occupiers and this was upheld at appeal for the following reasons:

17. The basement units would have their own areas of private amenity space, situated within the proposed lightwells directly to the front and rear elevations of the proposed development, measuring 38m² and 53.5m² respectively. These areas would be in excess of the minimum requirements set out in SPD2 and the LonP. I recognise by the nature of the design of basement development and its location within the proposed development that the outlook from these units would be more limited than the units on the upper floors.

18. Thus, given the generous area of these outdoor spaces and the amount of light that they would receive, I consider that there is an opportunity to provide sufficient hard/soft landscaping to successfully mitigate against the limited outlook due to the subterranean location of these units. Furthermore, I have little reason to doubt that these proposed

outdoor areas could not become visually attractive areas for future residents. Additionally, I accept that the rear bedroom at second floor would only be served by 2no. rooflights, which is a misgiving, and would have improved outlook for its future occupiers if a further window was installed in this room.

19. Whilst not specifically mentioned on the decision notice, the Officer Report raises concerns surrounding the privacy of future occupiers in the basement units. The submitted drawings indicate that the outdoor areas would be contained within a retaining wall of notable height with railings above. Given the layout of the external areas surrounding the proposed development, I am not convinced that there would not be an ability for these private outdoor spaces to be overlooked from areas within the site at ground floor, which would significantly affect the level of privacy afforded by future occupiers of the basement units.

20. Additionally, due to the fenestration on the proposed development, occupiers on the upper floors would be able to view majority of these outdoor areas from their windows. In this instance, a suitably worded condition could not be imposed to ensure that otherwise unacceptable development could be made acceptable'.

The following is an assessment of the current application against the previous reasons for refusals and Planning Inspectors decision:

Outdoor amenity space:

Section 2.3 of the Sustainable Design & Construction states that for flats, 5m² of usable amenity space should be provided per habitable room. Any room at 20m² or above is calculated as two habitable rooms. Para. 2.3.1 of the SPD sets out the options for outdoor amenity space -'For flats, options include provision communally around buildings or on roofs or as balconies. Whatever option is chosen it must be usable'. Paragraph 8.2 of the Residential Design Guidance SPD (2016) states that:

'Private amenity space for the exclusive use of building occupants is a highly valued asset. Sufficient, functional amenity space should therefore be provided for all new houses and flats wherever possible'.

The proposal contains a total of 33 habitable rooms (using the above formula); therefore the required amenity space is 165sqm. With a total of 75m² of communal amenity space and 101.5m² of private amenity space proposed (includes 91sqm at basement level and 10sqm in the form of terraces at 2nd storey level) the proposal exceeds the minimum standard by 11.5sqm, while offering future occupiers usable and easily accessible amenity space provision.

The previous application (20/2394/FUL) was refused due to inadequate private amenity space for the proposed basement units, however, the Planning Inspector did not uphold this refusal reason as the private amenity space, situated within the proposed lightwells directly to the front and rear elevations of the proposed development, exceed minimum standards (measuring 38m² and 53.5m² respectively). Moreover, with sufficient hard/soft landscaping to successfully mitigate against the limited outlook due to the subterranean location of these units the Inspector considered these areas to be visually attractive areas for future residents.

This current application therefore remains the same in this respect, albeit that the proposed landscaping plan (109_PL1_LA_01 P1) includes significant areas of landscaping

within both lightwells.

Floor Area:

London space standards contained in 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 11.5m² and above is calculated as a two-person room. The proposed 8 units are measured as follows:

- 3 x 1bed 2person units (ground floor) provide the minimum 50sqm required
- 2 x 2bed 3 person (first floor). Unit 1.01 exceeds the minimum 61sqm required, however, Unit 1.02 has an under provision of 1.7sqm
- 2 x 2bed 4 person (lower ground and 2nd floor) all exceed the minimum 70sqm required
- 1 x 3 bed 5 person (lower ground LG.02) has a gross internal area of 84.3sqm which is 1.7sqm less than the minimum 86sqm required.

A total of six of the eight units proposed either meet the minimum standards or exceed them with only two units underproviding by 1.7sqm. This under provision is the same as the previous application that was considered by Officers not to be so significant as to warrant refusal of planning permission. The Planning Inspector raised no concerns in relation to this matter.

Daylight and sunlight:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. Barnet's Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016) sets out guidance.

The previous application was not refused on daylight and sunlight grounds, however in order to overcome the objections raised by the Planning Inspector a number of changes have been made (as discussed in other sections of this report) that warrant the submission of a revised daylight and sunlight report.

For the basement level the internal layout and glazing openings remain unchanged however, the retaining walls to create the lightwells are in a slightly different position with an additional glass screen on top of these walls. For the second storey level an opaque glass balustrade 1.8 m high is added to the pocket roof terrace serving the living rooms. Windows to both front and rear elevations have been added to serve respectively the living room and a bedroom.

The conclusion reached by the report is that these minor changes would not cause a significant variation to the original Actual Daylight Factor (ADF) results for the rooms at basement level and that the ADF within the rooms at the upper levels would remain either unchanged or improved. When considering the scheme overall, a very similar outcome would be achieved, and this conclusion is supported by Officers.

Privacy:

The previous application was refused (although not specifically referred to in the decision notice) due to concerns surrounding the privacy of future occupiers in the basement units. The submitted drawings indicated that the outdoor areas would be contained within a

retaining wall of notable height with railings above. Given the layout of the external areas surrounding the proposed development, the Inspector found that these private outdoor spaces could be overlooked from areas within the site at ground floor level, which would significantly affect the level of privacy afforded by future occupiers of the basement units.

In response, a 1.5m tall opaque balustrade is now proposed to the ground floor (both front and rear) to prevent direct views into the basement level units. Planting has also been added at ground level as an additional measure. This design approach is considered acceptable to Officers without compromising the character and appearance of the area and can be secured by condition.

The Planning Inspector further states that the fenestration on the proposed development would allow occupiers on the upper floors to view the majority of the outdoor amenity areas from their windows but it is the view of Officers that this type of arrangement is unavoidable and generally considered to be an accepted feature of flatted development within the Borough.

Outlook:

The previous application was refused due to inadequate outlook from the proposed basement and second floor units, however, this was not upheld by the Planning Inspector.

In respect of the basement units the planning inspector accepted that outlook would be more limited than the units on the upper floors but took the view that the generous area of outdoor space provided within the lightwells successfully mitigates against the limited outlook due to the subterranean location of these units. Accordingly, this previous arrangement remains unchanged and is supported by Officers.

In respect of the second floor unit this now benefits from front and rear facing windows in addition to the rooflights previously proposed. This will significantly improve outlook for its future occupiers and is supported by Officers. The impact of these additional windows on the privacy of adjoining neighbours is discussed elsewhere in this report.

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

Arboricultural and Ecological Impact

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

The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

Trees make an important contribution to the character and appearance of the borough.

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

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

The Council's Tree Officer objected to the previous application (20/2394/FUL) for the reason of unacceptable damage to trees growing on adjoining land only - not protected by a tree preservation order.

The reason for refusal was not upheld by the Planning Inspectorate for the following reasons:

'11. Concerns have been raised regarding the effect on plant growth on adjoining land. However, very little has been provided to substantiate this reason for refusal. On the evidence before me and from my findings during my visit, I do not consider that the proposed development would have a significant effect on such matters above and beyond that of the existing house. Additionally, I acknowledge the findings in the Tree and Construction2 report. Thus, in the absence of substantive evidence to the contrary, I do not find that the proposed development would have any significant adverse effects on plant growth on adjoining land or trees.

The Council's Tree Officer has been re-consulted.

The site is located between the High Road and Kingswood Close, at the rear boundary there are mature trees which screen the site from the Close. The importance of this screen is demonstrated by the presence of the TPO protecting these trees. The tree preservation order TRE/BA/42/G1 protects x 6 lombardi poplar, x 2 lime, x 1 sycamore, x 5 thorn located along rear boundary between Kingswood Close. The plan shows that a pedestrian 2m wide access point at the rear of the property onto Kingswood Close will be created. This will provide access to a cycle, bins and other storage located at the end of the garden. To facilitate this T2 (cat C), T4 (cat B), T5 (cat C) and T9 (cat C) will be removed. The tree report also suggests that poplar T6 (TPO) tree should be removed for health and safety reasons. The land outside the application site is owned and managed by London Borough of Barnet Green Spaces/highways.

The tree protection plan does not identify the individual trees along the site boundary but group them as G1 & G2. T6 is a stump from a Lombardi poplar removed under ref: TPM/0927/18. A driveway is proposed through this group of trees, there is a level change of around 500mm between the site and therefore an impact on the protected trees is very likely. T3, is a large ash tree growing on adjoining land. Although it will be significantly impacted by the basement layout, likely to cause the tree to fail, the tree does not merit any special protection due to passed upper crown reductions.

It is considered that that application still fails to clearly locate and identify the trees and protected trees along the boundary and their respective tree root protection areas but in light of the Inspectors conclusions that the proposed development would not have any significant adverse effects on plant growth on adjoining land or trees, planning conditions have been suggested that can provide further clarification and ensure appropriate tree protection measures.

In terms of on site landscaping proposals, planting zones have now been introduced within the private amenity spaces for the lower ground units, in order to encourage the greening of these spaces to improve visual amenity and outlook. Further design development of the garden/communal amenity spaces has also been undertaken.

In conclusion, there are no significant arboricultural reasons to object to this application, subject to a number of landscaping and tree protection conditions being imposed.

Ecology Mitigation:

The previous planning application was refused in the absence of details to assess the risk of bat roosts in the building to be demolished. The refusal reason was subsequently upheld by the Planning Inspector due to absence of certainty regarding the likely effect of the proposal on bats or whether adequate mitigation could be incorporated within the scheme as necessary in conflict with the biodiversity aims of DMP Policy DM16 and the Framework.

This current application provides an Ecological Impact Assessment dated 1st October 2021, with the conclusion being that 'once avoidance and mitigation measures have been taken into account, the impacts of the planned development upon biodiversity will be negligible, non-significant with proposed ecological enhancements resulting in net gains for biodiversity, significant at the site'.

Officers consider the risk to roosting bats to be minimal in this case subject to the submission of a detailed demolition method statement to be secured by condition.

Highway Impacts

Paragraph 111 of the National Planning Policy Framework (2021) states:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Policy CS9 of Barnet's Core Strategy DPD (2012) sets out the Council's policies in regard to providing safe, effective and efficient travel.

The applicant is proposing to demolish the existing 1x 4bd single family dwelling and construct a new building to accommodate 8x self-contained units (1x 3bed, 4x 2bed and 3x 1bed) with the provision of 3x off-street car parking space and 12x cycle parking spaces. The car parking spaces are accessed using the existing vehicular crossover off High Road (rather than to the rear). Cycle parking and refuse storage will be located to the rear and accessed from Kingswood Close.

Car Parking

The site lies within a PTAL 3 zone which means that there is good/ moderate public transport accessibility to and from the site. In line with requirements set out on Policy DM17 of the Barnet Local Plan, the required off-street car parking provision for this proposal is 8 spaces. Therefore the proposed means an under-provision of 5 off-street car parking spaces.

The applicant has provided the results of a Car Parking Survey carried out on Thursday 9th of July and Friday 10th of July 2021 at 3:30am which demonstrated that the current on-street car parking stress level is at 44-45% capacity. Car ownership in the area was also assessed. An average car ownership of 0.77 cars/flat for the immediate area, the Census suggests that the development for 8 flats could generate up to 6 cars owned. On this basis the development would be expected to generate an on-street parking demand for 3 cars.

Taking both the car ownership and results of car parking survey into account, it is expected that the potential overspill of 5 spaces onto surrounding roads will not cause significant harm to residents.

Vehicular Access:

The applicant is proposing to retain the existing vehicular access (off High Road). A swept path analysis showing how each vehicle would access each parking bay has been provided and is deemed acceptable on highways grounds.

Step Free Access:

Following receipt of amended drawings in February 2022, the entrance to the 3no. ground floor flats now provides step free access for future occupiers along the southern boundary of the site. This is in compliance with the aims and objectives of London Plan policy D7, that seeks development proposals to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children.

Cycle:

The applicant is proposing to make provision for 6x cycle parking spaces. Cycle parking needs to be provided in accordance with the requirement of the London Plan cycle parking standards. Cycle parking should be provided in a secure, covered, lockable location.

Refuse:

The proposed refuse storage location is deemed acceptable on highways grounds. However further details regarding collection of refuse are required. In order to use the access onto Kingswood Close at the rear of the property, the applicant will have to construct a refuse access (crossover). An application must be made to the highways department before this can be constructed. An informative to this effect has been included below as this will require traffic management measures in order to ensure that the access is in line with health and safety requirements.

The Council's Highways officers have reviewed the scheme and raises no objection subject to conditions and informatives.

Environmental Health considerations

The site is considered by Officers to be well positioned away from the main road (15m minimum) so there will be negligible impact from air pollution and the traffic noise will be reduced. However, due to night time traffic noise from emergency vehicles on this section of High Road a condition is required to ensure noise mitigation measures from affected rooms.

The proposal development is detached and as such, noise impact on neighbouring occupiers would be negligible.

As the application site has only ever been used as a single house a contaminated land condition is not considered necessary.

Environmental Health Officers have been consulted and raise no objections subject to conditions and informatives.

5.4 Response to Public Consultation

The planning objections raised by neighbouring residents have been addressed in the report. Objections raised regarding noise and disturbance, concerns for potential crime, and matters of highway safety including access arrangements and vehicular parking are not supported by Officers, nor were they considered by the Planning Inspector to be so compelling as to warrant the refusal of planning permission in the previous application. The pertinent points made by the Inspector are copied below.

'25. Local residents have also expressed a wide range of concerns including, but not limited to the following: vehicle parking, highway safety, noise, general disturbance and crime. However, I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. Whilst I can understand the concerns of local residents, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

26. Additionally, I have had regard to the concerns of neighbouring occupiers, regarding the means of access to the site from Kingswood Close, and the presence of a 'ransom strip'. However, any ownership issues are a private matter between the relevant parties and not within my jurisdiction. I also acknowledge the 2no. representations in support of the scheme received from local residents, but these do not alter my findings on the main issues'.

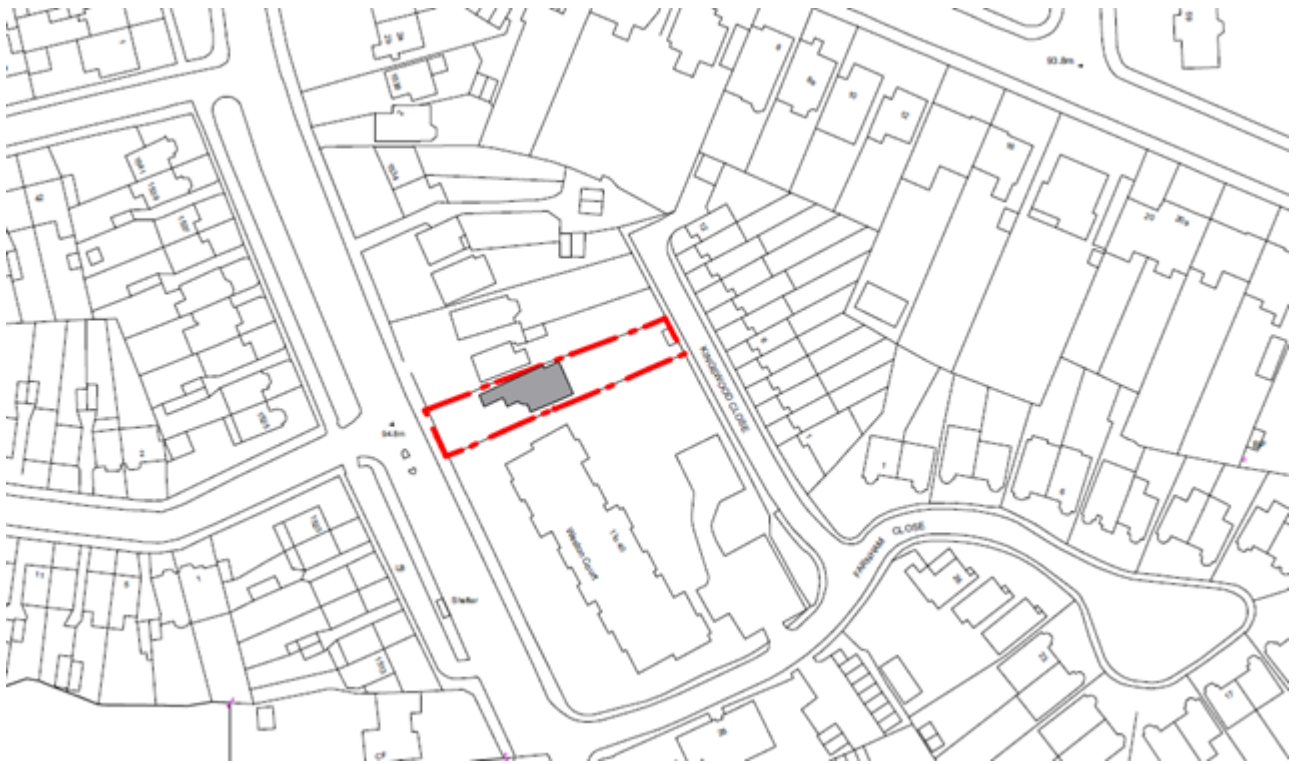
6. Equality and Diversity Issues

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 conditions this application is recommended for APPROVAL.

Location Plan:



Location 39 Friern Park London N12 9DE

Reference: 21/4204/FUL

Received: 28th July 2021

AGENDA ITEM 7

Accepted: 28th July 2021

Ward: Woodhouse

Expiry 22nd September 2021

Case Officer: Wilf Foster

Applicant: Mr M. Ghanimati

Proposal: Conversion of the existing dwelling into 3no self-contained flats including single storey front extension and first floor rear extension Associated amenity space, refuse and recycling storage, secure bicycle storage and off-street parking

OFFICER'S RECOMMENDATION

Approve subject to s106

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

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Amendment to Traffic Management Order -
 - A contribution of £2,392.01 to ensure that the new occupants are prevented from purchasing CPZ parking permits;
 - A contribution of £101.10 to meet the Council's costs of monitoring the planning obligation.

RECOMMENDATION II:

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

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

Drawings: 202043.P.3011 revE; 202043.P.3102 revA; 202043.P.3301 revA.

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

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

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

- 3 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 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.

- 5 Prior to commencement of the development details of the refuse collection arrangements shall be submitted to and approved in writing 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 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 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. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant,
 - iii. 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;
 - iv. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works
 - v. 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.

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

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

- 8 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.

- 9 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.

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 13.10.2022, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

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

Informative(s):

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

OFFICER'S ASSESSMENT

1. Site Description

The site is located on the northern side of Friern Park, within the Woodhouse ward. It contains a two-storey end-of-terrace dwellinghouse known as 39 Friern Park. The host property benefits from a rear garden. It benefits from extensions to the original building including a single storey rear extension and extensions to the roof including a hip to gable extension and rear dormer window.

The site does not lie within a conservation area, nor does it contain any listed buildings.

2. Site History

Reference: 20/5997/192

Address: 39 Friern Park, London, N12 9DE

Decision: Application Returned

Decision Date: No Decision Made.

Description: Single storey rear extension. Roof extension involving hip to gable, rear dormer window, 3no front facing rooflights and new side gable window

Reference: 21/0018/PNH

Address: 39 Friern Park, London, N12 9DE

Decision: Prior Approval Not Required

Decision Date: 8 February 2021

Description: Single storey rear extension with a proposed depth of 6.00 metres from original rear wall, eaves height of 3.00 metres and maximum height of 4.00 metres.

Reference: 21/0588/192

Address: 39 Friern Park, London, N12 9DE

Decision: Lawful

Decision Date: 19 March 2021

Description: Roof extension involving hip to gable, 1no side gable window, 1no rear dormer window and 3no front rooflights. Erection of rear outbuilding (Amended Description)

3. Proposal

This application seeks planning permission for "Conversion of the existing dwelling into 3no self-contained flats including single storey front extension and first floor rear extension Associated amenity space, refuse and recycling storage, secure bicycle storage and off-street parking".

The proposed single storey front extension would infill between the slightly recessed front entrance and the main front wall of the building. It has a depth of 0.9 metres.

The proposed first floor extension has a depth of 3 metres beyond the existing rear wall and a width of 3.9 metres. The proposed extension has a hipped roof.

The proposal includes the subdivision of the rear garden to provide private amenity space

for each flat. It provides a cycle store to the rear and refuse and recycling store to the side of the dwellinghouse. It also provides 2no off-street car parking spaces, located to the front of the site.

The proposal will create 3no self-contained flats:

Flat 1 - 2-bedroom (4 person), 88.0 sqm;

Flat 2 - 1-bedroom (2 person), 54.2 sqm;

Flat 3 - 1-bedroom (2 person), 50.3 sqm.

4. Public Consultation

Consultation letters were sent to 162 neighbouring properties. A total of 7no responses have been received in relation to the proposed development. These include 7no comments in objection and 1no comment neither in support nor objection. Their contents can be summarised as follows:

- Loss of existing family home.
- Concerns regarding loss of privacy and light and overbearing to neighbouring occupiers.
- Concern regarding noise and disturbance to neighbouring occupiers.
- The recent works would not be permitted development in the case of a change of use.
- This is not considered to be a material consideration warranting a reason to refuse permission.

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 20 July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2021

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

Barnet's Local Plan (2012)

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

September 2012.

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

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

Barnet's Local Plan (Reg 22) 2021

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

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

Supplementary Planning Documents

Residential Design guidance SPD (adopted October 2016)

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

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

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of flats in this location;
- 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 highway safety.

5.3 Assessment of proposals

It is noted that the property has recently been extended by way of a single storey rear extension and extensions to the roof including a hip to gable, side gable window, and rear dormer window. The applicant has provided site photographs showing the built state of the extensions, which officers consider to be substantially completed. As such, these are considered to form part of the existing building. Therefore, the assessment relates to the impact of the proposed additional first floor rear and infill front extensions, and the conversion to 3no flats.

Principle of flats in this location

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

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

Within Chapter 2 of the Core Strategy, which is a material consideration in the determination of this application, the Council state the following: "The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate."

Policy DM01 of Barnet's Local Plan Development Management Policies DPD 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.

The surrounding area is residential in character, comprising a mix of single-family dwellings and flats, many of which are the result of conversions from single dwellings. An examination of planning history and council tax records shows that several properties on Friern Park are in use as self-contained flats and have been granted planning permission for conversion to flats. As such, officers consider that the area surrounding the applicant site is not characterised by single dwellinghouses only but has a more mixed character established by the presence of flat conversions. Overall, officers conclude in this instance that the proposed conversion would be acceptable in this location and would not be contrary to local planning policy including Policy DM01(h).

The proposal involves the loss of the existing 8-bedroom house and the provision of 3no flats. Given the large scale of the existing house, it is not considered to be the highest priority dwelling type. Although a family-sized unit would be lost, some weight is given to the provision of a two-bedroom/4-person unit. On balance, it is not considered that the loss of family housing in this instance would warrant a reason for refusal.

With regard to the use of the site, the proposed development would result in an occupancy of 8 persons. This is compared with the existing 8-bedroom house. This represents a reduction in the number of occupants and in this instance would not be considered an unacceptable intensification of the use of the site, despite the increased number of households.

The principle of conversion to flats is therefore considered to be acceptable, subject to the considerations below.

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

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

The proposed front extension would infill the existing recessed front entrance with a modest depth. It is not considered to have a detrimental effect on the appearance of the existing building. The proposed first floor rear extension is considered to be proportionate to the existing building and has a hipped roof to match the original roof form which mitigates its visual bulk. Overall, officers consider that the proposed extensions would have an acceptable impact on the existing building, streetscene and local character.

Other alterations include the addition of refuse and recycling stores to the front of the dwelling, cycle store to the rear and the subdivision of the rear garden. Given the mixed character of the area, these would not be incongruous features within the local area and would have an acceptable impact on the character, subject to the attached conditions requiring details of these to be approved by the LPA.

Taking all material considerations into account, the proposed development, subject to the attached conditions, would have an acceptable impact on the appearance of the host dwelling, the local character and the streetscene.

- Whether harm would be caused to the amenity of neighbouring occupiers.

Policy DM01 of the Local Plan states that any schemes must protect the amenity of neighbouring residents. It is necessary to assess the impact of all new development on neighbouring amenity, including impact on light, outlook, privacy and causing a feeling of overbearing.

The proposed first floor rear extension depth of 3 metres and is approx. 4 metres from the flank wall of the neighbouring property at No. 41 at first floor. This in accordance with the scale of first floor extension normally considered acceptable as per the Residential Design Guidance SPD. Officers do not consider that the proposed extension would result in an unacceptable loss of light, outlook, or increased overbearing to the neighbouring occupiers at No. 41. The proposed floor plans indicate the addition of 1no first floor window in the flank elevation facing No. 41 (although this is not shown on the proposed elevations). This serves a bathroom and would be obscured and therefore it would not result in a loss of privacy to the neighbouring occupiers. A condition would be attached in the event of an approval to ensure that the new windows is retained as obscured.

Given the size and siting of the proposed extensions, they are not considered to result in material harm to the residential amenities of any other neighbouring occupiers, including those at the adjoining property at No. 37.

Conversions to flats can constitute an intensification of the use of a site, which carries increased noise and disturbance to neighbouring occupiers compared with a single dwellinghouse. In this instance, given the altered character around the host dwelling in favour of flatted developments and the maximum expected occupancy of 8 persons as opposed to the existing 8-bed dwellinghouse, it is not considered to be such that it would result in an unacceptable impact on the amenities of neighbouring occupiers with regard to the scale of the dwellings in the vicinity.

Taking all material considerations into account, it is found that the proposed development would protect the amenities of neighbouring occupiers, in accordance with Policy DM01 of Barnet's Local Plan.

Whether the proposal provides a satisfactory living environment for future occupiers

The development would create 3no self-contained flats. The gross internal area of the flats would be as follows:

Flat 1 - 2-bedroom (4 person), 88.0 sqm;

Flat 2 - 1-bedroom (2 person), 54.2 sqm;

Flat 3 - 1-bedroom (2 person), 50.3 sqm.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that it makes a positive contribution to the borough. The London Plan (2016) and Barnet's policies and Sustainable Design SPD (Oct 2016) sets out the minimum GIA requirements for residential units. The proposed units would meet the minimum space standards and are considered to be acceptable in this regard.

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

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double bedroom: minimum area should be 11.5 m² and at least 2.75m wide.

The proposed bedrooms comply with these minimum standards.

The sustainable design and construction SPD also states that a minimum ceiling height of 2.5 metres for at least 75% of the dwelling area is strongly encouraged. It is considered that the host property would benefit from adequate internal ceiling height.

Room stacking/siting

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors.

The proposed layout is considered to provide adequate stacking provision ensuring bedrooms are stacked above bedrooms and kitchen and living areas likewise.

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. All of the proposed dwellings are dual-aspect and benefit from adequate levels of light and outlook.

Amenity

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

The proposal involves the subdivision of the rear garden to provide 30 sqm of private outdoor amenity space for Flat 1; 20 sqm for Flat 2; and 20 sqm for Flat 3. This meets minimum standards and is considered to be acceptable. The subdivision is such that it will not enable overlooking of the rear-facing rooms of the ground floor flat.

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 layout is acceptable in terms of the privacy of adjoining and potential occupiers. As noted above, the rear garden does not enable overlooking of ground floor habitable rooms. The living room of Flat 1 would be overlooking by the shared side passage, however, this is not considered to result in unacceptably poor privacy for the occupiers of this unit.

Parking and cycle stores

The site has a PTAL rating of 3 (where 0 is worst and 6b is best), meaning the public transport accessibility is moderately good. The site is within a Controlled Parking Zone (CPZ). With regard to the maximum 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 1 and 3.5 spaces.

The proposed plans indicate that 1no off-street parking space would be provided. This is considered to be acceptable subject to a S106 agreement to restrict occupiers of the development from obtaining parking permits.

Cycle parking provision is shown to the rear of the site housed within secure enclosures. The total provision shown is 6no bikes. This would be in accordance with London Plan standards. A condition is attached to ensure this provision.

Therefore, the proposed development is considered to be acceptable on highways grounds.

Refuse

Supplementary Planning Document: Residential Design Guidance (2016) states that waste and recycling can be visually intrusive within the street scene. It goes onto state that waste and recycling storage areas should be integrated within the building or provided on-site and screened within an enclosure or by landscaping avoiding area in front of dwellings.

The proposed development includes the provision of screened bin enclosures to the side of the dwellinghouse. Details of the screened facilities will be required by condition to ensure their siting and appearance is appropriate and does not harm the character or visual amenities of the site or the locally listed building.

Accessibility and Sustainability

In terms of water consumption, a condition would be attached to any permission to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy SI 5 of the London Plan 2021.

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

5.4 Response to Public Consultation

Consultation letters were sent to 162 neighbouring properties. A total of 7no responses have been received in relation to the proposed development. These include 7no comments in objection and 1no comment neither in support nor objection. Their contents can be summarised as follows:

- Loss of existing family home.
- Concerns regarding loss of privacy and light and overbearing to neighbouring occupiers.
- Concern regarding noise and disturbance to neighbouring occupiers.

These issues are addressed in the above report.

- The recent works would not be permitted development in the case of a change of use.

The applicant has provided photos of the recent extensions to the existing building. Officers are satisfied that these show that the extensions are in a substantially built state and therefore should not form part of the proposed development.

- Concerns regarding impact on existing services.

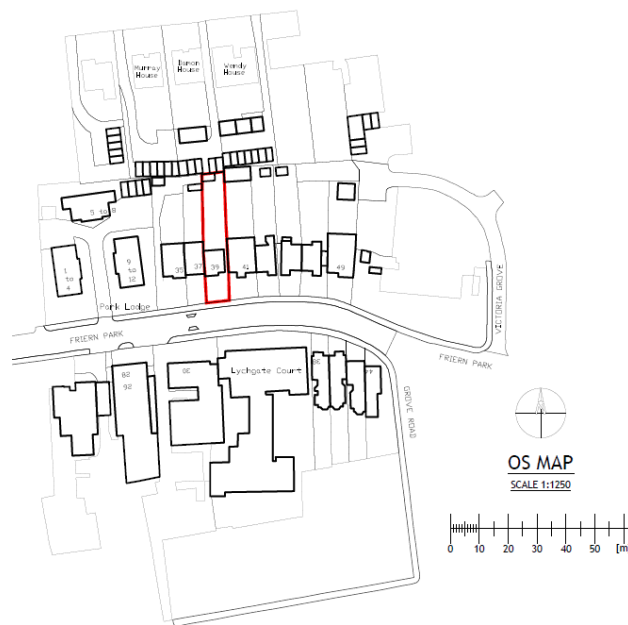
This is not considered to be a material consideration warranting a reason to refuse permission.

6. Equality and Diversity Issues

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

7. Conclusion

The proposed development would have an acceptable impact on the character, appearance of the host properties and streetscene and would not harm the residential amenities of neighbouring occupiers. The proposal would also provide an adequate level of accommodation for future occupiers and would not have a harmful impact on the surrounding highways network or public safety, subject to the associated legal agreement. As such, the proposal is in accordance with relevant local planning policy and is recommended for approval.



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Location **Former Sub-Station Adjacent To 98 Great North Road London N2 0NL** **AGENDA ITEM 8**

Reference: **21/5217/FUL** Received: 29th September 2021

Accepted: 29th September 2021

Ward: Garden Suburb Expiry: 29th December 2021

Case Officer: **James Langsmead**

Applicant: Combined Finchley LLP

Proposal:

Demolition of the existing building, construction of a new retaining wall, and erection of a part-five, part-six storey building, comprising retail and office use (Class E) and 9no. self-contained residential flats, with associated amenity space, refuse storage, cycle parking, and disabled parking spaces along with highway and landscaping works.

OFFICER'S RECOMMENDATION

Approve subject to s106

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

RECOMMENDATION I:

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

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

200m² (circa. 5%) of overall commercial floorspace to be provided at 90% of market value

4. Carbon Offset contribution

Contribution of £78,290.00 towards the Council's carbon offset fund.

5. Skills and Employment

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

6. Restriction of Parking Permits

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

7. Travel Plan and Monitoring contribution

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

Contribution of £2,700.00 (£300.00 per household) for travel incentives

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

1. Contribution of £5,300.00 towards the improvement and enhancement of Cherry Tree Wood within the London Borough of Barnet as identified by the Parks and Open Spaces Officers or such other appropriate officer to be allocated between any or all of the following objectives in such proportions as the Council in its absolute discretion considers appropriate: (a) Provision of drainage to playing pitches and grounds of amenity land; (b) Buildings and fencing improvement within Parks and Open Spaces; (c) Project Management Consultation or improvements; (d) Improvements to sports courts; (e) Improvements to children's play area; (f) Safety in parks including soft and hard landscape improvements; and, (g) Disability access improvements.

2. Contribution of £1,590.00 towards Tree planting in the vicinity of the development

9. S.278/S.184 Works

Associated highway works under S278/S184:

1. stopping up of footway / creation of new access
2. a scheme of road safety mitigation / improvements in accordance with the findings and recommendations of the Road Safety Audit and the Highways Authority.

10. Mitigation of Tree loss

1. Contribution of £16,312.00 (CAVAT value of Tree T2 - Silver birch) towards tree replacements within the public realm.

2. 10 new street trees proposed to the north of T1 (applicants plan) as indicated on the draft landscape plan - cost £700.00/tree total - £7,000.00

11. Monitoring of Legal agreement

Contribution towards monitoring of the legal agreement.

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service

Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:

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

Plan numbers:

- 3649/PA/001 – Site Location Plan
- 3649/PA/005 – Existing Site Block Plan
- 3649/PA/005 – Existing Site Block Plan Roof level
- 3649/PA/006 - Existing Ground Floor and Basement
- 3649/PA/007 - Existing First Floor and Roof Plan
- 3649/PA/010 – Existing Elevations in Context
- 3649/PA/011 – Existing Elevations
- 3649/PA/019 – Key Plans
- 3649/PA/033A - Proposed East Elevation
- 3649/PA/020A - Proposed Site Block Plan
- 3649/PA/021 - Proposed Lower Ground Floor
- 3649/PA/022A – Proposed Ground and Upper Floors
- 3649/PA/023 – Proposed 1F Commercial and 1F Residential
- 3649/PA/024 - Proposed 2F Commercial and 2-3F Residential
- 3649/PA/025 - Proposed 3F Commercial and 4F Residential
- 3649/PA/026 - Proposed 4F Commercial and 5F Residential
- 3649/PA/027 - Proposed Site Block Plan Roof Level
- 3649/PA/030 - Proposed Elevations in Context
- 3649/PA/031A - Proposed West Elevation
- 3649/PA/032 - Proposed North and South Elevations
- 3649/PA/033 – Proposed East Elevation
- 3649/PA/040 – Proposed Section AA, Section BB, and Section CC
- 3649/PA/045 – Proposed Materials Commercial and Retail
- 3649/PA/046 – Proposed Materials Residential

Documents:

- East Finchley Sub Station Design and Access Statement 22/09/2021 produced by gml architects
- Planning Statement and Sequential Assessment (dated September 2021) produced by Centro Planning Consultancy
- Arboricultural Survey (BS5837:2012) & Impact Assessment Report (Ref: AIA/MF/085/21; dated September 2021, updated February 2022) produced by Marcus Foster
- Preliminary Ecological Appraisal (Delta-Simons Project No. 21-1208.01; Issued: March 2022) produced by Delta-Simons
- NORTH LONDON OFFICE MARKET REPORT (undated) Produced by SPC Property Consultants
- BUILT HERITAGE TOWNSCAPE & VISUAL ASSESSMENT (Dated September 2022) Produced by Bridges Associates
- BUILT HERITAGE TOWNSCAPE & VISUAL ASSESSMENT – ADDENDUM (Dated January 2022) Produced by Bridges Associates
- Air Quality Assessment for the proposed development at East Finchley Sub-Station (ref: AQ_assessment/2021/EastFinchley_Sub_Station, Version 1; dated: August 2021) produced by Aether
- Biodiversity Net Gain Report (ref: 21-1208.02; dated: 21st September 2021)

- produced by Delta-Simons
- DAYLIGHT & SUNLIGHT REPORT (ref: EFS [Rev 1]; dated: September 2021) produced by CPMC
- Fire Statement (Ref: 2108310L, Issue 3; dated: 22/09/2021) produced by Innovation Fire Engineering
- Flood Risk Assessment (Ref: FRA 0675, Rev P1.1; dated September 2021) produced by MAB Consultancy
- UTILITIES STATEMENT REPORT (dated: September 2021) produced by XCO2
- Phase One Contaminated Land Assessment Report (October 2010) produced by Mott MacDonald
- East Finchley Sub-Station Site – Landscape Statement (September 2021) Produced by TurkingtonMartin
- Acoustic Planning Report (Project No 2120448; dated: 9th September 2021) Produced by Sharps Redmore Acoustic Consultants
- Overheating Assessment (Revision B; Dated: September 2021) Produced by JS LEWIS LTD
- Energy and Sustainability Statement (Revision B; Dated: September 2021) Produced by JS LEWIS LTD
- Proposed Highway Access Alterations Stage 1 Road Safety Audit (September 2021) Produced by Alpha Consultants
- Statement of Community Involvement (September 2021) Produced by Engage Communicate Facilitate
- BREEAM Pre-Assessment and Strategy (Rev 2.2; dated: 22/09/2021) produced by Carbon Consult
- Transport Statement (Rev 01; dated: September 2021) produced by Transport 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

Policy D4 of the London Plan 2021.

- 4 a) No development other than demolition works, shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

- 6 Prior to occupation of the development, the accessible blue badge parking spaces as illustrated on drawing no. 3649/PA/022A shall be provided and used only as agreed and not for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 7 Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. The active charging points shall be implemented in full accordance with the approved details prior to first occupation and thereafter maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy T6.1 of the London Plan 2021

- 8 No works on the public highway including creation or modification of a vehicular access or reinstatement of redundant accesses, signage and lining works as well as new tactile paving at the access as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to enter into an agreement with the Highways Authority under Section 184/278 of the Highways Act, for these works and reinstatement of any consequential damage to public highway as a result of the proposed development.

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

- 9 Details of cycle parking including the type of stands, gaps between stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 68 cycle parking spaces (47 long-stay and 21 short stay) comprising in accordance with the London Plan Cycle Parking Standards and London Cycle

Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

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

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policy DM17 of Development Management Policies (Adopted) September 2012, and Policy T7 of the London Plan 2021.

- 11 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).

- 12 The applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented, as approved, within 3 months of first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the road is maintained in a suitable condition in order to minimise danger, obstruction and inconvenience to users of the highway, in accordance with Policy DM17 of Barnet's Local Plan Development Management Policies (adopted September 2012).

- 13 a) Prior to carrying out works above slab level, details shall be submitted to and

approved, in writing, by the Local Planning Authority to demonstrate that such building or such parts of a building can achieve full 'Secured by Design' Accreditation.

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

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

Reason: To protect the amenity of the area in accordance with Policies DM01 and DM04 of the Barnet Development Management Policies (adopted) September 2012, and Policy D11 of the London Plan 2021.

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

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

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

- 15 a) Prior to occupation of the development hereby approved, an acoustic assessment and report shall be carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

- 16 The scheme of proposed noise mitigation measures against externally generated traffic (rail and road) noise submitted within Sharps Redmore's acoustic report of 9th September 2021 shall be implemented.

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 2016), and Policy D14 of the London Plan 2021.

- 17 a) Prior to the super-structure of the building beginning, a vibration assessment on the sub-structure/ foundations shall be undertaken in respect to rail activity. The assessment shall consider both vibration and re-radiated noise into the dwellings and commercial areas, and indicate if additional mitigation measures are required. The scheme shall be submitted to and approved in writing by the Local Planning Authority.

b) If mitigation measures are required as outlined in a) those shall be implemented in their entirety in accordance with details approved before any of the development is first occupied or the use commences and retained as such thereafter.

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

- 18 a) No commercial unit shall be occupied 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 Class E usage; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

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

- 19 No development other than demolition, site clearance and temporary enabling works, shall commence until a Sustainable 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 have been submitted to and approved in writing by the Local Planning Authority.

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 Policy SI13 of the London Plan 2021.

- 20 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

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

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

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan

23 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and

construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

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

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

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

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

Tree and shrub species selected for landscaping/replacement planting must provide long term resilience to pest, diseases and climate change. A diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines immediately below. An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine.

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

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

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

(adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy G7 of the London Plan 2021

- 25 a) Prior to the first occupation of the hereby approved development, details of the proposed green roof shall be submitted to and approved in writing by the Local Planning Authority.
- b) The green roof shall be implemented in accordance with the details approved pursuant to this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

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

- 26 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.
- b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

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

- 27 a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.
- b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be

planted as part of the approved landscaping scheme.

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

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

- 28 Before the development hereby permitted commences, the applicant shall submit for approval details of measures to improve biodiversity on the site in accordance with guidance set out within BS42040:2013: Biodiversity - Code of practice for planning and development, and guidance documents provided by the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Royal Town Planning Institute (RTPI) for approval. The development shall be implemented in full accordance with these details'.

Reason: In the interest of enhancing biodiversity on site and preserving ecology for the wider area, in accordance with Barnet Local Plan (2012) Policy DM01, Policies CS5 and CS7 of the Local Plan (2012) Core Strategy DPD and Policies G6 and G7 of the London Plan 2021.

- 29 Prior to occupation of the development and the installation of any external lighting, a lighting strategy that details measures and mitigation that will minimise the impact on bats and their insect food shall be submitted to and agreed in writing by the Local Planning Authority.

The scheme shall be implemented in full accordance with the approved details, prior to occupation of the development.

Reason: In the interest of protecting bats, in accordance with Policy DM16 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and the Policy G6 of the Mayor's London Plan (2021).

- 30 Prior to demolition on site, a suitably qualified and competent ecologist shall make an assessment of the presence of nesting birds and other species, to ensure the site is clear of species prior to the commencement of work. A general pest management (GL41) license should be required for the demolition of the building, if necessary. The findings of the Ecologist's assessment and the general pest license, where applicable, shall be submitted to the Local Planning Authority for their records, and works shall commence following the Local Planning Authority's acceptance of the contents.

Reason: To protect biodiversity and species, in accordance with Policy DM16 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and the Policy G6 of the Mayor's London Plan (2021).

- 31 No works shall commence until a detailed mitigation method statement to

demonstrate the impacts on hedgehogs as a result of the development; and, the details of avoidance with the integration of mechanisms to sustain free movement of hedgehogs is submitted to and approved in writing by the Local Planning Authority.

The scheme shall be carried out in full accordance with the approved details, and maintained as such thereafter.

Reason: To protect hedgehogs, as a protected species, in accordance with Policy DM16 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and the Policy G6 of the Mayor's London Plan (2021).

- 32 The development shall be carried out in full accordance with the recommendations in section 6.0 of the hereby approved Preliminary Ecological Appraisal (Delta Simons Environmental Report August 2021) document.

Reason: To ensure that the development enhances, preserves and protects protected species in accordance with Policy DM16 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and the Policy G6 of the Mayor's London Plan (2021).

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

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

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

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

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

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

- 36 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).

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

- The installation of any structures or apparatus for purposes relating to telecommunications or any part of the development hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that order.
- The upwards extension, by virtue of adding additional stories, to the building.
- The change of planning use of the hereby permitted commercial floorspace to residential use.

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

- 38 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).

- 39 Prior to occupation the hereby approved development shall be constructed and maintained thereafter in full accordance with the details set out in the Fire Statement (Ref: 2108310L - Issue 3 - dated: September 201) produced by Innovation Fire Engineering submitted with the application, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that sufficient precautions have been taken with respect to fire safety of the building, in accordance with Policy D12 of the Mayor's London Plan (2021).

- 40 Prior to occupation of the development, it shall have been constructed in full accordance with the air quality mitigation, carbon reduction measures and overheating mitigation as set out within the hereby approved reports "Overheating Assessment" (Revision B, September 2021) by JS Lewis Ltd; "BREEAM Pre-Assessment and Strategy" (Revision 2.2, 22/09/2021) by Carbon Consult Ltd; "Energy and Sustainability Statement" (Revision B, September 2021) by JS Lewis Ltd; and "Air Quality Assessment" (August 2021) by Aether.

Reason: To ensure that the development improves air quality, reduces carbon emissions and overheating, in the interest of climate change and protecting residential amenities, in accordance with policies DM01, DM02 and DM04 of the Barnet Development Management Polices document (2012), Policies SI1, SI2, SI4, and D6 of the London Plan 2021.

Informative(s):

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

to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

documentation published by the Department for Communities and Local Government at
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

Please visit

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

- 3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 5 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

Further details and the application form can be downloaded from:

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

- 6 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
 - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');

- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

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

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

- 10 The Drainage Strategy required by condition should include the following but not be limited to;
 - o A fully labelled SuDS network diagram showing, pipes and manholes, suds features with reference numbers etc.
 - o SuDS design input data and results to support the design.
 - o Infiltration site investigation results showing that infiltration systems are feasible method of discharge for this site, if SuDS infiltration method is proposed;
 - o Appropriate design rainfall i.e. Flood Estimation Handbook (FEH) design rainfall 2013.
 - o Assessment of the proposed drainage system during the 30-year design rainfall according to Design and Construction Guidance, March 2020;
 - o Assessment of the attenuation storage volumes to cope with the 100-year rainfall event plus climate change.

- o Evidence of Thames Water (Water Company) agreement for discharge to their system (in principle/ consent to discharge) if the proposal includes connecting to a sewer system.
- o Details of overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing the flood risk to occupants or neighbouring properties;
- o SuDS operation and maintenance plan;
- o SuDS detailed design drawings;
- o SuDS construction phasing.

Reason

To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan (2012), Policy SI13 of the London Plan (2016), and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753).

- 11 Bat Guidance: An integrated bat box such as a Schwegler 1F Bat tube, or similar approved should be installed within the fabric of the building during construction. This feature should be positioned on a southern elevation, over a height of 5 metres, ideally close to the eaves of the new build. The flight line to the box should be unobstructed by vegetation of other structures

- 12 The footway and carriageway on the Great North Road should not be blocked during demolition and construction period. Temporary obstructions during the development process should be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the Great North Road. All vehicles should only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.

- 13 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.
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/>

Working-near-or-diverting-our-pipes. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

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.

RECOMMENDATION III:

That if the above agreement has not been completed by 30th September 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):

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

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

MATERIAL CONSIDERATIONS

Key Relevant Planning Policy

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

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

Barnet's Local Plan is made up of a suite of documents, including the Core Strategy and Development Management Policies development plan documents. The Core Strategy and

Development Management Policies documents were both adopted by the Council in September 2012.

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

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

Revised National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

The London Plan provides a unified framework for strategies that are designed to ensure that development in London achieves growth that is socially and economically inclusive and environmentally sustainable.

The following Policies are relevant:

- GG2 (Making Best Use of Land),
- SD1 (Opportunity Areas),
- G5 (Urban Greening),
- G6 (Biodiversity and access to nature),
- G7 (Tree and woodlands),
- D1 (London's form, character and capacity for growth),
- D2 Infrastructure requirements for sustainable densities,
- D3 (Optimising site capacity through the design-led approach),
- D5 (Inclusive design),
- D6 (Housing quality standards),
- D7 (Accessible housing),

D8 (Public realm),
D10 (Basement development),
D11 (Safety, security & resilience to emergency)
D12 (Fire safety)
D13 (Agent of change),
D14 (Noise),
H1 (Increasing housing supply),
H4 (Delivering affordable housing),
H5 (Threshold approach to applications),
H6 (Monitoring affordable housing),
H10 (Housing size mix),
S4 (Play and informal recreation),
T5 (Cycling),
T6.1 (Residential Parking),
SI1 (Improving air quality),
SI2 (Minimising greenhouse gas emission),
SI5 (Water infrastructure),
SI12 (Flood risk management),
SI13 (Sustainable drainage),
DF1 (Delivery of the plan and Planning Obligations).

Barnet's Local Plan (2012)

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

Relevant Core Strategy (Adopted 2012):

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

Relevant Development Management Policies:

DM01 (Protecting Barnet's character and amenity)
DM02 (Development standards)
DM03 (Accessibility and inclusive design)
DM04 (Environmental considerations for development)
DM08 (Ensuring a variety of sizes of new homes to meet housing need)
DM10 (Affordable housing contributions)
DM11 (Development principles for Barnet's town centres)

DM14 (New and existing employment space) DM16 (Biodiversity)
DM17 (Travel impact and parking standards)

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

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

PLANNING ASSESSMENT

Site Description

The site contains a disused, two-storey sub-station building and other associated structures. These formerly comprised of TfL infrastructure works associated with the Northern line. The remainder of the site is overgrown with self-seeded grass and bushes and there are a number of trees located around the site. During the lifetime of the application a London Plane tree to the front of the site, has been adopted into a Tree Preservation Order (TPO Ref: 21/TPO/030).

To the south, the site adjoins the Harrison Varma House site accommodating a three-storey office building finished in red brick with large horizontal windows. This building has previously benefited from planning permission to extend the building upwards by a further two storeys, under planning application reference: 17/0284/FUL. To date, this has not been implemented. Beyond this there is a four-storey Edwardian building (nos.94-96) in use as offices, followed by a car showroom with a large forecourt area.

On the south side of Great North Road the buildings are predominantly in residential use, with Cherry Tree House being in mixed use – comprising office use on ground floor and residential above. The street further south and towards the west is characterised by residential development in a suburban setting. The buildings on the south side of Great North Road range between two and four storeys.

To the north beyond the railway line is East Finchley, designated as a District Town Centre in the Council's Core Strategy. The town centre contains a mix of uses, building styles and heights.

The east / north-east of the site is bound by a large retaining wall, upon which the London Underground Northern Line runs atop of.

The site does not fall within a Conservation Area designation, although it sits opposite the Hampstead Garden Suburb which begins at the Bishops Avenue junction opposite. The site does not contain any statutory listed monuments or buildings, however, the East Finchley London Underground station, circa 127m to the north-west, is a Grade II listed building.

Proposed Development

This application seeks planning permission for the demolition of the existing substation building and ancillary structures, and the erection of a part-five, part-six storey building, comprising 449m² of retail space (Class E), 3,937m² of office (Class E) space, and 9no. self-contained residential flats together with associated amenity space, refuse storage, cycle parking, and disabled parking spaces along with highway and landscaping works.

Site History

No relevant prior planning history.

Public Consultation

Consultation letters were sent to 60 neighbouring properties and the application was advertised by Press (5th October 2021) and Site Notice (7th October 2021).

49 responses have been received, comprising 48 letters of objection and 1 letter of support.

Comments of support can be summarised as follows:

- General support for the development
- A grocery store like Waitrose or Marks and Spencer should operate from the retail element, as there is both limited and expensive grocery provision within the town centre.

The objections received can be summarised as follows:

- Design, size, scale, height and mass of the building is unacceptable and disproportionate to the site and surrounding area – an overdevelopment of the site, contrary to policy DM01.
- Development will be dominant, overbearing, and visually harmful within the street and from views within Cherry Tree Wood
- The main road adjacent to the development floods from surface water and loss of trees and planting will exacerbate this issue.
- Drainage of the road needs to be improved.
- Increases risk of flooding.
- The site should be developed in accordance with the draft allocations within the Regulation 19 draft local plan – 29 homes with 95% residential use and small element of office on the ground floor.

- The site is more appropriate for housing and affordable housing, which would support the viability and vitality of the town centre.
- The planning statement questions the five year housing land supply, despite not providing housing numbers in accordance with the draft housing site allocation within the draft Local Plan
- A larger supermarket outside of the town centre would undermine / harm the viability and vitality of existing established supermarkets and independent shops within the town centre, contrary to policy.
- No visuals have been provided to illustrate the development when the trees are not in full leaf and so it is not possible to fully assess the impact of the proposal from the adjacent Hampstead Garden Suburb Conservation Area
- Loss of open sky vistas
- The development would not respect the character and appearance of the area and adjacent Conservation Area.
- Harm to Metropolitan Open Land (Cherry Tree Wood) and wildlife/ecology contrary to policies DM15, DM16; and, Emerging Local Plan Policy ECC05.
- Light pollution impacts on wildlife and ecology in Cherry Tree Wood – particularly with respect to bats.
- Adverse impact on the character of East Finchley
- Harms the natural environment as opposed to adapting to it.
- Lack of affordable housing
- Lack of community facilities/services provision
- Only serves the developers need and not the community
- Overshadowing of, and loss of light to Cherry Tree Wood
- It will create additional traffic congestion locally
- Mental health and wellbeing impacts over loss of green space
- Building will block flight corridor for bats and create extra noise that is harmful to them
- Overlooking of the woods and harm to personal amenity of those using the wood.
- Lack of Environmental Impact Assessment for this scheme.
- Contrary to climate change objectives
- Impact it will have on short distance views from the Summerlee Avenue gate to East Finchley Tube.
- Adverse impact on Site of Importance for Nature Conservation/Ecology.
- Insufficient consideration of Cherry Tree Wood across all assessments.
- Barnet does not need more offices.
- Overpopulation / overcrowding of the area
- Lack of renewable energy plans
- No play space for children
- Developer may try to gain additional development through additional storeys like 12-14 High Road N2
- Transport / road safety implications
- Access from under the bridge is dark and likely to put off prospective home owners and companies
- Incorrect policy references within the submitted documentation
- Poor engagement of the community
- Impact on parking locally and in the adjacent Borough in Haringey
- Insufficient delivery and servicing provisions
- Insufficient consideration given to green energy / renewable energy and overheating considerations
- Asbestos may be present in the old building – lack of assurance on how this will be managed

- Lack of detail on plant machinery serving the building.
- The transport assessment only considers access into and out of the development, not the junction with Bishops Avenue that is due to get traffic lights as part of the 12-18 High Road development.
- Did not receive notification of the application despite having attended an online briefing for it as a resident
- A previous interested party of the site sought pre-application advice on its redevelopment for housing, and the Council advised that the site was inappropriate for residential development due to the noise from the adjacent rail line and lack of outdoor space. To recommend approval would be contrary to previous planning advice.
- The number of potential comings and goings, over the proposed operating hours, means there is the strong potential for a detrimental impact on the amenities of the proposed residential units as well as the surrounding residential uses.
- Bedroom windows facing the railway line will not be openable due to a London Underground covenant, thereby only allowing for mechanical ventilation for these rooms, which will be detrimental to the amenities of the future occupiers.
- Installation of mechanical ventilation / air conditioning is contrary to the NPPF, and policy CS13 of the local plan, which require efficient use of natural resources. Air conditioning is not energy efficient.
- Balconies on the rear facing side of the development with full height glass screens will detract from the purpose of outside amenity space, providing sub-standard enclosed spaces for the future occupiers. There will be insufficient private amenity space.
- Outlook for rear facing first floor occupiers will be poor.
- The daylight and sunlight report does not take account of the amenities of 98 Great North Road. This prejudices the future residential development potential of this site.
- The scheme presents future overlooking/loss of privacy issues for any prospective residential development of 98 Great North Road.
- The application has not been submitted with any verified views to determine harm to Cherry Tree Wood (as metropolitan open space) and the Conservation Area.
- There has been no assessment of the viability of retaining the existing building and its conversion to residential.
- Scheme does not provide affordable housing and is considered a duplicitous attempt at circumventing the planning system and avoiding the obligation of providing affordable housing.
- The scheme does not make best use of the site.
- The building is currently occupied by bats. A full Ecological Assessment has not been undertaken with the requisite bat surveys.
- The layout of the lower ground floor does not appear to provide adequate space for cycles to be brought in and out, with appropriate turning areas, nor do the lifts appear large enough to accommodate a bike.
- The proposed cycle storage for the office uses, being located down several stair cases, through narrow corridors and doorways, is contrary to London Cycling Design Standards, and therefore the London Plan
- The scheme includes significant works adjacent to an existing TFL rail line, including a large retaining wall. No supporting assessment of the ground works, stability of the land, structural capacity of the wall and soils have been submitted with the application. Without the appropriate geotechnical information, it is not clear how the impact on the adjacent rail line can be appropriately assessed. Therefore, insufficient information has been submitted for the Council to fully assess these impacts.
- A construction method plan has not been submitted with the application. This

should be considered and assessed at application stage, rather than as a condition.

Officer Comment

All comments have been considered and addressed, where relevant in the main body of the Officer's assessment in the determination of the planning application and are addressed in the Officer report below.

Responses from Internal/External Consultees

Environmental Health

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

Drainage / Lead Local Flood Authority

Initial objections, requiring more information on surface water matters. Following receipt of additional information, no objections raised, subject to condition.

Traffic and Development

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

Travel Plan Team

No objections, subject to S.106 obligations.

Metropolitan Police Service

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

British Transport Police

The terraced areas proposed on the top levels will need a high enough barrier around the terrace edges to prevent any obstacles being thrown onto the tracks.

Thames Water

Waste comments: No objection, subject to informatives.

Water comments: No objection, subject to informatives.

Advice offered: Management of surface water from new developments should follow London Plan Policy S113 Sustainable drainage, subsection B (the drainage hierarchy).

Affinity Water

No comments received.

UK Power Networks

No comments received.

Arboricultural Officer

No objection, subject to conditions and S.106 securing:

(i) an obligation to value all trees being removed using CAVAT system and details of the costs for all the proposed new tree planting to be submitted to the LPA. The balance of values, between the trees lost and the cost of new tree planting to be paid to the local authority to ensure that the required level of mitigation planting is achieved.

(ii) a contribution of CAVAT value of Tree T2 (Silver birch) within the public realm to provide mitigation for the loss of canopy cover - £16,312.00

(iii) 10 new street trees proposed to the north of T1 (applicant's plan) as indicated on the draft landscape plan - cost £700.00/tree total - £7,000.00

Planning Policy Unit

Objection. The site falls outside of the East Finchley town centre designation. The Local Plan adopts a Town's first approach. Insufficient justification is provided for such development outside of the town centre. The site should be predominantly residential.

Ecology

No objection, subject to conditions for a lighting strategy that is designed to minimise impact on bats; a survey for nesting birds prior to commencement of works on site; and, a detailed mitigation method statement to demonstrate impacts on hedgehogs. Further, a condition that requires the development be carried out in accordance with the recommendations of the Delta Simons Report (August 2021) submitted in support of the application.

Network Rail

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

TFL Engineering – Infrastructure Protection Unit

The applicant is in communication with London Underground engineers with regard to the development. Subject to the applicant fulfilling their obligations to London Underground and Transport for London under the legal requirements between ourselves and the promoter of the development we have no objection to make on this planning application.

TFL Spatial Planning Team

No objection subject to conditions.

Waste & Recycling Unit

No objections – the waste strategy is acceptable.

Green Spaces

No objection, subject to a S.106 agreement securing a Parks and Open Spaces Contribution Index Linked towards the improvement and enhancement of Cherry Tree Wood within the London Borough of Barnet as identified by the Parks and Open Spaces Officers or such other appropriate officer to be allocated between any or all of the following objectives in such proportions as the Council in its absolute discretion considers appropriate: (a) Provision of drainage to playing pitches and grounds of amenity land; (b) Buildings and fencing improvement within Parks and Open Spaces; (c) Project Management Consultation or improvements; (d) Improvements to sports courts; (e) Improvements to children's play area; (f) Safety in parks including soft and hard landscape improvements; and, (g) Disability access improvements - £5,300.00; and, a Parks and Open Spaces Contribution Index Linked towards Tree planting in the vicinity of the development - £1,590.00

London Fire Brigade

No comment

Health & Safety Executive

No comment.

Urban Design & Heritage

No objections - The overall urban design and landscape strategy is supported. The scale, size and height is acceptable in the context of immediate and local setting. The applicant proposes building with elements/blocks of different heights. The variety in building heights is considered to add legibility to the scheme and make for a better contribution to the local skyline and the views from Bishops Avenue. The positioning of the building with the taller element at the north is successful. The general architecture is welcomed. The recessed vertical element and the change in the brick colours (red and brown tones) between the uses provides a clear delineation between residential and office blocks. This approach breaks down the massing and adds visual interest. The fenestration strategy provides symmetry and variation at the same time which brings visual balance to the elevations. At ground floor, the canopy has been redesigned to a long and linear canopy and the increased height gives additional prominence to the ground floor. The number of entrances/doors would bring activity at this level and passive surveillance.

London Borough of Haringey (Neighbouring Borough)

No comment.

Elected Representatives

Cllr Claire Farrier

I would like to call this application in for a decision by a planning committee, if recommended for approval. My reason for call-in is the size and bulk of the proposed building, and consequent impact on Cherry Tree Wood. Although the site is in Hampstead Garden Suburb ward, the impact will be on facilities in East Finchley, and the objections received are from residents of East Finchley.

Consultation responses from neighbouring associations other non-statutory bodies

Friends of Cherry Tree Wood

The Friends of Cherry Tree Wood object to this scheme and consider it should be refused on the following grounds:

1. The proposed development will cause significant detriment, and demonstrable harm to both the visual amenity and character of Cherry Tree Wood which is designated as Metropolitan Open Land and thus will be contrary to policy DM15 in the existing and similar policy in the emerging Barnet Local plan.
2. By reason of overbearing mass, scale, inappropriate design, and height the impact of the proposed development on Cherry Tree Wood will cause detrimental harm contrary to Local Plan policy DMO1.
3. An inadequate ecological assessment means the biodiversity impact of the proposed development on Cherry Tree Wood a site of local importance for nature conservation and thus is contrary to Policy DM16 – Biodiversity.
4. The proposed development comprises a mix of development that is completely contrary to proposal 25 contained within the emerging local plan and thus undermines the borough's commitment to increase housing including affordable housing on an identified Local plan housing site.

The Friends of Cherry Tree Wood

The Friends of Cherry Tree Wood is a Registered Charity (1997) established [1] to promote high standards of planning and architecture in or affecting the area of benefit [2] to educate the public in the geography, history, natural history and architecture of the area of benefit; [3] to secure the preservation, protection, development and improvement of features of historic or public interest in the area of benefit.

The Friends is an active local voluntary group and has, in partnership with Barnet Councils greenspaces department undertaken a series of improvements to the Wood. We are in receipt of nearly £19,000 of Area Committee funding to pay for these improvements including bin replacement, creation of wildflower meadows, an orchard, new flower beds and purchase of a bat detector (considering the numerous bat sightings in the Wood in the past year.) Barnet Council have recently invested over £130,000 in refurbishing the tennis and basketball courts.

The Friends have over five hundred supporting members.

Objections to the proposed planning application

We strongly object to the proposed development and ask that it be refused on the basis that it is contrary to a range of planning policies contained within both the 2012 Local Plan and emerging Local Plan agreed for submission to Examination under regulation 22 at the 19th October 2021 Council meeting.

Cherry Tree Wood is remnant Ancient Woodland, purchased and operated by the Council as an open space since 1915. It is designated as Metropolitan Open Land and as a Site of Local Interest for Nature Conservation. The Capital Ring an eighty plus mile circular walking route around London uses the path through the Wood and attracts many walkers from across London. Cherry Tree Wood is thus both an entrance and an exit to hundreds of Londoners and a showcase for the green open spaces of Barnet that the Council

promotes. This development will ruin that showcase.

Metropolitan Open Land

Metropolitan Open Land is strategic open land within the urban area. It plays a significant role in London's green infrastructure – the network of green spaces, features and places around and within urban areas. MOL protects and enhances the open environment and improves Londoners' quality of life. Cherry Tree Wood performs these functions and provides the locality sporting and leisure use, heritage value, biodiversity, food growing, and health benefits through encouraging walking, running and other physical activity. The tranquillity, character, visual openness, and greenness of the Wood and open space has been well appreciated over time and became more so during the pandemic when use of the wood acting as an aid to people's mental health came to the fore.

The introduction of this development, a new building two thirds the length of a tube train and over three double decker buses high will loom up and over Cherry Tree Wood. This will detrimentally and significantly impact on the visual amenity of the Wood.

The documents submitted with the application pay no heed to the existence of Cherry Tree Wood. The only photograph of the site from Cherry Tree Wood is a long-distance shot taken from near the basketball court when the trees are in full leaf. No winter assessment when leaves have fallen is given of the significant impact this will have on this view and no thought at all has been given to the much greater detrimental impact it will have on short distance views from the Summerlee Avenue gate to East Finchley Tube. Drawings included with the application suggest the ground is flat across Cherry Tree Wood whereas there is a steep slope up from the tube line to Brompton Grove which will exacerbate the visual impact of this scheme on the current open aspect above the tube.

The introduction of this block of building looming over Cherry Tree Wood is contrary to maintaining the openness of the Wood and the Metropolitan Open Land. It is thus contrary to both London Plan Policies and specifically to Barnet Local Plan Policy "DM15: Green Belt and open spaces" which states at a) vi. Development adjacent to Green Belt/MOL should not have a detrimental impact on visual amenity and respect the character of its surroundings. The proposed development most certainly will have a significant detrimental impact on both the visual amenity and character of the wood as it expressly ignores the presence of the wood and has been designed as a one-dimensional urban building addressing the High Road will no respect shown to the designated metropolitan open land on the other side of the building. Emerging Local Plan Policy ECC05 on Green Belt/MOL reinforces this approach.

Site of Importance for Nature Conservation/Ecological assessment

The Local Plan para 17.1.6 states that, "proposals which may affect a site of importance for nature conservation (SINC) should avoid adverse impact on the nature conservation value of the site, or if this is not possible minimise such impact and seek mitigation of any residual impacts. The significance of the impacts should be set out in a report supported by survey work. In exceptional circumstances, where development is to be permitted because of reasons which are judged to outweigh significant harm to nature conservation, appropriate compensation should be made."

The "Preliminary Ecological Assessment" supplied with the application does not even acknowledge or note the existence of a large site of Local Interest for Nature Conservation a mere 35metres over the tracks from the site. This is a fundamental flaw, and it cannot be

considered adequate to address any impacts the proposed development may have on the Site of importance for nature conservation as it does not acknowledge its existence and therefore no assessment of this point has been made.

In addition, a bat survey submitted with the scheme suggests that no bats roost on the premises yet “The northernmost building on the site was locked at the time of the survey with no internal access possible.” The nearest bat record is given as 850m away yet from personal experience we know bats frequent Cherry Tree Wood and are often seen along the tube line. Indeed, the Council have funded the purchase of bat recording equipment in the last two months because of the need to do more work on this area.

Design and Appearance

The proposed development does not accord with Policy DM01 of the local plan which aims to Protect Barnet’s character and amenity. Part of this policy states; “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 proposed design makes no reference to the adjoining open space which it is clearly out of character with by way of overbearing mass, scale, and height. The design intrudes a coarse urban grain into an open and wooded landscape setting which does nothing to preserve, enhance or respect this valued Metropolitan Open Land and remnant ancient woodland.

Point f of the policy notes that “Development proposals for lighting schemes should not have a demonstrably harmful impact on residential amenity or biodiversity.” Given as noted above that there is a fundamental flaw with the preliminary ecological assessment there is no way of assessing the impact on the biodiversity of Cherry Tree Wood as no survey work has been undertaken on its biodiversity by the applicant.

Emerging Local Plan

The emerging local plan has reached Regulation 22 submission stage to Examination in Public. The National Policy Planning Framework (Para 48) notes that weight can be given to emerging policies depending on the stage of the plan and the level of unresolved objections.

This site is the subject of a site-specific proposal for 95% residential (29 units) and 5% commercial use. The proposed development fundamentally breaches this approach and undermines the core direction of the plan to provide more and especially affordable housing. It should therefore be refused on grounds of prematurity.

OFFICER ASSESSMENT

Principle of development

Policy GG2 (Making best use of land) of ‘*Chapter 1: Planning London’s Future - Good Growth*’ in the Mayor’s London Plan 2021 states that “*to create sustainable mixed-use places that make the best use of land, those involved in planning and development must:*

A enable the development of brownfield land, particularly in Opportunity Areas, on surplus public sector land, and sites within and on the edge of town centres, as well as utilising small sites

B prioritise sites which are well-connected by existing or planned public Transport

C proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling

D applying a design-led approach to determine the optimum development capacity of sites

In essence the policy seeks to make best use of the land by directing growth towards the most accessible and well-connected town centres. These objectives broadly align with the principles of Policy CS1 (*Barnet's place shaping strategy – protection, enhancement and consolidated growth – the Three Strands Approach*) of Barnet's Local Plan Core Strategy (2012) which seeks to “concentrate and consolidate housing and economic growth in well located areas that provide opportunities for development”. It should also be of note that Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination. Whilst the Regulation 22 Local Plan has not been adopted, it sets out the Council's draft planning policy framework together with draft development proposals for 65 sites – of which the application site is designated for housing.

The application site falls outside of the District Town Centre boundary of East Finchley which concludes on the northern side of the London Underground Northern line flyover - circa 90 metres from the application site. In spatial terms, this is a relatively short distance, one in which the site could be read as being immediately adjacent to the District Town Centre. Notwithstanding its exclusion from the adopted town centre boundary it is considered that the proposal would make good use of a vacant, under-utilised brownfield site, on the edge of the East Finchley District Town Centre. It would be well-connected by existing public transport - being located in an area with a PTAL rating of 4/5 (Good / Very Good) – and would have access to jobs, services, infrastructure and amenity by public transport, walking and cycling.

Although the site is one of the 65 sites within the regulation 22 draft Local Plan, which indicates that the site would be suitable for residential use – i.e. facilitating circa 29 residential units - Officers have considered the reasonable practicality of delivering this, given the site's physical constraints. There is a substantial retaining wall (circa 7.5m) that bounds the east/north-eastern edge of the site, which the LU Northern Line runs atop of, and for which a structural maintenance buffer (circa. 3.3m) must be retained (as required by TFL) to enable access by engineers and associated machinery. Attempting to achieve close to 29 residential units with a suitable housing mix (larger 2 bed and 3 bed units) on the site would mean that a notable number of units would likely fall below the retaining wall and not benefit from satisfactory outlook and light access. It would also mean a larger number of units exposed to the noise associated with the Northern Line operation. It is therefore considered that, subject to compliance and balance with other relevant policy and material considerations, that a mixed-use development would be more appropriate in this location, with less prejudice to the amenities and accommodation quality of the future occupiers.

The development would broadly comply with the objectives of Policy GG2 of Mayor's London Plan (2021) and Policy CS1 of Barnet's adopted Local Plan Core Strategy (2012).

New Employment Space / Sequential Test

Notwithstanding the above considerations, owing to the site's location outside of the town centre boundary, it is necessary to consider the relevance of the two policy tests of principle, in relation to the office and retail uses – the sequential test and the impact test.

Policy SD7 (Town centres: development principles and Development Plan Documents) of the Mayor's London Plan (2021) states that:

When considering development proposals, boroughs should take a town centres first approach, discouraging out-of-centre development of main town centre uses in accordance with Parts A1 - A3, with limited exceptions for existing viable office locations in outer London (see Policy E1 Offices). Boroughs should:

- 1) apply the sequential test to applications for main town centre uses, requiring them to be located in town centres. If no suitable town centre sites are available or expected to become available within a reasonable period, consideration should be given to sites on the edge-of-centres that are, or can be, well integrated with the existing centre, local walking and cycle networks, and public transport. Out-of-centre sites should only be considered if it is demonstrated that no suitable sites are (or are expected to become) available within town centre or edge of centre locations. Applications that fail the sequential test should be refused;*
- 2) require an impact assessment on proposals for new, or extensions to existing, edge or out-of-centre development for retail, leisure and office uses that are not in accordance with the Development Plan. Applications that are likely to have a significant adverse impact should be refused; and,*
- 3) realise the full potential of existing out-of-centre retail and leisure parks to deliver housing intensification through redevelopment and ensure such locations become more sustainable in transport terms, by securing improvements to public transport, cycling and walking. This should not result in a net increase in retail or leisure floorspace in an out-of-centre location unless the proposal is in accordance with the Development Plan or can be justified through the sequential test and impact assessment requirements in Parts A(1) and A(2) above.*

Aligning with the principles above, Policy CS6 (Promoting Barnet's Town Centres) of Barnet's Core Strategy (2012), together with Policies DM11 (Development principles for Barnet's town centres) and Part (b) of Policy DM14 (New and existing employment space) of Barnet's adopted Development Management Policies DPD (2012) adopt a 'Town Centres First approach', thereby requiring that a sequential test approach is taken with regards to evidencing whether new commercial development (e.g. retail and offices) is appropriate outside of the Town Centre.

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

ii. New industrial/warehousing space will be expected to locate in Locally Significant Industrial sites. Warehousing uses or uses which generate high levels of movement should be located in close proximity to tier one and two roads as set out in Policy DM17 Travel Impact and Parking Standards and minimise impact on residential areas.

iii. Proposals for new employment space will be expected to provide on site

servicing for the intended use and include space for waiting for goods vehicles.

The applicant submitted a sequential test within their “Planning Statement and Sequential Assessment” document (produced by CENTRO Planning Consultancy, dated: September 2021). In the pretext to the sequential assessment, the applicant presents case law (Aldergate Properties case 2016 EWHC1670 (admin)), from which they opine that one should assess the development which is proposed in the application - i.e. a scheme comprising 3,937m² of office and 449m² of retail floorspace, along with nine residential flats - and should not disaggregate the proposed development into component parts. They reason that it is a mixed-use development for which there are strong regenerative benefits and significant policy support at all levels, and that this position is further supported by the precedence of the Dundee judgement (Tesco Stores Ltd v Dundee City Council [2012] UKSC 13) and further reaffirmed in the 27 LXB RP (Rushden) Ltd against East Northamptonshire District Council (appeal ref: APP/G2815/V/12/2190175).

Accordingly, the applicant’s sequential test was carried out on an aggregated basis, examining sites following a review of: the Barnet Local Plan (2012) site; the Barnet Town Centre Floorspace Needs Assessment (2017); draft Local Plan site allocations; 5 year housing land supply sites within the Authority Monitoring Report (2019/20); and a review of aerial maps and centre walkaround. Sites were excluded where they were unavailable or outside of the East Finchley catchment, and only three sites were identified for further testing, including: the Bobbath Centre; East Finchley Station Car Park; and, Park House. The assessment concluded that all three sites were either not available, suitable, and/or sequentially preferable.

Notwithstanding, the applicant’s position on disaggregation of the site, in discussions Officers suggested the applicant should still explore the disaggregation of the separate components of the development (i.e. residential, office space and retail space) and that the scope, particularly with regards to the retail element, should also be extended to the nearest town centre (identified as Muswell Hill, in the neighbouring borough of Haringey – within a circa 1.5km radius). In response, the applicant produced a further document titled: “Sequential Assessment – Supplementary Note” (dated 14th January 2022), containing a further assessment on the basis of what was discussed with Officers.

The supplementary note identified that East Finchley District Town Centre, at the time of the applicant’s site visit, had only one vacant site with a floorspace of circa. 47m², falling significantly short of the proposed 300-400m² required by the proposed development, and being located significantly further away from the public transport links (i.e. East Finchley Northern Line in particular) comparatively. The supplementary note also elaborated on the previously considered sites:

- a) that there would be land use challenges i.e. competing interests between established community use at the Park House site, and the proposed retail element of the development, which would require ground floor access;
- b) the Bobbath Centre is unavailable (not for sale / leased until 2034); and,
- c) East Finchley Station Car Park would be unsuitable, generating public opposition and being difficult to achieve the same type of development due to the Listed nature of East Finchley’s (EF) station building, and being unavailable.

In the case of the car park site, Officers acknowledge the Listed nature of the EF’s station building and the actual availability of the site would carry weight in the overall assessment, however, the matter of public objection/opinion about the redevelopment of the site would

not be a reason for discounting from the sequential approach.

The assessment of sites in Muswell Hill District Centre (with the London Borough of Haringey) revealed that none of the Site Allocations within LB Haringey's 2017 Site Allocations Development Plan Document were within the District Centre Boundaries, and therefore, were not relevant to the sequential test. A site visit conducted by the applicant on 11th January 2022, also revealed that there were no sites of a suitable size to accommodate the full development proposal. There were six vacant units in Muswell Hill District Centre (all in Class E Use), however the largest was 200m², of which 76m² was at ground floor level. All other units had less than 100m² floorspace, and thus concluding overall it would not have been reasonable to disaggregate the proposed scheme's component parts and distribute these across multiple separate smaller units in either of the examined District Centres.

Following review of the additional information submitted, Officers queried whether the applicant could provide any further evidence of demonstrated need for the proposed Office space element. The applicant supplied a document titled "North London Office Market Report" (produced by SPC Property Consultants, dated 8th February 2022) which opined that *"demand for suburban London office space has greatly increased... Businesses have adapted to the shift to working from home, recognising that the higher rents and commuting times associated with central London office spaces are unnecessary constraints which hinder the success and sustainability of their business... Working close to home in well-appointed offices close to good local amenities are major factors in the suburban office market.. We assert that rental "take-up" would be much greater in new, well-finished, well-located office buildings in line with the proposed development at 98 Great North Road."*

In addition, the applicant also supplied a list of enquiries received by Savills for office space within a catchment area covering north London, to demonstrate the demand for suburban office space set out in the Office Market Report. Officers consider this evidence to be limited, although it does merit some weight in the overall assessment of the in-principle acceptability of the scheme.

The Council's Policy Unit were approached for comment on the scheme and raised objection on the grounds of the proposals being outside of the District Town Centre boundary – thereby being harmful to its vitality and viability. The scheme was also discussed with the Council's Town Centre Team, and contrary to the Policy Unit's view, they have suggested that the site would be suitable for Office space given that it is sustainably located in context with the existing District Town Centre and the immediately adjacent East Finchley London Underground station (Northern line). They also suggested that the development should provide affordable work space, although did not indicate how much. Despite their support for the Office use, the Town Centre team were of the view that the East Finchley is already well served by Food Convenience retail units, and therefore, considered that the retail element of the proposal was not necessary.

Officers acknowledge the comments of both the Council's Policy and Town Centre consultees, which offer slightly conflicting observations about the in-principle acceptability of the scheme. It is considered that the supporting information supplied by the applicant is moderately convincing at demonstrating the demand for the flexible / co-working office space within Greater London and that the applicant has taken a reasonable and proportionate approach to demonstrating that the site is sequentially preferable. Further, despite there being a limited policy basis for requiring affordable workspace in this instance, the applicant has agreed to provide 200m² of commercial floorspace at 90% of

the Market Value, which Officers consider to be both fair and reasonable offer that will contribute towards the Borough's shortfall in provision. Overall, the proposed development may be somewhat contrary to the 'Town Centres First' approach objectives set out within the London and Barnet Local Plan policy frameworks, however, it is considered that there are a number of relevant material considerations which must be afforded appropriate weight in the overall planning balance of the proposal's assessment (considered later in this report) to determine whether the disbenefits of the proposed development would satisfactorily outweigh the benefits of the scheme.

Impact Test

The proposed food / convenience retail element of the scheme at 449m² floorspace falls below the 500m² threshold for the impact test suggested within the pre-text for Policy DM11 of the Barnet Local Plan (2012), and thus, Officers consider that retail element does not warrant a retail impact assessment on EF District Town Centre.

With regards to the proposed Office space element, as submitted by the applicant in their Planning Statement, the London Plan (March 2021) Policy SD7 refers to the impact test as being applicable to office development (as well as retail and leisure uses), although the current NPPF (July 2021) post-dates this, omitting any reference to office development from the impact assessment process. It is still a material consideration that Policy SD7 remains a current policy within the current London (2021), however the appropriate level of weight needs to be afforded to this in the overall planning balance with regards to the proposed Office space element. Officers have regard to this in the overall planning balance section of this report.

It is understood that the Council's Policy Unit have raised concerns about the potential for the Office floorspace of the proposed development to be converted to residential at a later stage under provisions of the General Permitted Development Order 2015 (as amended), and that such a process would help the applicant to avoid meeting the requirements of other planning policy instruments, e.g. such as affordable housing. The planning assessment at this stage can only be based on the what has been applied for within the submitted application and not any speculative alternative developments/uses. In any case, Officers would recommend a planning condition to be attached to any planning approval decision that would prevent conversions taking place without expressed planning permission.

Impact on the character of the area

Density:

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

transport (including PTAL) and the capacity of surrounding infrastructure.

With regards to public transport accessibility and access to social infrastructure, the application site is located within an area that has a PTAL rating of 4, which is regarded as good, however, immediately adjacent to the site the PTAL rating is 5 (very good) where the East Finchley Northern Line Station sits, circa 130 metres to the north west, which is also where the town boundary designation starts. There are also bus stops on the High Road / Great North Road, which serve major routes in and out of London. All public transport nodes and the shops and services are accessible by pedestrian and cyclist friendly routes. Accordingly, it is considered that there are no objections to the scheme when having regard to the public transport and social infrastructure accessibility dimensions of both the London Plan and Local Plan density criteria.

Given the immediate adjacent location of the East Finchley District Town Centre, the site is regarded as being situated within an urban area, where the design, size, density and form of other mixed-use buildings are varied. Read in conjunction with the wider urban townscape of East Finchley District Town Centre and the buildings adjacent to and opposite the site, where there are a range of densities, it is considered that the residential density proposed would not be out of keeping with the surrounding context. The site is 0.1951 hectares (ha) in size and has 42 habitable rooms (hr), yielding a density of 215hr/ha. Whilst the density matrix is no longer the London Plans (2021) preferred approach to considering density, it still provides a useful indicator, and in this case, it is considered that the proposed development would be of an acceptable density relative to the site location.

Design / Layout:

High quality design underpins the sustainable development imperative of the NPPF and Policies D1, D3, D5, D6, D7, D8, and D9 of the London Plan (2021). Policy CS5 of Barnet's Core Strategy (2012) seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high-quality design. Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces, and streets.

The development is proposed as a single 6 storey building, although there is a clear strategy to the design of the massing. The separate elements – residential, retail and office spaces – are made into legible components with the north part of the development comprising the residential element. This is clearly delineated from the office element with a recessed gap (set back) on the principal elevation and a notable gap left between the recessed top storeys of the residential and commercial components. This reduces the perceived bulk and massing of the top floors, but also breaks up the bulk of the building as a whole. The retail element, occupying the ground floor, projects out at 1.5 storeys, and again, aids in breaking up the massing of the street facing elevation cumulatively with the other staggered elements of the design.

The 'pan handle' element of the building, occupies the southern part of the site but is largely concealed behind Harrison Varma House. Nevertheless, the design of this element still adheres to similar design principles by having a recessed top floor. It is considered that the composition of the massing creates a well proportioned building that optimises the use (physically) of the site without becoming overly dominant within the street scene. Although the development it will be taller than the existing substation structure, the

adjacent buildings (Varma House) and those on the opposite side of the road, the recesses, and staggers in the volumes help it to be read comfortably against the area's existing streetscape. As such, Officers consider that the proposed development has an appropriate scale and mass that is commensurate with the surrounding context.

Layout

The layout of the development, between the proposed uses, is considered to be appropriate, with the entrances to each component kept separate from each other, as well as their refuse and recycling provisions. The servicing area under the residential element is considered to be an appropriate use of this ground floor space as it would not be suitable for residential habitation due to the high retaining wall to the north / north-east. It facilitates functional servicing in a well-concealed part of the site that can be accessed and egressed appropriately. The internal configuration of each element of the development is also considered to be acceptable, with both commercial spaces offering flexible layouts. A suitable area to the front has been retained to ensure that the development can be softened by landscaping and planting, to create a space that would integrate well with the public realm and wider street scene.

Façade design / articulation / Materials

With regards to articulation and materials, the architectural expression follows a very gridded approach. Vertically, a single grid is applied to the residential block with narrow brick piers, which is then followed by the Office element of the scheme which features wider brick piers. This pattern has similarly been applied on the horizontal plane across both components (residential and commercial) – with a stone (residential) / light grey (commercial) metal banding delineating each level. This is staggered at different heights on both buildings, owing to the different heights between floors (created by the split lower-ground/ upper-ground, result from the gradient of the land on site).

Cumulatively, the difference in heights; the size of, and spacing in between the windows; the ratio of glazing to solid material; and, the variance of brick colour between the different use components (residential – London stock brick / Office – red brick) all help to break up the mass of the overall building and create a visually appealing form of development that fits in within the character of the street. Comparative to surrounding buildings within the wider street scene, which are comprised of brickwork, render, metal and other forms of cladding of varying colour palettes, it is considered that the application development's proposed material selection would not be demonstrably out of keeping with the character and appearance of the surrounding area.

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

Visual Impact

It is noted that a number of objections have been received with regards to the building's visibility from Cherry Tree Wood and the suggested adverse impact that it would have on the visual amenity and character of Cherry Tree Wood enjoyed by public/residential users. The application is supported by the submission of a Built Heritage Townscape and Visual

Assessment (September 2021) and Addendum (January 2022) which provides rendered images of the development during the spring/summer (trees in full leaf) and winter (trees without leaves). It is acknowledged that the development would be visible from Cherry Tree Wood in both seasons, however, owing to its acceptable height, scale and massing, it is not considered that it would appear unduly obtrusive and overbearing when viewed from this location. Further, owing to the variety of trees (some deciduous, some not) within Cherry Tree Wood and the north line embankment, the development would be largely screened from this area, with mainly the top two floors being slightly visible through the trees in winter. With the trees in full bloom in the spring/summer months the upper floors would be significantly less visible – with only the top edge of the uppermost floor likely being visible. It is not considered that it would unduly detract from the open space of Cherry Tree Wood.

From the Great North Road the development will be more visible, but it will be read against an urban environment, where it will be largely in keeping with the character and appearance of the surrounding area. There will be less tree cover during the winter months, however, as per the observations of the design above, it is considered that the height, scale, and mass is adequately broken up through well-considered articulation, materials, and staggered recessing of various components. It will be read against the existing commercial environment on the north side of the Great North Road, as a natural extension fitting in with the established context, and would therefore not detract significantly from the lower rise residential buildings on the opposite side of the road. Officers are satisfied that the development would sit comfortably within the site and that it would have an acceptable visual impact on the surrounding townscape and views from all directions explored within the Built Heritage Townscape and Visual Assessment (September 2021) and Addendum (January 2022).

Overall, in terms of layout, scale, massing and design, the proposed development is considered to be of a high quality and is acceptable in terms of design policies – thereby respecting and preserving the character and appearance of the site and surrounding area.

Impact on Heritage Assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the decision maker to consider the effects of development on listed buildings and their settings – specifically, having special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Paragraph 194 of the National Planning Policy Framework 2021 requires applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 195 require Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Further, Paragraph 199 goes on to state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Aligning with the statutory duty and principles of the above, Policy HC1 (Heritage conservation and growth) of the Mayor's London Plan (2021) states that "*Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings... Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process*".

Similarly, Policy CS5 of Barnet's Local Plan Core Strategy (2012) and Policy DM06 of Barnet's adopted Development Management Policies DPD (2012) seek to ensure that all heritage assets will be protected in line with their significance, and that development proposals have regard for local historical context. Development is required to demonstrate, where appropriate, amongst other things, the impact of the proposal on the significance of the heritage asset and how the benefits outweigh any harm to the heritage asset.

Approximately 130m to the north-west of the site, on the opposite side of the Great North Road / High Road, sits East Finchley London Underground Station (Northern Line), which is a Grade II Listed Building. In recognition of its presence, the application is supported by a Built Heritage Townscape Visual Assessment (Bridges Associates, September 2021). The assessment does not identify any demonstrable harm to the significance of the heritage asset. Whilst the development will be glimpsed within the panoramic view down the High Road, and looking up from the Great North Road, the development would not be overly dominant and would not demonstrably compete visually with the Listed East Finchley Station building. It is considered that there would be no demonstrable harm to the significance of the heritage asset, by virtue of its distance, but furthermore, it is also considered that there would be no demonstrable harm to its setting. The Council's Conservation team were approached for comment at the pre-application stage, and raised no objections, and further, raised no objections in response to the formal consultation of this application.

The development sits opposite the Hampstead Garden Suburb Conservation Area where there is equally a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and requirement under the aforementioned policies, to pay special attention to the desirability of preserving or enhancing the character and appearance of that area. Officers consider that the proposed development would not amount to any harm to the significance of the adjacent Conservation Area.

In light of the above, it is considered that the proposed development would accord with the heritage and conservation objectives (i.e. no harm to significance or setting of heritage assets) of the Planning (Listed Buildings and Conservation Areas) Act 1990; Section 16 of the NPPF (2021); Policy HC1 of the Mayor's London Plan (2021) and Policies CS5 and DM06 of Barnet's adopted Local Plan (2012).

Impact on the residential amenities of neighbours

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

The application site does not abut any residential curtilages – with the Harrison Varma

building (No. 98 Great North Road), No. 94-96 and 82-92 all being in use for commercial purposes. As such, the closest residential properties would be opposite the site on the south/south-west side of Great North Road – all in excess of 23 metres elevation to elevation. It is therefore considered unlikely that the development would impact the existing residents to by means of overbearing impact, loss of outlook, overlooking and loss of privacy.

The application is accompanied by a daylight and sunlight assessment (Ref: EFS Rev.1; September 2021, by CPMC Ltd) which assesses the daylight and sunlight impacts on the neighbouring properties of 5 Beaumont Close, Bishops Court, Cherry Tree Hill House, 3 Great North Road, 4 Great North Road, and, 94 – 96 Great North Road. The assessment report demonstrates that the minimum Vertical Sky Component (i.e. the ratio of the direct skylight illuminance falling on a vertical face at a reference point - usually the centre of a window - to the simultaneous horizontal illuminance under an unobstructed sky) criteria established within the 2011 BRE Daylight and Sunlight Standards would be met at all six sites.

With regards to Daylight Distribution, the assessment report also demonstrates that the minimum standards of the 2011 BRE guidelines would be met for all of the sites, except one minor adverse transgression caused to a ground floor window at 94 – 96 Great North Road. Given the marginal nature of the transgression; the fact that the building is in commercial use, within an urban environment; and, that it would satisfy the Vertical Sky Component criteria, it is considered that this would be acceptable on balance.

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

Impact on existing businesses

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

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

It is considered unlikely that the proposed development's individual components i.e. residential, retail, and office, would neither, individually or cumulatively, have an adverse impact on the function and convenience of the adjacent commercial properties.

The residential aspect of the scheme sits to the northern part of the site and would be screened by the retail and office part of the development. The residential element would therefore be sufficient distance from the neighbouring commercial sites to avoid placing any undue pressure on their current operations.

The retail element is modest in size, and the design accommodates for off-street servicing and deliveries, which could be reasonably managed by a servicing and delivery plan. The parking on site is limited to Blue Badge Holders (2 spaces) and thus, traffic disruption and congestion to the adjacent commercial properties would be unlikely.

The office space is moderate in size, however, again as there would only be increased footfall at peak times, with less personal motor vehicle travel owing to the car-free nature of the development.

Further, there are no aspects of the design or plant that would be regarded as particularly disruptive to the adjacent existing business. It is therefore considered that the scheme would meet the objectives of Paragraph 182 of the NPPF (2021) and Mayor's London Plan (2021) Agent of change policy (D13).

Housing Quality

Unit Mix / Dwelling Sizes:

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

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

Type	Number of Units	Percentage
2 bed 4 person	3	33%
3 bed 4 person	1	11%
3 bed 5 person	4	45%
3 bed 6 person	1	11%
Total	9	

It is considered that the proposed development provides a reasonable mix of home sizes. The larger family sized units proposed (3 bed 4 person, 3 bed 5 person and 3 bed 6 person) account for 67% of the dwellings that would be delivered, and larger 2 bedroom units would account for the remaining 33%. This is considered to be appropriate given the site's characteristics and location. Officers therefore consider the proposed dwelling mix to be acceptable and in accordance with Barnet Local Plan (2012) Policy DM08.

Standard of accommodation

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

All of the proposed residential units would meet the minimum internal space standards, as set out within the policies referenced above. In terms of ceiling heights and addressing the

Urban Heat Island affect, as required by Policy D6 of the Mayor's London Plan (2021), all units will have a ceiling height of 2.5m for at least 75% of the gross internal floor areas. This will ensure that the new housing is of adequate quality, especially in terms of daylight penetration, ventilation and cooling, and sense of space.

Daylight & Sunlight:

The applicant has not undertaken a formal review of the internal sunlight and daylight levels within the residential aspect of this development in their Daylight & Sunlight report. Nevertheless, Officers are satisfied that the development would achieve satisfactory levels because there is no residential accommodation that would be unduly restricted by the railway embankment or neighbouring properties. Furthermore, the units are also well-glazed, with each being afforded a degree of dual aspect, and no room within any of the units are excessively deep to an extent that would prevent light from reaching them.

Overall, Officers are satisfied that the proposed residential units would receive good levels of daylight and sunlight.

Privacy / Overlooking

It is considered that the proposed development would achieve a satisfactory degree of privacy for the future occupiers. With adequate separation from the adjoining uses within the application development and other neighbouring commercial and residential uses, there would be no demonstrably harmful overlooking of the residential aspect of the development, with measures controlled by privacy screening – required by a suitably worded planning condition. Overall, it is considered that the proposed development would achieve a satisfactory standard of privacy in accordance with the objectives of DM01 of Barnet's adopted Development Management Policies DPD (2012).

Amenity Space

Policy D6 (Housing quality & standards) of the Mayor's London Plan (2021) and Barnet's adopted Sustainable Design and Construction (SDC) SPD (2016) require that sufficient, functional amenity space be provided for all new homes and flats wherever possible.

The Council's adopted SDC SPD (2016) requires 5m² of space per habitable room, but recognises that this is not always achievable in town centres and flatted residential development. Based on the SDC SPD (2016) standards the requisite amount of amenity space required across the entirety of the scheme is 210m². The overall provision across all units is 104m², with only one of the units (a 104m² 3 bed duplex unit on floors 4/5) meeting the 2016 SDC SPD's requirements. It is of note that the amount provided both overall and individually would meet the requirements of Policy D6 of the London Plan (2021), however, as the SDC SPD is part of the Council's current Local Plan (2012) policy framework, the standards within this document remain the primary point of reference.

In lieu of the shortfall of amenity space, both the SDC SPD (2016) and Barnet's Planning Obligations SPD (2013) state that the Council can seek a planning obligation.

The Council's Greenspaces team have been consulted on the amenity space shortfall and have suggested a Parks and Open Spaces Contribution for the sum of £6890.00 (Index Linked) towards tree planting in the vicinity of the development and the improvement and enhancement of the Cherry Tree Wood within the London Borough of Barnet as identified by the Parks and Open Spaces Officers; or, such other appropriate officer to be allocated

between any or all of the following objectives in such proportions as the Council in its absolute discretion considers appropriate:

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

Cherry Tree Wood is the closest public open amenity space to the application site, which will provide amenity benefits to the residential aspect of the development, and thus, a contribution towards its enhancement would be considered to be both reasonable and necessary in outweighing the shortfall of amenity space provided.

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

Playspace

Policy DM02 of Barnet's adopted Development Management Policies DPD (2012) states that the requirements for children's playspace will be calculated in accordance the London Plan. The Council's Residential Design Guidance SPG states at paragraph 8.19 that playspace will be required for new flatted development that has the potential to contain 10 or more children.

Based on the housing mix proposed and the PTAL rating of the area, the GLA's Population Yield Calculator estimates the child yield from the development will be circa 4.3 children. This figure falls below the identified threshold of 10 or more children. The scheme makes no provision for children's playspace, however, the estimated yield would fall below the Council's adopted Residential Design Guidance SPD (2016) threshold. Nevertheless, the site is not in an area that is deficient in open space and there are parks within less than 1 mile walking distance of the site at Cherry Tree Wood (0.1 mile) Highgate Wood (0.9 mile) and Market Place playground (0.6 mile).

Highways / Parking

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

Residential car parking

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

The Highways Authority have commented that *“The site fronts directly onto Great North Road, A1000, a key north-south route through the borough. The section of the A1000 fronting the site is a single carriageway road with parking on both sides. There are “residents permit holders only” bays, bus stops, yellow lines and a southbound cycle lane in the section of the A1000. This section of the A1000 has a mixture of commercial (offices) and residential properties.*

The site is in a CPZ which operates Mon-Sat, from 8.30am to 6.30pm and it lies in an area with a PTAL rating of 4 (on a scale of 1-6, where 1 is poor and 6 is excellent) which denotes good public transport accessibility for the site. Four bus routes (234, 263, 143 & 102) can be accessed from stops within 2 minutes walking distance of the site. East Finchley tube station is within 3-4 minutes walking distance of the site.

The proposal consists of the erection of a part five and part six storey building to provide 9 self-contained flats, 3937sqm metres of office floorspace and 449sqm of retail space. The parking requirement for the residential element of the site based on policy DM17 is between 9 – 13.5 spaces. For the 3937sqm of office space, based on London Plan standards, a maximum of 39 spaces is allowable. Likewise for the 449 sqm of retail, 6 spaces are needed.

Given the site’s location and good PTAL score, Highways would not insist on any parking provision for the office except for disabled parking. Likewise, for the residential, the provision of 1 disabled bay is recommended. The development will provide a car free scheme with the provision of 2 disabled bays which is the minimum requirement under London Plan. Given the fact that the site is in a CPZ, Highways would accept the proposed car free scheme with 2 disabled bays provided the applicant agrees to enter into a s106 agreement with the Council to deny residents of the development the right to purchase CPZ permits.

In relation to electric vehicle charging points, it is recommended that both bays are fitted with active charging points.”

It should be noted that the Highways Authority’s comments with regard to parking and the London Plan (2021) standards broadly align with the standards set out within Barnet’s Regulation 22 draft Local Plan, which is currently being examined by the Secretary of State. Owing to the draft nature of Barnet’s Regulation 22 Local Plan, only limited weight can be afforded to this policy, however, weight can be afforded nonetheless, particularly given its consistency with the established standards set Mayor’s London Plan (2021). Furthermore, it should be noted that parking standards set out within Policy DM17 of the current Barnet Local Plan (2012) are maximal standards and not minimum.

Officers consider that the Parking Management Plan condition requested by the Highway Authority is unnecessary given that there are only two parking spaces within the development and these are designated for blue badge holders only. Notwithstanding, Officers agree with the Highway Authority recommendation that an amendment to the Local Traffic Order should be carried out in to prevent future residents of the development from purchasing permits for existing controlled areas. This would ensure that the development does not increase parking pressures / overspill within the local area. This is

considered both reasonable and necessary, and thus, it is recommended that this obligation is secured via legal agreement in the event of a recommendation for approval.

Cycle Parking

Based on London Plan (2021) standards set out in Table 10.2 of Policy T5, a minimum of 18 long stay and 2 short stay cycle parking spaces are required for the residential; 26 long stay spaces and 8 short stay spaces for the office use; and, 3 long stay and 11 short stay spaces for the retail use. Cumulatively, a total of spaces and 47 long stay and 21 short stay cycle parking are required for the site.

In accordance with the above, 18 long-stay covered and secure cycle parking spaces will be provided for the residential dwellings, within the residential building. 26 long stay spaces, 8 short-stay spaces and 1 accessible cycle parking space will be provided internally for the office space; and, 15 covered spaces will be provided for the retail space, in front of the building. It is proposed of the 3 of the 15 short stay spaces provided for the retail are designated as long stay spaces.

The Highways Authority have commented that “*long stay cycle parking should be provided in a covered, sheltered, lockable, enclosed compound, while short stay cycle parking should be provided in a covered, sheltered, lockable environment and 5% of the spaces should be provided for larger bicycles. The type of stands used must allow both wheels and the frame of the bicycle to be locked. Details of cycle parking are therefore requested by way of a condition*”. It is considered both reasonable and necessary that the details of cycle storage provision are secured via condition, in order to ensure that it is provided in accordance with London Plan (2021) standards.

Delivery / Servicing / Access and Layout

The Highway Authority consider that the layout of the site is acceptable. The swept path drawings provided in Appendix D of the Transport Assessment illustrate that a 10m long rigid vehicle can enter and exit the site in forward gear, without unduly compromising the safety, function and convenience of the local highway network and its users.

The Highway Authority raise no objection to on-street servicing subject to a refuse and recycling management plan that details a designated holding area needs to be indicated on a plan and which requires bins to be brought to the front of the site. This can be secured by condition, in the event of a recommendation for approval.

The principles set out within the submitted draft delivery and servicing plan (DSP) are considered acceptable by the Highway Authority. Notwithstanding, elevations of the refuse store, recycling arrangements and steps to minimise the number of deliveries need to be indicated in a final DSP, secured by planning condition – to ensure that the delivery and servicing arrangements do not compromise the safety, function and convenience of the local highway network.

It is noted that there are two existing crossovers serving the site on A1000, one of which is to be altered (widened/upgraded) and the other closed/ reinstated to footway. The Highway Authority advise that the applicant will be required to enter into a s184/s278 for these works on the public highway. Officers concur with this recommendation.

Trip Generation / Road Safety

The Highway Authority have advised that vehicle trip generation associated with the development overall is not expected to be a significant issue, as the scheme is car free.

Notwithstanding, they have advised that the scheme will generate a significant number of person trips, and as such, it is recommended that a financial contribution of £50,000.00 be sought towards measures (by way of signalised junction/crossing) to enhance pedestrian safety on The Bishop's Avenue and Great North Road junction. The Highway Authority have suggested this is necessary because of 8 historic accidents that have occurred within the local area within the previous 5 years. Three of these were recorded as serious accidents and five were recorded as slight in severity. Officers acknowledge the Highway Authority's concern with regards to the safety of the highway and its users, however, not all of these collisions were between pedestrians and motorists. Furthermore, this is an existing highway related problem, and not one that would be created or made demonstrably worse by the proposed development. With exception of the blue badge parking provision (2 spaces) the scheme would not be demonstrably adding to the number of vehicles on the road. Although the scheme will result in an increase in pedestrian movements associated with both the residential and commercial elements, there is a safe crossing point approximately 150m (circa. 1.5 – 2 minutes) north of the site by East Finchley Tube station. Accordingly, it is not considered that the additional pedestrian movements would amount to a significant increase in the potential for motorist/cyclist-pedestrian collisions and it remains a possibility that such events will occur between existing road users regardless of the presence of the proposed development.

Notwithstanding the above, it should also be noted that since the previous accidents were recorded in the area, a cycle lane (running from North Finchley to Hornsey via A1000 / High Road / Great North Road) was introduced in September 2020 under an experimental Traffic Management Order which is to run for 18 months, although it is understood that the provision of green/sustainable transport facilities along the A1000 are an objective of Barnet's Long Term Transport Strategy. The permanency of this infrastructure in the long term is unknown, however, there have not been any recorded collisions since its installation. Accordingly, it would be reasonable to surmise that the presence of this infrastructure is likely to have increased the level of road awareness amongst all users of the highway.

Overall, Officers would consider that it would not be appropriate to seek a financial planning obligation towards the measures that the Highway Authority have suggested. Paragraph 57 of the National Planning Policy Framework states that "*Planning obligations must only be sought where they meet all of the following tests:*

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development."*

In terms of the above tests, it is considered that the scheme would be acceptable in planning terms, with very little direct impact on a pre-existing highway issue, that is not caused by the existing application site in any way. Furthermore, Officers would not consider it to be fair and reasonable in terms of the scale and kind of development which will be car free, with exception of the blue badge parking space provision.

The application has been supported by a Stage 1 Road Safety Audit (by Alpha Consultants, September 2021) which assesses the site access and adjacent cycle lane. It identifies turning/emerging vehicles (particularly HGVs) at the site access as a potential risk to cyclists and motorists - due to visibility splays at the access point – as notable

issues. The audit recommends road markings and signage to alert drivers of the presence of cyclists. The Highway Authority agree that mitigation will be necessary, in the interest of pedestrian, cyclist and motorist safety, and there recommend that a scheme of road safety mitigation be required as part of the Section 184 / Section 278 off-site highway works that will be required as part of the development. Officers concur with the Highway Authority's suggestion, in the interest of maintaining the safety, function and convenience of the local highway network in accordance with Policy DM17 of Barnet's adopted Development Management Policies DPD (2012).

Travel Plan

The applicant has submitted a framework travel plan, which the Highway Authority consider is acceptable in principle. In the event of a recommendation for approval, the formal submission of the travel plan and its monitoring by the Council would be secured by a legal agreement, along with a financial contribution of £15,000 towards travel plan monitoring. A further contribution of £2700 equating to £300 per household towards travel plan incentives would also be sought, in accordance with the Council's Planning Obligations SPD (2013).

Construction Management Plan

In the event of a recommendation for approval, a demolition, construction and logistics management plan, required by planning condition, has been recommended by both the Highway Authority and Environmental Health, in the interest of managing the construction phase traffic and construction associated pollution throughout the development's construction phase. This is considered to be both reasonable and necessary to protect the safety and amenities of the public, neighbours and local highway network, in accordance with the objectives of Policies DM04 and DM17 of Barnet's adopted Development Management Policies DPD (2012).

Refuse & Recycling

The Council's Waste Management Department have been consulted on the scheme, and is satisfied that adequate refuse and recycling provisions have been provided. As per highway recommendations, details around the servicing should be provided by condition, in the event of a recommendation for approval.

Highway related Planning Obligations:

In conclusion of the above, the following planning obligations listed below and a number of relevant conditions attached to the report are recommended:

- S.278/S.184 agreement for stopping up of footway / creation of new access and a scheme of road safety mitigation / improvements in accordance with the findings and recommendations of the Road Safety Audit and the Highways Authority.
- Submission of travel plan and financial contribution towards its monitoring (£15,000.00), and contribution towards travel incentives (£2,700.00 i.e. £300.00 per household);
- A £2392.01 contribution towards CPZ permit restrictions - i.e. future occupiers to be restricted from obtaining residential parking permits.

Drainage / SuDs

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

The application site is in Flood zone 1 and the scheme is accompanied by a Flood Risk Assessment, including drainage calculations and surface water drainage recommendation.

The information submitted has been assessed by the Council's appointed drainage specialists who, following the submission of further details, have raised no objection to the development, subject to conditions.

If permission were granted, a condition securing the submission of further details of the surface water drainage scheme would be attached. This is considered both reasonable and necessary, in the interest of preventing on-site and off-site surface water flooding, in accordance with Policy C13 of the Barnet Core Strategy (2012) and Policies D3, SI12, and SI13 of the London Plan 2021.

Environmental Considerations

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

Contaminated Land:

The application is accompanied by a Phase One Contaminated Land Assessment Report (by Mott MacDonald, October 2010). It concludes that the site is not considered, in its current state, to present any unacceptable risks to the defined receptors, and that there is no requirement for remedial action. Notwithstanding, it does recommend that Ground Investigation, including analytical testing prior to redevelopment works should be undertaken to assess the presence of contamination sources.

Environmental Health have considered the submitted report and consider that as the site is a brownfield site, and that the building on site is to be demolished, along with significant groundwork, that has the potential to release any harmful contaminants. It would therefore be reasonable and necessary to recommend a contaminated land condition that requires analytical ground testing, to establish whether remediation of the site is required. This would be in the interest of protecting the public, neighbouring occupiers and the future occupiers of the proposed development, in accordance with Policy DM04 of Barnet's adopted Development Management Policies DPD (2012).

Air Quality:

Policy SI1 (Improving air quality) of the Mayor's London Plan (2021) aligns with the principles of DM04 of Barnet's adopted Development Management Policies DPD (2012), in that it seeks to ensure emission risks associated with development - i.e. air pollution, both

existing and as a consequence of the proposed development - are identified, and that a suitable scheme of mitigation is established to mitigate the impacts for the existing environment and receptors (residents/public) as well as future receptors (residents of the development); and, that all new development meet the GLA's Air Quality Neutral benchmarks.

The application is accompanied by an Air Quality Assessment (by Aether, August 2021) which concludes that with regard to emissions from road traffic on sensitive receptors, both annual mean NO₂ and PM₁₀ concentrations within the area fall below the objective benchmarks; and, that there would be no exceedances of either short term objective for NO₂ or PM₁₀. Despite the assessment predicting an increase of 0.6ug/m³ (NO₂) and 0.1ug/m² (PM₁₀) in future, this will still ensure that the emission levels will sit below the relevant objective benchmarks (40ug/m³ annual limit established within the Air Quality Standards Regulations 2010), and thus, no air quality specific mitigation is recommended.

The Council's Environmental Health team have considered the report and advise that its findings and recommendations are sound. Notwithstanding, they do note that the traffic attraction potential of the retail units cannot be quantified as it will be dependent on the retailer that occupies the space. Nevertheless, concerns about traffic generation have been considered in the Highways section of this report, where Officers are satisfied that personal motor vehicle trip generation is unlikely to be significant given the lack of parking available on site and within the surrounding area (controlled by CPZ/Pay and display parking)

The same report contains an Air Quality Neutrality assessment which concludes that as the development will use electricity, air source heat pumps, and will have relatively little-to-no trip generation, that the scheme will be Air Quality Neutral in accordance with the objectives of Policy SI1 of the Mayor's London Plan (2021). The applicant has confirmed that there will be no supplementary gas boilers that would create additional emissions, and thus, the Environmental Health Team have raised no objections to the proposed development in this regard.

The report details mitigation measures that should be followed with regards to the control of dust emissions. These should be incorporated into a construction management plan, which will be required by planning condition to ensure that the construction of development is carefully planned and managed by procedures that mitigate the emission of pollution.

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

Noise:

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

In support of the application, the applicant has submitted a noise and vibration report by Sharps Redmore (ref. R1(RevC)-09.09.21-East Finchley Sub-Station-2120448-RDS, dated

9/9/2021), which has been considered by the Council's Environmental Health team. They agree with the overall findings and recommendations of the report, but identify that there is a need for a number planning conditions requiring further acoustic assessments to be undertaken on the final plant and insulating materials (vents, windows, facades etc) that are to be incorporated into the final development. Recommending conditions in this instance would be considered both reasonable and necessary to ensure the development does not compromise the amenity of the future and existing residents of the site and locality. In addition a bespoke vibration condition has been agreed between Environmental Health and the applicant's acoustic consultants to ensure that the impact of vibration from the London Underground line are fully considered and mitigated against prior to the occupation of the development.

Overall, it is considered that the proposed development, subject to conditions numbers 14-18 recommended at the top of this report, would achieve satisfactory internal noise levels for the residential occupiers of the development and neighbouring residential occupiers, in accordance with the objectives of Policy DM04 of Barnet's adopted Local Plan Development Management Policies DPD (2012), and Policies D13 and D14 of the Mayor's London Plan (2021).

Accessibility and Sustainability

Accessible Housing:

The application scheme is required by Policy DM03 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and Policy D7 (Accessible Housing) of the Mayor's London Plan (2021) to meet Building Regulation requirement M4(2) and for 10% of all units to be wheelchair home compliant (Building Regulation requirement M4(3)).

The plans indicate that the proposed development would meet these requirements – with sufficient widths and circulation space for wheelchairs. Notwithstanding, a condition will be recommended in the event that planning permission is granted, to ensure compliance with these Policies.

Carbon Emissions

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

The applicant has supplied an Energy & Sustainability Statement (Revision B; dated: September 2021), produced by JS Lewis Ltd, which sets out how the development will accord with the objectives of the relevant policies.

In respect of carbon dioxide emission reduction, the statement confirms that the scheme has been designed to achieve a 41% CO₂ reduction over Part L of the Building Regulations and will incorporate:

- Energy efficiency measures for both fabric and fittings;
- Passive design measures and natural ventilation, wherever possible;
- Heat recovery on mechanical ventilation to commercial space;
- Solar control through layout/orientation and fenestration;
- Communal heating from air source heat pumps;

Carbon offset payments of £17,549.00 for the residential element and £60,743.00 are also proposed, to be secured by Section 106 agreement, to contribute towards the Boroughs Carbon Zero objectives.

The mitigation and stated 41% reduction, together with the carbon offset payments are considered to comply with the objectives of Policies DM01 and DM02 of Barnet's Local Plan Development Management Policies DPD (2012) and Policy SI2 of the Mayor's London Plan (2021). A condition is recommended in the event of planning permission being granted, to ensure the scheme is implemented in accordance with the Energy & Sustainability Statement recommendations, which will subsequently ensure compliance with the aforementioned policies.

Overheating

The aforementioned Energy & Sustainability Statement contains details about the overheating implications of the development. Owing to the constraints of the site i.e. where the rear of the development overlooks the railway from a short distance. Because of this spatial relationship, natural ventilation cannot be achieved on the east/north facing sides, as there is a need to protect the rear side of the development from noise associated from the railway line. Accordingly a degree of mechanical ventilation solutions will be required in order for the development to minimise noise disturbance to the residential aspect. The overheating assessment undertaken by JS Lewis has been based upon a scenario where windows remain closed and purge ventilation is provided mechanically. This is not sufficient to overcome the risks in the TM59 methodology, raising the need for certain days of the year to provide some active cooling in the residential. Further, the TM52 assessment for the Class E space similarly identifies the need for conditioned air as a result of the lack of opportunity to ventilate via openable windows. Active cooling is unavoidable in this instance. Environmental Health have considered the overheating assessment, and following further discussions with the applicant and Officers, accept its findings. Whilst it is not desirable, it is not uncommon for sites with similar constraints to have alternative means for ventilation and cooling, so long as any carbon impacts have been taken into account in the assessment of carbon emissions. This is the case, and thus on balance, it is therefore considered that the scheme is acceptable with regards to overheating.

Water Consumption

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

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

Secure by Design

Policy DM01 requires that the principles set out in the National Police initiative, 'Secure by Design' should be considered in development proposals. The proposed development was subject to consultation with the Metropolitan Police Service, who also notified the British

Transport Police of the application. They have raised no objections in principle to the proposed development, however there are concerns that occupiers of the development would be able to throw objects from the balconies on to the railway tracks to the rear of the development. This is unlikely to be possible from the residential units as they feature full height glazed screens that face the railway. The top-most terrace of 3 bed duplex unit would be between 8-10m from the railway lines of the northern line making it unlikely that a bulky item could be thrown on to the rail from that distance. There would be similar distances (circa. 11m) from the pan handle terrace that would serve the commercial office space. Accordingly, Officers do not consider it necessary to incorporate additional screening on this element of the development. It should also be noted that the act of throwing items onto the railway which threaten the safety of the London Underground transport service would be an anti-social / criminal act that is enforceable by the Metropolitan / British Transport Police services.

The Design Out Crime Officer has also recommended that, should the application be recommended for approval, a planning condition should be attached requiring the proposed development to achieve Secure By Design Accreditation.

Landscaping, Trees, and Ecology / Biodiversity

Trees & Landscaping:

Policy G7 of the London Plan 2021 seeks to ensure that wherever possible, existing trees of value are retained, and where planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by the CAVAT valuation system. Further it recommends that planting of additional trees should generally be included in new developments – particularly large-canopied species which provide a wider range of benefits because of the larger surface area of their canopy.

The existing trees on and adjacent to the site have been surveyed by Marcus Foster Tree Consultancy, the details of which are contained within the submitted Arboricultural Survey (BS5837:2012) & Impact Assessment Report (report ref: AIA/MF/085/21; dated September 2021, updated February 2022).

The site survey included identifies 19 x trees, 7 x shrubs and 2 x Groups (T1-T28). Of all of the trees surveyed only one single 'Category A' (high quality) tree was identified (T16 – London plane TPO) and 8no. 'Category B' (moderate quality) trees (T1, T7, T8, T12, T21, T22, T23, T24), the remaining trees, shrubs and groups surveyed were identified as Category C (low quality). The Council's Tree Officer has confirmed that whilst the trees on site are important to the local environment, with exception of the London Plan TPO tree, they are not considered to have sufficient merit for special protection due to their condition, location or size potential.

As per the submitted Arboricultural Survey (BS5837:2012) & Impact Assessment Report the proposed scheme will require the removal of the following trees on site:

- (i) 3 no. 'B' category trees (T7, T8, T12)
- (ii) 5 no. 'C' category trees (T3, T9, T10, T11, T17)
- (iii) 1 no. 'C' category group (G14)
- (iv) 5 no. 'C' category shrubs (S4, S5, S6, S13, S15, S18)

In addition, Tree T2 – a Silver Birch (*Betula pendula*) – within the public realm will also

need to be removed.

Notwithstanding the proposed removal of the trees on-site, the scheme will make provision for soft landscaping on site to soften the appearance of the development and improve the quality of the space and public realm at ground level, in front of the site. Soft landscaping proposals have the potential to make it an attractive space that users of the development and members of the public would be happy to use. The building also provides the opportunity to introduce biodiverse roofs, integrated planted terraces (above the ground floor front projection) and roof terraces to help soften the building. These would be secured by a landscaping planning condition. In addition, in consultation with Council's Tree Officer and Greenspaces Team, the applicant has agreed to provide 10 street trees (value of £7,000) secured by Section 106, as compensation to help mitigate the loss and enhance the green character and appearance of the street scene. Some of these will be planted along the railway embankment to the north of the site, enhancing the existing landscape.

With regards to the removal of the Silver Birch tree (T2 – *Betula pendula*), in accordance with Policy G7 of the Mayor's London Plan (2021), the value of the tree has been assessed using the Capital Asset Value of Amenity Trees (CAVAT) methodology. The tree is valued at £16,312.00, which will be secured by S.106 agreement to make further improvements to planting enhancements within the public realm.

The Council's Tree Officer has suggested that there should be a Section 106 obligation to value all of trees being removed using CAVAT system and the details of the costs for all the proposed new tree planting to be submitted to the LPA, with a view to the balance of values, between the trees lost and the cost of new tree planting to be paid to the LPA to ensure that the required level of mitigation planting is achieved. Officers have considered this suggestion and are of the view that this would not be a reasonable and proportionate approach, particularly when the applicant will be mitigating loss of trees on site through the replanting of trees on the land to the north of the site and within the street scene.

In addition, the landscape strategy also demonstrates that the proposed landscaping scheme is able to achieve an Urban Greening Factor (UGF) score of 0.42 which aligns with the objective of Policy G5 of the Mayor's London Plan (2021), which seeks a UGF score of 0.4m for residential development. This will provide a range of benefits including enhanced amenity space, enhanced biodiversity, addressing the urban heat island effect, and sustainable urban drainage.

Overall, Officers are satisfied that the landscape strategy/plan illustrates that the proposed development could be appropriately landscaped to achieve a satisfactory appearance that complements the character and appearance of the surrounding area, and further, that the compensation / mitigation proposed would adequately mitigate the loss of trees on or adjacent to the site. Officers are satisfied that the development subject to conditions and Section 106 contributions would be compliant with Paragraph 131 of the National Planning Policy Framework, Policies G5, G6 and G7 of the London Plan 2021; and Policy DM01 of Barnet's adopted Local Plan Development Management Policies DPD (2012).

Ecology / Biodiversity:

The application is supported by a Preliminary Ecological Appraisal (PEA) (produced by Delta Simons Environmental Report, August 2021), which identifies that construction and operational phase protection/enhancement measures will be required. The report recommends it will be necessary to:

- Obtain a general licence (GL41) from Natural England to allow the humane removal of the feral pigeons from the building;
- Clear the Site of any suitable bird nesting habitat outside of the breeding period in advance of any proposed works – although if necessary during nesting period, appoint an experienced ecologist to check the areas of dense scrub, scattered trees and introduced shrubs immediately prior to the works commencing to confirm there are no nesting birds;
- Design a lighting strategy in line with current guidance (BCT and ILP, 2018); BCT, 2014; Stone, E.L. (2013) that minimises impact on bats;
- Provide fencing that allows the access and egress of hedgehogs;
- Install bird nest and bat boxes on the building for additional habitat; and,
- Add planting that is native which enhances existing and adjacent vegetation and enhances biodiversity.

The Council's Ecologist was approached for comment on the scheme. They have advised that the PEA (produced by Delta Simons Environmental Report August 2021) and its recommendations is sufficient to support the application. No further surveys are regarded as necessary and it is suggested that the development would have limited impact on biodiversity at a local level. The Council Ecologist raises no objections subject to conditions relating to lighting strategy (concerning bats), nesting bird removal, and hedgehog friendly fencing.

With regards to Biodiversity Enhancement, the Council Ecologist recommends that in line with the National Planning Policy Framework (NPPF) - in aiming to achieve sustainable development and the obligations on public bodies to conserve and enhance biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006 - it is that the recommendations made in Section 6.0 of the Delta Simons Report' (August 2021) are implemented. They further advise that an integrated bat box such as a Schwegler 1F Bat tube, or similar approved should be installed within the fabric of the building during construction. This feature should be positioned on a southern elevation, over a height of 5 metres, ideally close to the eaves of the new build. The flight line to the box should be unobstructed by vegetation of other structures.

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

Fire Safety

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

Policy D12 of the Mayor's London Plan (2021) requires that all major development

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

The applicant has provided a Fire Statement (Ref: 2108310L – Issue 3 - dated: September 201) produced by Innovation Fire Engineering, in support of the application. Both the Health and Safety Executive and the London Fire Brigade were consulted on the application, and neither raised any objections.

The content of the fire statement is acceptable in principle, and it is considered that subject to compliance with the Building Regulations and a planning condition requiring compliance with the strategy and recommendations set out within the fire statement, the development would have sufficient fire safety measures in place, in accordance with Policy D12 of the Mayor's London Plan (2021).

5.4 Response to Public Consultation

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

- Views from Cherry Tree Wood area or other locations local to the site are not protected by any current planning policies. The development is not classified as a tall building and therefore there is no requirement to assess such impacts. It is therefore considered that concerns about loss of views and 'open sky vistas' are not material to the consideration of this scheme.
- Metropolitan Open Land is afforded the same protection as Green Belt, however, these protections do not extend to land and sites adjacent. Accordingly, there is no requirement to keep it open and undeveloped. The site is allocated for housing development and in order to achieve the numbers stated (29), whilst achieving high standard of design and accommodation quality, would likely result in similarly sized development.
- Matters relating to surface water drainage; ecology and impact on wildlife; parking; traffic congestion; and, road, pedestrian, motorist and cyclist safety have all been considered by Officers and advising consultees (Drainage Engineers, Highway Authority, and Ecologist) and addressed in the main body of the report above.
- Owing to the minor nature of the residential aspect of the proposal – 9 residential units – the development would not be required to provide affordable housing, as it falls under the Mayor's London Plan (2021) and Barnet adopted Development Management Policies DPD (2012) threshold for affordable housing
- A neighbouring authority consultation letter was sent to the London Borough of Haringey. No comments/objections were received from them.
- Housing site allocations and their estimated capacity are a guideline, and thus, there is nothing to prevent prospective applicants from applying for more or less than what is stated within the Regulation 22 draft Local Plan - provided sufficient justification is provided.
- During the lifetime of the application visuals have been provided in an addendum to the Built Heritage Townscape and Visual Assessment to illustrate the development when the trees are not in full leaf. Officers have given this consideration in design section of this assessment.

- Officers have had regard for the developments impact on heritage assets – both the adjacent Conservation Area and nearby Grade II Listed East Finchley Station building and consider that the development does not result in harm to either of these assets.
- The development is not required to provide leisure or community facilities and given that it proposes low residential numbers it is not considered to warrant S.106 contributions to such matters.
- The development does not meet the definition of a tall building and so overshadowing of, and loss of light to, Cherry Tree Wood (CTW) would not be a material planning consideration. Nevertheless, given that the development does not significantly exceed the tree line height of the trees in CTW, it is considered unlikely to create notable overshadowing/loss of light impacts
- There will be no significant loss of greenspace given the existing developed nature of the brownfield site. There will be improvements to landscaping on and adjacent to the site.
- Cherry Tree Woods is an open public space and thus, overlooking of the woods and harm to personal amenity of those using the wood would not be a demonstrable material planning consideration.
- The application site and the size and type of development the proposal do not meet the threshold for requiring an Environmental Impact Assessment to be carried out.
- The development incorporates a number of climate change mitigation measures together with a commitment to contribute financially to the Council's Zero Carbon fund. It is therefore considered that the development would meet the London Plan and Local Plan planning policies on climate change.
- The site is not located within a Site of Importance for Nature Conservation (SINC) but it is understood that Cherry Tree Wood (CTW) is designated as a SINC. Officers have sought the advice of Ecology consultee who have not suggested that the development would adversely impact the CTW as a SINC.
- The "LB Barnet Employment Land Review" (by Ramidus Consulting Limited, dated: October 2017) which has informed the latest Regulation 22 Draft Local Plan policies demonstrates that there is a need for office space within the Borough.
- The development proposes a low number of dwellings (9 units) and so overpopulation/overcrowding of the local area is not likely.
- The development incorporates renewable energy sources.
- A planning condition preventing additional storeys from being added to the building without expressed planning permission is included in this recommendation – in the interest of protecting the character, appearance and future amenities of the site, surrounding area and neighbouring occupiers.
- The proximity of the development to the bridge is unlikely to detract prospective residents. There will be increased natural surveillance with the activated commercial uses on site, improving safety.
- Sufficient information has been submitted within the application to enable Officers to make a recommendation.
- The applicant has submitted a Statement of Community Engagement with the application. It details the engagement offered to the public.
- The presence of asbestos in the existing structure is not a material planning consideration. Nevertheless, asbestos is a controlled substance for which there are regulatory controls in place and enforcing bodies (Health and Safety Executive / Environmental Health) can exercise statutory enforcement powers where necessary.
- Consultation with the public / neighbours has been undertaken in accordance with the Council's standard consultation practices and the requirements of the Town and Country Planning (Development Management Procedure) (England) Order.
- Pre-application advice is given by Officers in good faith and to best of ability, but it neither conveys planning permission nor binds the Local Planning Authority to recommend

approval or refusal of planning permission. It is a material consideration in the determination of the future planning related applications, subject to the proviso that circumstances and information may change or come to light that could alter the position. In this case, the application site is identified within the Council's emerging local plan as a site suitable for housing development.

- The potential impact of comings and goings causing a nuisance for future occupiers has not been raised as a demonstrable concern by Environmental Health, and Officers consider that given the schemes proximity to the town centre and the underground line that a "town centre" environment would be expected by any future residential occupier of the development. Officers consider that disturbance from deliveries and servicing can be managed through a delivery and service management plan required by condition (as attached to this recommendation).

- Sunlight and daylight impacts for No. 98 Great North Road as an Office building are not required for a amenity purposes. This is not a material planning consideration. Whilst it is understood the site has previously had Prior Approval for conversion to residential, this has not been implemented and is no longer extant, and thus, there is not a reasonable prospect of it coming forward. Officers cannot therefore apportion any notable weight to the potential sunlight, daylight or privacy impacts of the current scheme on this neighbouring Office site.

- A Built Heritage Townscape and Visual Assessment (September 2021) and Addendum (January 2022) which details impacts on views has been submitted and fully considered by Officers in the main assessment. Impacts on the Conservation Area and nearby listed building (East Finchley underground station) have also been considered.

- There is no requirement to assess the viability of the building's retention

- The scheme is employment led, and falls below the threshold for affordable housing. There is no grounds to reasonably challenge the absence of affordable housing in this instance and the assessment must be based on what has been submitted.

- The Council's ecologist is satisfied with the scope and extent of ecological consideration of the site.

- Highways are satisfied with the cycle store provisions for the development.

- TFL are fully aware of the application scheme and their Infrastructure Protection Unit have raised no objections to the development proposals in respect of its impact on the retaining wall and future maintenance and servicing. They have not requested a construction method statement, however Officers have included a planning condition requiring the submission of a demolition, construction and logistics management plan.

6. Equality and Diversity Issues

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

"(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

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

- age;
- disability;

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

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

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

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

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

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

Overall, it is considered that the proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Planning Balance

The application site is a vacant, under-utilised brownfield site immediately adjacent to the East Finchley District Town centre boundary, where a mixed-use development would not be out of character or context with its surroundings. Further, the site is designated for residential development within the emerging Local Plan (Regulation 22 draft) that is currently being examined by the Planning Inspectorate. Whilst the plan has not been adopted and cannot be afforded full weight, this nonetheless attracts some positive weight for the residential component of the development proposal. Arguably, this is somewhat countered by the fact that the emerging local plan envisions this site to be predominantly residential-led, and contrary to this the proposed scheme is more commercially-led. Nevertheless, at this stage of the local plan's examination, the allocation remains speculative, and in any case (even if adopted) it would not preclude consideration of alternative schemes being brought forward on the site, so long as the decision maker has regard for all relevant planning merits and planning considerations and undertakes an appropriate planning balance assessment of these. Officers have offered their view that achieving the level of residential units (although only a guideline) as envisioned within the emerging Local Plan (i.e. 29 residential units) would come with other finely balanced design and amenity constraints, which Officers feel are overcome or reduced by the current scheme – particularly with regards to having less residential units exposed to the railway environment.

The proposed development being outside of the District Town Centre, would be contrary to the Town Centre's First approach adopted within the London Plan (2021), Barnet Local Plan (2012), and Emerging Barnet Local Plan (Reg 22), which seek to concentrate commercial development within town centre boundaries, so that it does not compromise vitality and viability of existing town centres. This attracts negative weight, although despite being immediately adjacent to the District Town Centre boundary the development satisfies the 'Good Growth' principles of the London Plan 2021 (Policy GG1) and moderate to great weight should be attached to the fact that the development would provide a sustainably located, car-free (with exception of disabled parking space) scheme that incorporates:

- 9 residential units - all compliant with relevant quality and space standards; and a satisfactory mix of sizes;
- A 449m² ground floor retail offering that would provide additional groceries, conveniences and services to the local area, along with additional local employment opportunities;
- 3997m² of flexible / co-working office floorspace (including 200m² affordable workspace at 90% market value), which would provide growth opportunities for small to medium business enterprises – increasing local employment opportunities; but also, increase footfall within the District Town Centre which will increase its vitality and viability.
- Financial and non-financial obligations via S.106 and CIL towards pedestrian and road safety improvement measures; parking restrictions; the Borough's Zero Carbon funding; Affordable workspace; Local employment agreements (e.g. Skills, Employment, Enterprise and Training opportunities); tree replacements and enhancement of the public realm / local green spaces.

Overall, Officers consider that there are strong regenerative benefits associated with the scheme which is afforded great weight (positive). The proposed development would provide a high-quality and attractive mixed-use development, that would have an acceptable impact on the character and appearance of the site and wider locality, and no demonstrable harm to nearby assets of conservation/heritage significance. Although the development falls short on residential amenity space provision; and, that there will be increased pedestrian activity and some increase in vehicular movements associated with servicing of the development, the associated harm is not such that it would outweigh the examined benefits.

Accordingly, in considering the above-mentioned benefits and the need to make the most efficient use of the of borough's limited land and the development of a brownfield site, the package of public benefits is considered to be of importance and attracts positive weight in the decision making.

Conclusion

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

subject to conditions as set out above.

Site Location Plan:



Location 393 - 395 Hendon Way London NW4 3LP

Reference: 21/3308/FUL

Received: 15th June 2021

Accepted: 15th June 2021

Ward: West Hendon

Expiry: 14th September 2021

AGENDA ITEM 9

Case Officer: Dominic Duffin

Applicant: N/A

Proposal:

Demolition of existing building, and the erection of a three storey building comprising 19no. self-contained flats, with associated hard and soft landscaping, biodiversity enhancements, amenity space, disabled car parking, cycle parking and refuse storage

OFFICER'S RECOMMENDATION

Approve subject to s106

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

RECOMMENDATION I:

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

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

1. The Council's legal and professional costs of preparing the Agreement and any other enabling agreements.
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.
3. Affordable Housing
 - Contribution of £293,000 towards Affordable Housing provision within the borough paid at the start of construction phase.
 - An Early Stage Viability Review if the development has not been completed to the ground floor slab level within two years of the permission being granted
 - A Late Stage Viability Review, triggered when 75 per cent of the units in the scheme are sold or let
4. Carbon Offset Payment
 - Payment of £36,024 towards Carbon Offset to meet mayoral zero carbon target.
 - An obligation to ensure compliance with the GLA "Be Seen" energy use monitoring scheme.
5. 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:

Location Plan - Fey_00
 Existing and Proposed Site Plans - Fey_00 Rev A
 Proposed Ground Floor and Basement layouts - Fey_01 Rev D
 Proposed First Floor layout - Fey_02 Rev D
 Proposed Second Floor layout - Fey_03 Rev B
 Proposed Roof Plan - Fey_04 Rev B
 Proposed Front (east) & Rear (west) Elevations - Fey_11 Rev E
 Proposed South & North Elevations & Cycle Store - Fey_12 Rev B
 Proposed Sections a-a, b-b, c-c, d-d - Fey_021 Rev D
 Landscape Plan - Tim Moya (90801-LP-01 Rev E)
 Urban Greening Factor - Tim Moya (90801-LP-02 Rev A)
 Swept Path (Private vehicle) - 2019-5157-001 REV E
 Swept Path (Delivery vehicle) - 2019-5157-002 REV E
 Swept Path (Fire appliance) - 2019-5157-003 REV E

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

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

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

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

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

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

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are

properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;

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

vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;

vii. noise mitigation measures for all plant and processors;

viii. details of contractors compound and car parking arrangements;

ix. details of interim car parking management arrangements for the duration of construction;

x. details of a community liaison contact for the duration of all works associated with the development.

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

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

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

6 a) Prior to first occupation of the development, a parking layout plan showing details of 2no disabled spaces within the site shall be submitted to and approved in writing by the Local Planning Authority.

b) Thereafter, 2no disabled off-street parking spaces shall be provided in accordance with those approved details and 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.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012 and policy T.6.1 of the London Plan 2021.

7 a) Prior to first occupation of the development details of cycle parking for a minimum of 30 (long stay) and 4 (short stay) cycle spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards - including the type of stands, gaps between stands, location of cycle parking and type of store proposed - shall be submitted to and approved in writing by the Local Authority.

b) Thereafter, before the development hereby permitted is occupied, cycle parking in accordance with those approved details shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

8 a) Before the permitted development is occupied, details of refuse storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority.

b) The development thereafter shall only be operated in accordance with the approved refuse storage and collection arrangements.

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

9 The mitigation measures approved under this condition as set out in the Noise Impact Assessment by Create Consulting Engineers Ltd, dated February 2021 shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and policy D.14 of the London Plan 2021.

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

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

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

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

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

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

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

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

- 13 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

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

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

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

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

- 15 a) A scheme of hard and soft landscaping, shall be provided in accordance with the submitted details under Landscape Plan Dwg No. 190801-LP-01 Rev C & Urban Greening Factor 190801-LP-02.

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

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

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

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

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

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

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

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

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

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

- 18 Prior to occupation of the development hereby approved, the scheme of ecological enhancements to incorporate ecological net gain, as detailed in section 9 of the Tim Moya Associates Preliminary Ecological Appraisal, shall be provided as part of the development.

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

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

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

- 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).

- 21 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the

Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. Each residential phase of the development shall be maintained as such in perpetuity thereafter.

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

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

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

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

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

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

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

- 25 Before the building hereby permitted is first occupied, any window openings, identified in the approved plans as obscure glazed, 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).

- 26 No flat shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority, and have been installed in their entirety;

-Details of screens along first and second floor access decks, as identified on the approved plans, and,

-Details of screens to east elevation flats, as identified on the approved plans,

-Details of a screen to be affixed along the boundary between the site and the raised rear terrace serving Hendon Motors.

-Details of deep window frames to flats 11 and 12.

The screens shall be erected as agreed, to protect the amenity of existing neighbouring occupiers, and future occupiers of the development, and permanently retained as agreed thereafter.

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

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

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

- 28 a) Prior to occupation of the development hereby permitted, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority.

b) The development shall be carried out and constructed in accordance with the approved details, prior to occupation of any of the residential units.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS5 and DM01 of the Barnet Local Plan Development Management Policies DPD (2012) and Policies D3 and SI 2 of the London Plan (2021)

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

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies G5 and G6 of the London Plan (2021) and Policies DM01 and DM16 of the Development Management Policies DPD (adopted September 2012).

30 a) Prior to its first use, details of the car access warning (signal control) system and the access to the parking area from the public highway shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be carried out and subsequently operated and maintained in full accordance with the approved details.

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

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 31 December 2021, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing or to secure early and late stage viability reviews to assess potential contributions to affordable housing. The proposal would therefore not address the impacts of the development, contrary to Policy DM08 of the Local Plan Development Management Policies (2012), CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013), and Policy H5 of the London Plan 2021.

2. The proposed development does not include a formal undertaking to meet the costs of the required carbon off-set provision. The proposal would therefore not address the impacts of the development, contrary to Policy SI.2 of the London Plan (2016), Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM04 of the Adopted Development Management Policies DPD.

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.

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.

- 3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 4 If a pump lorry is to be operated from the surface of the public highway, any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 5 Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.
- 6 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licences or email highwayscorrespondence@barnet.gov.uk.
- 7 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on the public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to the Development Team for approval. The applicant is also advised that the cost of repairing any consequential damage to public highway as a result of the development proposal shall be borne by the applicant

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

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

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

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

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

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

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

- 9 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.

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

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

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

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

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

OFFICER'S ASSESSMENT

Notwithstanding the number of objections received, this application was also called to committee by Cllr Farrier for the following reason:

"I would like to call this application in to a planning committee, if officers recommend approval. I realise that the number of objections should ensure that the application is heard by a planning committee, but my call in is to ensure this outcome. The reasons for call in are that the proposed development is too large and out of keeping with the site, and will cause harm to the environment and amenities of local residents.

I request the call in because I have been contacted personally by local residents. I have heard their concerns with no comment, and my request for call in does not indicate that I have predetermined my view on the application one way or another."

1. Site Description

The application site is situated on the west side of the Hendon Way A41 Trunk Road. The site forms part of Hendon Way Motors consisting of a large storage building, currently used for the storage of cars, with a large open yard area to the south of the building.

To the west are the rear gardens of properties in Allington Road. To the north is a car parking area/ service road serving commercial properties fronting onto Hendon Way. To the east are commercial units facing Hendon Way.

The car showroom connected to the site is also to the east fronting Hendon Way, and the access to the site runs along the side of the showroom. Kennyland Court is a 4 storey block of flats above a number of the ground floor units to the south-east of the application site.

The southern boundary is formed by a brick wall and two gates which allow for vehicular access to Graham Road, via the rear of other commercial properties that front Hendon Way. This access road is used by those same commercial properties.

The area is one of mixed character, predominantly shops and commercial premises, with residential over, to the east, and conventional rows of traditional residential dwellings to the west.

The site falls within Hendon Central Town Centre, close to good public transport links including the Hendon Central underground station. There are a number of bus stops within walking distance of the site. There are a row of trees running along the western boundary separating the site from the residential properties on Allington Road.

2. Relevant Site History

Reference 20/0302/QCM

Address: Hendon Way Motors, Land At The Rear Of 397-413 Hendon Way, London, NW4 3LP

Decision: Advice issued

Decision Date: 29.10.2020

Description: Follow-up meeting and advice in relation to 20/0062/QCD Proposed erection of 19 apartments, comprising 6 x studios, 7 x 1-bedroom and 6 x 2-bedroom

Reference 20/0062/QCD

Address: Hendon Way Motors, Land At The Rear Of 397-413 Hendon Way, London, NW4 3LP

Decision: Advice issued

Decision Date: 18.03.2020

Description: Proposed erection of 19 apartments, comprising 9 x 1-bedroom, 6 x 2-bedroom and 4 x 3 bedroom

Reference H/03511/13

Address: Hendon Way Motors, Land At The Rear Of 397-413 Hendon Way, London, NW4 3LP

Decision: Approved

Decision Date: 07.10.2013

Description: Submission of details for Condition 6 (services adjacent to trees), 7 (aboriculturalist method statement), 12 (air pollution mitigation), 13 (acoustic report), 17 (contamination measures), and 18 (drainage details) pursuant to planning permission reference H/04337/10 dated 06/12/2010.

Reference H/01180/13

Address: Hendon Way Motors, Land At The Rear Of 397-413 Hendon Way, London, NW4 3LP

Decision: Approved

Decision Date: 10.06.2013

Description: Submission of details of conditions no.3 (Landscaping), no.9 (Levels), no.14 (Ramp, gradient and basement layout) and no. 16 (Soil investigation report) pursuant to planning permission H/04337/10 dated 06/12/10.

Reference H/04337/10

Address: Hendon Way Motors, Land At The Rear Of 397-413 Hendon Way, London, NW4 3LP

Decision: Approved subject to conditions

Decision Date: 09.12.2010

Description: Extension of time limit for implementation pursuant to planning application W/00189/S/06 involving 'Erection of 2 No. two storey blocks to provide a total of 9 self contained flats and associated car parking spaces accessed off Hendon Way.

Reference W00189S/06

Address: Hendon Way Motors, Land At The Rear Of 397-413 Hendon Way, London, NW4 3LP

Decision: Refused. Appeal allowed (APP/N5090/A/07/2048739)

Decision Date: 02.02.2007

Description: Erection of 2 No. two storey blocks to provide a total of 9 self contained flats and associated car parking spaces accessed off Hendon Way. Provision of basement level to provide commercial car storage for Hendon Way Motors with associated single storey pavilion building for pedestrian access to basement level.

Reference W00189Q/04

Address: Hendon Way Motors, Land At The Rear Of 397-413 Hendon Way, London, NW4 3LP

Decision: Refused. Appeal dismissed (APP/N5090/A/04/1161094)

Decision Date: 02.09.2004

Description: Demolition of existing car storage building and erection of a three-storey block to provide a total of 14 self-contained flats. Provision of basement level to provide resident parking and car storage for Hendon Way Motors with associated single storey pavillion building for pedestrian access to basement level. Provision of basement level to provide commercial car storage for Hendon Way Motors with associated pavilion building allowed on appeal ref: APP/N5090/A/07/2048739 dated 08/11/07.

3. Proposal

The application seeks planning permission for the demolition of the existing building and construction of a 3-storey building to provide 19 residential units, associated hard and soft landscaping, biodiversity enhancements, amenity space, disabled car parking, cycle parking and refuse storage.

The dwelling mix would provide 10 x 1 bedroom and 9 x 2 bedroom units. The existing Hendon Way vehicular access would provide access/egress to the site. A communal amenity area would be provided to the rear of the flats, with a smaller communal area at the front.

The ground floor units will be independently accessed, whereas those at 1st and 2nd floor will be accessed via a centrally located stairs or lift, leading to front and rear access balconies.

No resident car parking is proposed, though the proposal does include 2 x disabled spaces at the front of the proposed building. A communal bin enclosure will be provided towards the front of the Site, and 33 cycle parking spaces would also be provided.

The building would be largely finished in brick, a three-storey facing wall to the rear, with insets and tiers to the front, balcony features, and a flat, green roof, providing ecological enhancements, and associated hard and soft landscaping around the plot.

4. Public Consultation

Consultation letters were sent to 357 neighbouring properties.

33 responses have been received, comprising 31 letters of objection and a petition of objection signed by 27 residents, and 1 letter of support.

The objections received can be summarised as follows:

- Unduly overbearing and visually obtrusive, detrimental to the visual and residential amenities of the occupiers of Kennyland Court
 - An unacceptable level of overlooking and loss of privacy to the occupiers of neighbouring residential properties namely: Kennyland Court, Allington Road Homes and Flats above business premises on 397- 405 Hendon Way.
 - The development is out of character with the surrounding area.
 - Approval would be contrary to previous appeal decision which refused a 3-storey development.
 - Loss of privacy to the residents of Kennyland Court.
 - Loss of privacy for the residents of Allington Road, as the new proposal would be very close to their back gardens and the rear of their houses.
 - Overbearing impact on adjoining residents.
-
- Development would reduce noticeably the daylight and sunlight available to nearby dwellings and open spaces.
 - Over-development of the site.
 - Proposal will lead to overspill parking onto surrounding roads, the parking survey submitted is not extensive.
 - Issues with regards to access for servicing, and emergency vehicles.
 - The proposed development would provide flats very close to the A41 Hendon Way which suffers from poor air quality and an excess of local air quality standards, and would as a result provide for a poor air and environmental quality for future occupiers
 - By nature of its scale the new proposal would seriously threaten the lives of the tall trees that line the back of the gardens of the properties on Allington Road. Trees that have been there for over 25 years. These trees provide sound barriers, aid reduction of pollution and are a positive amenity. Effected Allington Road residents would lose the tree screen boundary and gain a loss of privacy and overlooking.
 - The additional influx of people (new residents and their families / guests etc) and additional traffic will increase the levels of noise and disturbance in an already very busy area, particularly effecting the neighbouring residents of Kennyland Court, Allington Road and Graham Road.
 - The applicant did not seek to engage with local residents.
 - Owners of the properties 397- 405 Hendon Way have a right of way along the proposed access route to the back of their buildings. The applicant has blocked this route with fencing, despite several protests.
-
- The applicant claims permission H/04337/10 is extant, however, no evidence has been provided to demonstrate it is the case.
 - The allegedly extant permission is for the construction of only 9 units on site, the proposed 19 units would be of a completely different scale and intensity.
 - There are no examples of residential backland development along Hendon Way. As such, the proposed development and the construction of a three-storey building to the rear of the site would fail to respect the character of the local area.
 - The applicant also fails to demonstrate the principle of the change of use of the site is acceptable. Policy DM14 states: "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."

- The site is currently used for car showroom (Sui Generis), the business is still in operation and the site has not been vacant.
- Policy DM08 of the Development Management Policies states the Council's highest priorities for market housing are 3 and 4-bedroom units.
- The proposed development would comprise 10 two-bedroom flats and 9 one-bedroom flats, and would therefore fail to comply with Policy DM08.
- No provision of affordable housing proposed on-site, with no justifiable reasons.
- The development would clearly not relate well to its surroundings and would result in a cramped appearance for the site.
- The introduction of external corridors would also be an awkward feature that does not exist along this part of Hendon Way.
- The proposed fenestration of the proposal is also incongruous and completely out of character with the local area and the host building itself.
- Flat 16 is a substandard one-bedroom flat with a GIA of only 43sqm. The applicant proposes the creation of sub-standard accommodation, contrary to Policy D6 of the London Plan 2021.
- The proposed development would create flats that are dark, enclosed between tall trees and the 3-4 storey buildings on Hendon Way, resulting in a poor quality of accommodation for the future residents.
- Don't believe people will use public transport and this scheme will cause further parking issues in the locality.
- Concern about the real possibility of damage to the property from delivery, refuse and other vehicles using the lane.
- Concerned for the safety of people using the pavement outside my property on Hendon Way when crossing the lane
- Gardens are about 4/5 meters below 393-395 Hendon Way and to have additional 19 flats above will overshadow gardens.
- This development has no merit in an overcrowded area with stretched public amenities including parking.
- There will also be an impact on the trees which, as far as I am aware, are subject to a Tree Preservation Order.
- The additional noise will cause additional disturbance on the amenities and occupiers of the area.
- This a small space and can't see how it will house 19 flats and keep the nice neighbourhood feel of the area.
- This will create a huge amount of disruption in the area due to the loud construction work and will make the already bad parking situation in the area worse.
- The width of the development entrance is only 3.8m. It only allows for a single passageway for vehicle access. A turning circle is necessary for the development site.
- As a child care provider, this is of course a major concern of ours. We do not want any additional residence or property that has the ability to look over our rear garden where the children play daily.
- Another major concern is building noise during the day when our nursery is operating. Due to the size of proposed scheme, this will inevitably go on for a long time and will likely cause our business disruption.
- The sunlight analysis has demonstrated that the proposed development would endanger the right of light of surrounding properties both during summer and winter time.

Internal Consultations

Traffic and Development:

No objection subject to legal agreement, conditions and informatives;

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

Environmental Health Officer:

No objection subject to conditions

Drainage Officer:

Following discussion with the applicant, no objection, subject to conditions

Refuse/Recycling Officer:

No objection, subject to conditions.

Trees and Landscaping Officer:

Ideally this application should not be granted due to the poor relationship with existing boundary trees and gardens. However, the 2010 decision constrains this advice. There are no landscape or arboricultural reasons to object to this application, however if it is likely to be recommend for approval without revision, or in the event of an appeal, conditions are suggested to obtain a more suitable development.

External Consultations

Ecology Officer:

The building was found to have negligible potential for bat roosts. Therefore, no further bat surveys are required in association with the building. We propose mitigation through ecological planning conditions.

TfL:

Based the information provided, and the comments offered above, TfL does not object to the proposal. Car free development is welcomed.

Metropolitan Police Service:

With the re-design of the site and based upon the revised set of plans, I am happy to support this re-development from a crime prevention perspective.

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

Thames Water

No objection.

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 in July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2021

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS2, CS3, CS4, CS5, CS6, CS9, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM14, DM16, DM17.

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

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

Barnet's Local Plan (Reg 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 (2016)

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

- States developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

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

Sustainable Design and Construction SPD (adopted October 2016)

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

- *Barnet Trees Policy (October 2013)*

- Planning Obligation SPD (adopted April 2013)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Planning History;
- Principle of Development;
- Viability/Affordable Housing;

- Impact on the character and appearance of the application site, the street scene and the wider locality;
- Trees and Soft Landscaping
- Impact of the proposal on the amenity of neighbouring residents;
- Impact of the proposal on the amenity of future occupants of the development;
- Highway and Pedestrian Safety;
- Refuse and Recycling;
- Ecology and Biodiversity;
- Flood Risk and Drainage; and
- Sustainability.

5.3 Assessment

Planning History

As detailed above there has been some recent planning history, relating to the redevelopment of this site for residential purposes. Under the initial application, W00189Q/04, a three-storey block to provide a total of 14 self-contained flats, was refused for a number of reasons, relating to character, amenity of neighbours and parking. The applicant appealed the decision and at appeal, the Inspector agreed with the council that the proposal would adversely affect neighbouring residents' amenity, regarding overlooking and visual impact. He noted that windows in the proposed development would directly face bedroom windows in Kennyland Court.

He also opined that the three-storey nature of the development would be overbearing, amplified by the blank nature of the southern section of the proposal where it faced Kennyland Court. For these reasons, the Inspector said that the amenity of future residents of the development would also suffer because of overlooking from the flats at Kennyland Court.

Application W00189S/06 sought to address the previous reasons for refusal and proposed the 'Erection of 2 x two-storey blocks to provide a total of 9 self-contained flats and associated car parking spaces accessed off Hendon Way. Provision of basement level to provide commercial car storage for Hendon Way Motors with associated single storey pavilion building for pedestrian access to basement level'. This application was refused planning permission but allowed on appeal (ref: APP/N5090/A/07/2048739).

The Planning Inspector stated that the block to replace the existing utilitarian building used for car storage would be close to mainly commercial buildings that front Hendon Way, therefore, it would not adversely affect living conditions or the character and appearance of the area.

Regarding the second block, the Planning Inspector said that the two-storey block would not adversely affect the amenities of residents within Kennyland Court and specifically noted that it would be circa 18 metres from its rear elevation and although it represents a noticeable change, it would not be visually dominant or harmful to the outlook of occupants. The use of obscure glazing in the development was also considered to be sufficient to protect the amenity of residents within Kennyland Court.

Application H/04337/10 sought an extension of time limit for implementation pursuant to planning application W/00189/S/06 and this was granted. Planning applications H/03511/13 and H/01180/13 were applications for planning conditions associated with H/04337/10 were subsequently granted. The monies associated with the relevant S.106 agreement, dated 12th November 2010, were paid. This payment followed numerous exchanges of email and other correspondence between the council and applicant, with the former noting the development had commenced, therefore payment of the monies was due. The applicant duly paid the monies (£42,456.82) via a cheque that accompanied a letter to dated 19th September 2014.

Accordingly, the S.106 agreement monies have been paid, pre-commencement conditions had been discharged and the development was commenced via the digging of foundations and therefore, the council have accepted that the planning permission reference H/04337/10 remains extant and is a material planning consideration as part of this application, and an implementable permission that remains, and could be developed out.

It is noted that third party representation have made the point that there is no evidence of the development having been commenced. As above, conditions were cleared within time (7th October 2013), consent had been granted on 06 December 2010, with a three-year commencement condition. S106 contributions following commencement were paid, as the council were content that a meaningful start had been made through the digging of foundations. Whilst no Certificate of Lawful Development exists, it is accepted this development could be completed and provides a viable fallback position, albeit there are material differences as to what is proposed under this application which have to be assessed.

Principle of Development

The site is located within a town centre, but outside of the Primary and Secondary Frontage. The proposals seek to provide a residential development which is suitable in-principle within a town centre and will bring many sustainable benefits, including the promotion of the night-time economy. The area is mixed in character; however, examples of residential development in the immediate locality are present, including flats, and a residential, flatted scheme is therefore appropriate.

Policy DM14: New and Existing Employment Space

Policy DM14 states;

a: Existing employment space

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

v. Where appropriate, loss of employment space will be expected to provide mitigation in the form of contributions to employment training.

The proposal seeks the redevelopment of the rear of the site which is used in conjunction with, and ancillary to the existing car showroom which fronts Hendon Way, a sui generis use.

However, the Local Plan identifies existing employment space as uses within the "B" Class and as such there would be no loss of this floorspace such as to require mitigation. The loss of the yard/storage space would not require a marketing exercise or specific justification given that, although it is used storage, its use is ancillary to the showroom, and therefore not within the B use class. Furthermore, the proposed scheme would result in the creation of less than twenty-five residential units. Therefore, it would not meet the threshold set out in the Council's 'Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD (2014)' which requires a scheme to enter into a Local Employment Agreement (LEA).

The redevelopment of the site is therefore acceptable having regard to policy DM14.

Previously Developed Land

The NPPF, London Plan and Barnet's Local Plan are relevant and support the provision of residential development in appropriate locations. Paragraph 120 of the NPPF advises that LPA's should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. The location of the proposed development on a under-utilised and previously developed site therefore meets the objectives of the NPPF which reiterates the Government's ongoing commitment to boosting housing supply and upholds the presumption in favour of sustainable development.

London Plan Policy H1 requires LPA's to:

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

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

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

- o A brownfield site;
- o It has a PTAL that falls within the range of 3-6 - the sites PTAL is 5;
- o It is well within 800 meters of both Hendon Central Station and is within the Town Centre;
- o It is the redevelopment of a low-density car park;
- o It is the redevelopment of an appropriate low-density sites in commercial use.

The gross site area for density purposes is approximately 0.13 hectares. The site is considered to sit within an urban context. A density of 146 units per hectare is proposed. This is within a suitable density under the old London Plan density requirements. The new London Plan (2021) takes a less prescriptive methodology and considers a designed approach to determine the capacity of the site, including site context, accessibility and capacity of surrounding infrastructure.

The site is within Hendon Town Centre which features an array of public services, shops and transport options making it a sustainable location for residential development.

Unit sizes, the quality of accommodation and impact on the amenity of neighbouring occupiers are just as key considerations as well as striking an appropriate density, however this is a suitable level of development for this site, subject to the aforementioned considerations, and the general principle is acceptable.

Unit Mix

The proposed development provides the following mix of units:

- o 10 x 1-bedroom units;
- o 9 x 2-bedroom units; and

Policy DM08 of the Development Management Policies states that:

Development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough.

Dwelling size priorities are:

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

The proposals would provide a mix of one/two-bedroom units. Given the location of the site and the constraints in respect of the shape of the plot, provision of amenity space and to a lesser extent parking, as well as its reasonable accessibility, the mix of accommodation is considered appropriate.

The supporting text to the policy does state that it is intended to be applied flexibly. It further states that it may not be appropriate to meet the standards in town and local centres. The site is within a town centre. Policy H10 of the London Plan recognises the role that one and two bed units can play in freeing up existing family housing. It also recognises a higher proportion of one and two bed units are generally more appropriate in locations which are closer to a town centre or underground station, or with higher public transport access and connectivity. Given the constraints of the site, and the financial realities of the London property market which means a demand also exists for smaller units, the mix can, on balance, be accepted. There are some concerns, but the scheme offers the opportunity to redevelop a brownfield site and contribute to the housing requirement of the borough in a meaningful way.

Viability/Affordable Housing

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

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

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

The applicant has provided a viability report which concludes that "the combination of the Site's Existing Use Value, which factors the extant planning permission, site constraints including 'abnormal' costs, and the relatively small scale but inevitable complicated build would mean the provision of affordable housing might not be possible".

In addition, the applicant contends that AH within the proposed development would be complicated due to existence of shared communal areas and the consequences of organising and paying for the maintenance and management responsibilities.

The Viability Report submitted with the application (prepared by rg+p), advises that Affordable Housing provision cannot be made, even off-site or as a payment in lieu. The Viability Report and the applicant do however propose a modest developer financial contribution in lieu of the provision of affordable housing, equating to £86,495.00. This is added because, it is stated, the developer is reducing its target profit levels to 15%, which is below normal expectations. It concludes that full S.106 and CIL costs, site specific abnormal costs, and the existing use value means the development cannot afford the provision of AH.

The council has had the Viability Report independently appraised by Bailey Venning Associates (BVA). Under BVA's initial appraisal a surplus of £734,000 was identified which could be directed to affordable housing. An extant permission exists for the nine unit scheme, granted consent at appeal, and the conclusions outline that when the costs were deducted from the sales values of the units the resulting residual land value (£1,970,414) (site value) was more than the Benchmark Land Value (£1,236,250) (the value of the site for the 9-unit extant permission scheme). An affordable housing contribution would therefore be viable and could be in the region of £734,000.

A second round of discussions were undertaken between the council's consultants and the applicant in relation to the scheme. The extant scheme included a large basement area which the applicant has advised, given the scale down in operations at the site, they would not wish to build out. Whilst the basement was to store cars, as a replacement for the existing building, there are no strong policy reasons to insist on its inclusion, and as discussed there is now a plan to remove this space from the business under the current application. Whilst its omission may not be non-material, a replacement nine unit scheme would raise no policy objections. As such a benchmark land value of a nine unit scheme minus the costs of constructing a large basement area, is considered acceptable. This increases the benchmark land values to £1,515,847. Under discussion further costs have been identified;

Pumped foul drainage, adjusted to £40,000 Secured by Design access gates to £30,000
Green roof estimated at £60,000 PV / heatpump at £35,000.

Following discussions with the council consultant the costs are considered reasonable, The remodelled surplus for a cash in lieu contribution to affordable housing is calculated to be £293,000. It is considered that this method of delivery is appropriate given the level of surplus involved.

The applicant accepts this contribution and a planning obligation can be used to secure benefits from future viability reviews.

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

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

The wider area does have a mixed character, typically town centre to the east with conventional rows of residential dwellings to the west. The site is a backland development, but it is not considered its redevelopment would run contrary to the established pattern of development. The traditional rows of residential properties would be unaffected and as noted above local authorities should look for opportunities to redevelop previously developed land more efficiently. The extant permission has agreed the principle of residential development of the site, and within a town centre its development would not appear out of place. The proposal would involve the development of one long block, as opposed to two separate buildings under the extant scheme, but this would not appear discordant with the parade buildings along the A41 and would ensure a more efficient use of the plot, subject to other materials considerations including the amenity of neighbours and the future amenity of occupants.

The site is somewhat standalone, which allows greater freedom with regards to design, but the blocks to the front of the site along Hendon Way are three and four storey in height, and a three storey development would be acceptable, and would accord with neighbouring development.

The massing of the front elevation would be broken up with the ground floor extending forward from the inset first and second floors. The breaking up of the massing and use of balcony areas adds visual interest and the building would not appear bland. A contemporary flatted development would occupy the space, and thought has been given to the overall concept of how to utilise this space being mindful of the proximity of other development and the constraint this places on design, bulk and scale.

The rear elevation would be three storeys in height, largely a facing wall, but with the bulk broken up with external access terraces and the use of fenestration further breaks the mass, with a suitable window to brickwork ratio. It is not considered from a design perspective that the appearance of the rear aspect would appear excessively bulky.

The material palette references adjoining built form, but with a more contemporary approach and the aesthetic appearance would assimilate successfully into this setting. Further details of materials can be agreed by condition.

Overall, the proposed building has been designed to respect the setting in which the site resides, and the use of landscaping and retention of existing planting should ensure a softer setting, notwithstanding the relatively urban location of the site.

The design and appearance of the scheme is considered appropriate.

Trees and Soft Landscaping

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

The council's Trees Officer has assessed the submission including the submitted arboricultural information;

Arboricultural Report Tree report for planning purposes, 397-413 Hendon Way, London NW4 3LP, October 2020 190801-PD-11
Landscape Plan dwg. no. 190801-LP-01 rev C
Urban Greening Factor 190801-LP-02

"T1 to T5 are mature Lombardi poplar trees, these were reduced to 10m many years ago, the crowns have re-established to a height of around 17m. This historic reduction may have led to the 2010 decision on the basement.

These trees should now be reduced again to avoid unplanned failure of stems in high winds. If this were to occur the current proposal would be broadly acceptable in terms of it's impact on trees. T22 to T24 are smaller sycamore and ash trees that are the succession trees to the Lombardi poplar trees."

This work remains outstanding as this aspect is beyond the control of the applicant. Implementing this work will expose the residential gardens to be overlooked from the development.

Landscape:

The submitted landscape plan makes good use of the limited available space and meets 0.45 of the Urban Greening Factor. The implementation of the submitted landscape plans can be a condition of any approval.

Tree protection measures can be agreed by condition to ensure the retention of trees under ownership. It is evident that at a total building height of 10.7m, 9.5m to the top of windows, the reduction in the Poplar trees should ensure that a screening would still exist between the proposed building and the adjoining gardens.

Impact of the proposal on the amenities of neighbours

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

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

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

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

Concern has been raised from a number of neighbouring properties with regards to potential impacts on the amenity of neighbouring properties. There are several semi-detached houses to the rear of the site on Allington Road, with flats to the front including at Kennyland Court. The scheme would see the introduction of a significant level of built form in close proximity to these residential developments.

As detailed above in the planning history a 9 unit scheme was granted consent in 2007 when the Inspector concluded that the proposed scheme would have an acceptable impact on the amenity of adjoining residents. The applicant makes the case that the separation distances and general site circumstances, including the amount of development proposed here, means that the previously acceptable relationships agreed at appeal, will ensure there would be no worsening of the relationship between existing and proposed development under this application.

The submission states the following;

..."The flats will be dual aspect, which also accords with the Council's requirement to achieve the status of good design. The siting of the flats and the size and position of windows will ensure that despite the provision of dual aspect living, the amenities of future occupiers and those of the flats within Kennyland Court and the houses on Allington Road are protected from the adverse impact of overlooking. Notwithstanding the advice contained within the Council's Residential Design Guide that concerns separation distances between dwellings, during the pre-application process the Council acknowledged that the flats of the extant permission are only 18 metres distant from the rear of Kennyland Court (and marginally closer than the current proposal to the rear of houses fronting Allington Road). As such, where this planning application also respects the extant planning permission's 18-metre separation distance to the rear of Kennyland Court, the proposal does not amount to any worsening of the approved arrangement.

In respect to the position of the proposed flats, the shared boundary to the west, and the position of the houses that front Allington Road, considering the extant planning permission and the existence of boundary trees that will not be affected by the proposal, there will be no adverse impact to amenity. The back-to-back distances would be between

30-33 metres. This means there will be no overlooking of habitable rooms and there would be no worse views of the rear gardens of properties fronting Allington Road than already exists, where the houses can view the rear gardens of their neighbours"...

There was also an appeal determination on the original initial application, W00189Q/04, and this appeal was dismissed.

Application W00189Q/04 related to a proposal to construct 14 and one and two bedroom units on the site in a three storey "L" shaped building. Under this appeal the Inspector had concern that the close proximity of windows to Kennyland Court and the three-storey nature of the proposal would result in material overlooking and an overbearing impact when viewed from lower flats on Kennyland Court.

With regards to Allington Road, the Inspector was of the view that located 1-4m from the common boundary, and extending 50m along the boundary, the new building would appear overbearing when viewed from the garden areas of these properties.

The Inspector also considered that the proposal would result in mutual overlooking of first and second floor windows on the new development.

As discussed above under Application W00189S/06 the Inspector considered a distance of 18.0m between elevations was suitable.

Under Pre-application discussions the council raised concern about potential impacts on the amenity of neighbours to both sides. Discussion was also centred around how any impacts from the rear elevation on properties in Allington Road could be rectified, it was acknowledged that window to window distances were acceptable, but that the rear elevation was in close proximity to the common boundary. It was noted that the separation distance from window to window of the Allington Road properties would be in excess of the SPD's overall 21 metres, however the 10.5m boundary distance would be significantly compromised.

It was stated therefore, that measures would need to be put in place to ensure that any harmful overlooking into the private amenity space / gardens is not created. It was noted that the extant scheme had only one first floor window approved to this rear elevation, with the majority of the fenestration to the south east and north east elevations.

The council has accepted that the 9-unit scheme has been commenced on site and as such provides a "fallback" position with regards to this submission. There is no reason to believe the scheme would not be built out if required, and so this is a viable fallback which must be afforded material weight. However, whilst a viable fallback exists, as referenced above, there are material differences between the fallback scheme and this proposal. The three-storey aspect and length of the building are more akin to the 2006 dismissed appeal scheme.

The gardens of the Allington Road properties will be partially obscured by trees. The tree screen consists predominantly of Lombardi Poplar/Ash/Sycamore, which are deciduous species. It is evident that during winter months the tree cover will be of more limited value. Even in summer, the ash and sycamore, located at the southern section of the site provides limited screening, and new screening would take time to take hold. There is also some concern about the long-term health of the trees, given the proximity of the development and the need to reduce the height of the Poplars.

Under revised plans, the applicant has seen alterations to both the front and rear elevations of the submitted scheme. The plans now indicate that with regards to the elevation facing Allington Road, the windows in the southern section of the building, serving flats 8 and 14, would now be obscure glazed, and the external access deck serving upper floor units, would also be screened in order to prevent overlooking of rear garden areas adjoining the site.

The northern section of the building retains a greater separation distance to the boundary, and is in a similar position, with a similar relationship, to the extant scheme. Within that context, it is not considered justified to screen these rear facing windows.

With regards to these measures, obscure glazing of adjoining windows would prevent overlooking of gardens. Revised plan Fey_21 Rev D includes details of a "Brise Soleil" style screen to be affixed along the access decks and this could be angled to obscure views into adjoining gardens. Further details could be secured by condition.

It should be acknowledged that given the proximity of the southern section of the building there will be some level of impact on amenity. Existing trees cannot be relied on to screen the development. However, the measures outlined above would mitigate the impact and remove the concern with regards to privacy and overlooking. Whilst there would be some impact on outlook from residential gardens that adjoin the site, officers consider that, the measures outlined with regards to Allington Road, can on balance, be accepted and reduce impacts to an acceptable level.

Revised plans indicate that accessible rear terrace areas from ground floor units on the southern side would also be provided. Given that tree cover would not be substantial, details of an appropriate boundary treatment would need to be agreed by condition.

With regards to Kennyland Court, the 18.0m distance between upper floor windows could be retained from the extant approval. This is a significant building and the outlook to the rear will change however given the set-back at first and second floor to 18.0m, it is not considered the proposal would look excessively overbearing or significantly harm outlook, or result in excessive impacts on daylight/sunlight.

Similarly it is considered the scheme retains an adequate distance to premises above No's 397- 405 Hendon Way with a similar relationship to the fallback scheme retained.

In light of the above, it is considered that, the proposed measures of mitigation reduce impacts on adjoining neighbours to an acceptable level and, on balance, the scheme can be justified from a neighbouring amenity perspective.

Impact on amenity of future occupiers

Internal Space Standards:

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

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

- (1 Bedroom/1 person): London Plan requirement = 39m²
- (1 Bedroom/2 persons): London Plan requirement = 50m²
- (2 bedroom/3 person): London Plan requirement = 61m²
- (2 Bedroom/4 Persons): London Plan requirement = 70m²

In terms of the size of the units; some of the internal floorspaces exceed the requirement, with some meeting the minimum standard. Unit 16 is labelled as a 1 bed/1 person unit but is laid out like a 1 bed/2 person unit served by a double room. It is approximately 7sq. m under the requirement for a 1 bed/2 person unit of 50 sq. m but 4 sq. m over the requirement for a 1 bed/1 person unit.. This is considerably under the minimum standard and would result in sub-standard living conditions for occupants of that unit if a 2-person unit. However the bedroom size at 10.5 sq. m is below the minimum standard for a double room and, although a generous provision for a single person room, it is accepted that this is intended as a 1 bedroom/1 person unit and the Space Standard requires it to be considered as such.

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

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

Daylight/Sunlight/Outlook:

All proposed residential development should provide suitable outlook and daylight for future occupants. Primary windows serving habitable rooms are not provided on flank walls and the units would all be double aspect.

A Daylight and Sunlight survey has been submitted with the proposal (Right to Light Consulting, March 2021), and the units are in close proximity to trees at the rear of the site.

BRE Guidelines

The submission uses the calculations for daylight and sunlight amenity with reference to the various numerical tests laid down in the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice, 2nd Edition' by P J Littlefair 2011.

To achieve a predominately daylight appearance, the guide recommends an ADF of 5% or more if there is no supplementary electric lighting, or 2% or more if supplementary lighting is provided. The guide also gives minimum recommendations for dwellings of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. The minimum targets have been adopted for the purpose of the study.

The BRE guide states that, in general, a dwelling or non-domestic building which has a particular requirement for sunlight, will appear reasonably sunlit if:

- at least one main window wall faces within 90 degrees of due south, and

- the centre of at least one window to a main living room can receive 25% of annual probable sunlight hours, including at least 5% of the annual probable sunlight hours during the winter months between 21st September and 21st March.

The guide states that, where groups of dwellings are planned, site layout design should aim to maximise the number of dwellings with a main living room that meets the above recommendations. The guide states that sunlight is viewed as less important in kitchens and bedrooms.

Trees and Hedges:

Appendix H of the BRE guide gives guidance on trees and hedges. Trees and hedges vary in their effects on skylight and sunlight. Most tree species will cast partial shade for deciduous trees, this will vary with the time of year. It is generally more difficult to calculate the effects of trees on daylight and sunlight because of their irregular shape and because some light will generally penetrate through the tree crown.

Overshadowing to Gardens and Open Spaces:

The availability of sunlight should be checked for all open spaces where sunlight is required. This would normally include:

- Gardens, usually the main back garden of a house
- Parks and playing fields
- Children's playgrounds
- Outdoor swimming pools and paddling pools
- Sitting out areas, such as those between non-domestic buildings and in public squares
- Focal points for views such as a group of monuments or fountains.

Results -

In the case of the proposed development, the submission indicates that 39 of the 48 (81%) rooms tested meet or surpass the BRE winter ADF targets.

The BRE guide acknowledges that, in some cases, it may not be possible for every dwelling to achieve ideal levels of sunlight. The guide explains that, where groups of dwellings are planned, the aim should be to maximise the number of dwellings that:

- have at least one main window that faces within 90 degrees of due south, and
- have at least one window to a main living room that meets the BRE numerical targets.

In the case of the proposed development, 18 of the 19 units have a living room window which faces within 90 degrees of due south.

The results show that 100% of the area of the amenity space will receive at least two hours of sunlight on 21 March. The proposed development therefore passes the BRE overshadowing to gardens and open spaces test.

The NPPF at para. 125 (d) "Achieving appropriate densities" states;

"local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise

inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)".

Whilst a number of rooms do not meet the recommendations, it is not considered the results are unusual in the context of an urban location. It is evident the close proximity to the rear boundary and trees will have an impact on windows on this elevation. This will also have some impact on outlook, given the close proximity of some of the windows to vegetation, albeit as above some windows will be obscure glazed to guard against overlooking.

This part of the policy requires a balancing with regards to meeting the challenges of achieving appropriate densities and developing sites more efficiently. Whilst some impact is noted, units are all dual aspect and units will be served by living rooms which will broadly receive adequate natural light provision.

It is considered that the proposed layout in relation to daylight/sunlight can be generally accepted.

Amenity Space Provision

The proposal would have a private amenity space requirement of 330 sq. m. It is noted a communal area of private amenity space is proposed which would meet this requirement. It is acknowledged that to some degree the tree cover will compromise the quality of this space, being located between the trees and the rear of the building. However, Hendon Park is nearby, and given the quality and quantum of space at Hendon Park, and its proximity to the application site, and the town centre location providing excellent transport links to amenity space in the wider area, this provision is considered acceptable. It is accepted the site is constrained and concerns about neighbour amenity has removed the potential for private space through balconies or terraces. Given these characteristics, the provision can be accepted.

Room Stacking:-

The proposed internal stacking of the units is considered acceptable.

Privacy and overlooking:-

Window placements are such that there is no internal overlooking between units. However, some units are accessed from external "access decks". In some cases, this would involve occupants walking past units to access their own units. The council would likely require that any windows that involve other occupants of the block passing, would require obscure glazing. In some cases, with decks to the front, this would involve bedroom windows, which it would be inappropriate to obscure glaze. Given the location of trees, and for general living conditions, it would not be ideal to obscure any windows, but this would be necessary, and the obscure glazing of bedroom windows would be necessary and is a concern.

In order to overcome this concern the applicant has advised that "with regards to bedroom windows it is proposed the windows will have 300mm deep metal frames and planters on the access decks". It is also now proposed to obscure glaze windows serving kitchens and bathrooms located along the access decks.

It is accepted that obscure glazing of bathroom windows would be acceptable. The kitchens form a single, open room, with the dining area which extend from the front to the rear of the unit. Whilst the SPG does class kitchens as not being habitable rooms, they are separate rooms where occupants might spend a reasonable amount of time, and they form an important part of the space within each relevant flat, which the council's SPG Guidance (Sustainable Design and Construction) advises should receive reasonable outlook. However, officers would not insist on clear glazing for these windows and it is deemed necessary to require obscure glazing to guard against the compromise on amenity. It is considered that the obscure glazing of access deck windows would prevent loss of amenity to occupants of these units, and reasonable outlook from the open plan rooms would remain.

High set windows, obscure glazing, and the 300mm frames/planters would provide better privacy; visualisation that have been submitted demonstrate that the deep frames would only significantly reduce the potential for loss of privacy, with only really glancing views when directly in front of the window possible. The proposed measures can be accepted and can be agreed by condition.

With regards to the ground floor units on the new scheme, these would be located 10.5m from windows on Kennyland Court and 6.5m from a raised decking area to the rear. Previously any concern about overlooking was addressed by a pavilion building which would prevent overlooking from the flats. This option is not available this time and the applicant proposes planters in lieu of the previous pavilion building. At pre-app stage the council sought further details on proposed methods of mitigation. However, the ability of planting to adequately prevent overlooking, particularly from upper floor windows would likely be limited.

Further revisions suggest that a brise soleil style screens and a screen on the existing raised decking, which is under applicant ownership, could alleviate this concern. The screen would allow occupants to achieve sufficient levels of outlook from within the units but would also reduce any potential for loss of privacy from upper floor residential units at Kennyland Court.

In light of these measures it is considered that the proposed units would, on balance, provide adequate levels of amenity for future occupants.

Highway and Pedestrian Safety

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) 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 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

Other sections of Policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

The council's Highways Officer has commented on this submission and his considerations are detailed below.

The road fronting the site is Hendon Way (A41), it forms part of London's Red Route Network managed by Transport for London. The red route on Hendon Way is protected by no stopping restrictions which operate between 7am and 7pm with exemptions at few locations to allow for loading/unloading (max 20mins) and short term parking (parking for 90mins no return within 2 hours). Surrounding roads are covered by CPZs (Cheyne Walk: Mon-Sat, 8am -6.30pm; Vivian Avenue, Queens Road, Graham Road: Mon- Fri, 11am - 12noon)

The site is in a town centre location and is at the rear of a 4 storey block with retail on the ground floor and residential above. There is a northbound bus stop about 30 metres to the south of the site on the A41 and it is served by 7 bus routes including a night bus. A southbound bus stop is located about 200 metres to the south of the site and it is accessible via a pedestrian underpass. Hendon Tube Station is within 2 minutes distance to the north of the site. The site has a PTAL rating of 5 (very good) and this indicates a good level of public transport accessibility.

The proposal is to construct a three storey block of flats comprising 19 units (9x1bed, 10x2bed) which attracts a maximum parking demand of between 10 and 24 car parking spaces. Given the PTAL rating of 5, Highways would accept 12 parking spaces. The current scheme proposes 2 disabled spaces which leaves a shortfall of 10 spaces. Surrounding roads are in a CPZ that operates Mon-Fri, between 11 and 12noon.

Given the site's good access to public transport and the applicant has carried out a parking survey which suggests that an average parking stress of 37% with over 72 parking spaces available on street within a 200m radius of the site. However, given the good PTAL score of the site, Highways would accept a car free scheme subject to the applicant agreeing to enter into a s106 with the council to deny residents of the development the right to purchase CPZ permits.

Highways have further advised that whilst a CPZ restriction in order to promote sustainable travel is recommended, this would not be insisted on. Given the submitted Parking Survey, demonstrates that parking stress levels are reasonably low, and on street availability would accommodate overspill parking, officers consider that there is not sound justification for a permit restriction in connection with this development. The restriction will therefore not be imposed.

Cycle parking is provided at the western end of the site the property. A minimum of 29 long-stay and 2 short stay cycle parking spaces are requested based on current London Plan standards. 30 long stay and 4 short stay cycle spaces are proposed which is acceptable.

Short stay cycle parking should be provided in a covered, sheltered, secure, lockable and enclosed environment. 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 condition.

The vehicle access to the site is from the A41 and swept path drawings have been supplied by the applicant which show that a 7.5T vehicle and a fire tender can enter and exit the site in forward gear.

Refuse vehicle will pick up from A41 and this is acceptable provided the applicant will arrange to move the bins to the road side on collection point days and return them to the bin storage area afterwards. If refuse vehicles are to pick up from the site then, the access road must be constructed to adoptable standards. Details of refuse storage/collection arrangements are requested by way of a condition.

There are only 2 deliveries expected a day and trip generation by the site is not expected to be an issue given the number and size of units proposed.

Given that the site access road can accommodate flow in one direction at a time, traffic light system is recommended to control vehicle access to the site. Servicing arrangements for the site are acceptable as most of the delivery vehicles are expected to be box vans.

A construction management plan is requested by way of a condition. The applicant has provided a travel plan statement and this is acceptable in its current form.

Highways would raise no objection to the proposal.

Ecology and Biodiversity

The applicant has provided a Preliminary Ecological Appraisal (Tim Moya Associates February 2021). There is one statutory site Brent Cross Reservoir (SSSI and LNR) located 1.1km south west of the site. All other statutory sites are located over 2km away.

The development does not fall into any of the categories listed by Natural England that would require consultation.

The building was found to have negligible potential. Therefore, no further bat surveys are required in association with the building.

The council's ecologist has assessed the submission and is content with the conclusions and advises that ecological enhancements could be agreed by condition.

Flood Risk and Drainage

National standards for SuDS require the Council as Lead Local Flood Authority (LLFA) to be satisfied that major development meets the minimum standards of operation and that there are clear arrangements in place for on-going maintenance over the lifetime of the development.

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

MET Police

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

Environmental Health Comments

A Noise Impact assessment has been submitted by Create Consulting Engineers (Feb 21) and has been reviewed by the council's Environmental Health section.

The Environmental Health section of the council raise no objection subject to conditions. These include requirements regarding acoustic mitigation as included within the report, restricting noise from plant, and a contaminated land risk assessment.

Refuse/Recycling

Refuse collection would be to the front of the site from Hendon Way. Refuse would be put out on the street in the same way existing residents along the street put their refuse out on collection days. The bin provision and storage area are acceptable to the Street Scene Operations team.

Sustainability

London Plan Policy SI.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy
- Be seen: monitor, verify and report on energy performance

The London Plan goes on to set out the sustainable design and construction measures required in new developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

Major development should be net zero-carbon, with a minimum on-site reduction of at least 35 per cent beyond Building Regulations

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayors targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy.

The application is accompanied by an Energy Statement from Mendick Waring Limited (March 2021) which sets out how the development accords to the London Plan energy hierarchy.

Be Lean

For the Be Lean scenario, a combination of all feasible passive measures has been incorporated to all the units of the development. These measures are assessed as providing a 12.88% reduction in regulated CO2 emissions which exceeds the required 10%..

Be Clean

There aren't any Be Clean results as the implemented system, of this development, is Air Source Heat Pumps and not CHP.

Be Green

The proposed scheme incorporates individual heat pumps for each apartment. Further, solar PV will be provided to the roof. A reduction of 35.88% in regulated CO2 emissions, over the Building Regulations Part L 2013 Baseline, has been achieved for the new-build residential units (19 flats) for the "Be Green" case of the Energy Hierarchy.

An on-site reduction of 35.88% in regulated emissions compared to a 2013 Building regulations compliant development is expected for the development,. The carbon dioxide savings exceed the 35% on-site target set within the London Plan.

New residential developments are required to meet the zero-carbon target. The applicant is therefore required to mitigate the regulated CO2 emissions, equating to a financial contribution of £36,024 to the Borough's offset fund (12.64 tonne shortfall x £95 x 30 years).

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

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

5.4 Response to Public Consultation

It is considered that the majority of third-party comment have been addressed within the report.

- Unduly overbearing and visually obtrusive, detrimental to the visual and residential amenities of the occupiers of Kennyland Court
- The development is out of character with the surrounding area.
- Loss of privacy to the residents of Kennyland Court.
- Loss of privacy for the residents of Allington Road, as the new proposal would be very close to their back gardens and the rear of their houses.

- Overbearing impact on adjoining residents.
- An unacceptable level of overlooking and loss of privacy to the occupiers of neighbouring residential properties namely: Kennyland Court, Allington Road and Homes and Flats above business premises on 397- 405 Hendon Way.

Addressed within the report.

- Proposal will lead to overspill parking onto surrounding roads, the parking survey submitted is not extensive.
- Issues with regards to access for servicing, and emergency vehicles.
- The width of the development entrance is only 3.8m. It only allows for a single passageway for vehicle access. A turning circle is necessary for the development site.
- Don't believe people will use public transport and this scheme will cause further parking issues in the locality.
- Concern about the real possibility of damage to the property from delivery, refuse and other vehicles using the lane.
- Concerned for the safety of people using the pavement outside my property on Hendon Way when crossing the lane

Highways accept the proposal and have provided detailed comments.

- By nature of its scale the new proposal would seriously threaten the lives of the tall trees that line the back of the gardens of the properties on Allington Road. Trees that have been there for over 25 years. These trees provide sound barriers, aid reduction of pollution and are a positive amenity. Effected Allington Road residents would lose the tree screen boundary and gain a loss of privacy and overlooking.
- There will also be an impact on the trees which, as far as I am aware, are subject to a Tree Preservation Order.

Discussed in the trees section, Tree's Officer has no objection on impact on trees.

- The proposed development would provide flats very close to the A41 Hendon Way which suffers from poor air quality and an excess of local air quality standards, and would as a result provide for a poor air and environmental quality for future occupiers
- The additional influx of people (new residents and their families / guests etc) and additional traffic will increase the levels of noise and disturbance in an already very busy area, particularly effecting the neighbouring residents of Kennyland Court, Allington Road and Graham Road.
- The additional noise will cause additional disturbance on the amenities and occupiers of the area.

Environmental Health section have advised and accept the scheme subject to conditions.

- This will create a huge amount of disruption in the area due to the loud construction work and will make the already bad parking situation in the area worse.

Disturbance during construction could be mitigated with a Construction Management Plan which could be agreed by condition.

- As a child care provider, this is of course a major concern of ours. We do not want any additional residence or property that has the ability to look over our rear garden where the children play daily.
- Another major concern is building noise during the day when our nursery is operating. Due to the size of proposed scheme, this will inevitably go on for a long time and will likely cause our business disruption.

Given the position of the nursery relative to the development it is not considered there would be a serious or adverse impact.

- The proposed development would create flats that are dark, enclosed between tall trees and the 3-4 storey buildings on Hendon Way, resulting in a poor quality of accommodation for the future residents.
- Gardens are about 4/5 meters below 393-395 Hendon Way and to have additional 19 flats above will overshadow garden

Amenity of the proposed units has been discussed above.

- The development would clearly not relate well to its surroundings and would result in a cramped appearance for the site.
- The introduction of external corridors would also be an awkward feature that does not exist along this part of Hendon Way.

The proposed design has been discussed above and considered acceptable.

- Policy DM08 of the Development Management Policies states the Council's highest priorities for market housing are 3 and 4-bedroom units.
- The proposed development would comprise 10 two-bedroom flats and 9 one-bedroom flats, and would therefore fail to comply with Policy DM08.
- No provision of affordable housing proposed on-site, with no justifiable reasons.
- The applicant claims permission H/04337/10 is extant, however, no evidence has been provided to demonstrate it is the case.
- The allegedly extant permission is for the construction of only 9 units on site, the proposed 19 units would be of a completely different scale and intensity.
- There are no examples of residential backland development along Hendon Way. As such, the proposed development and the construction of a three-storey building to the rear of the site would fail to respect the character of the local area.
- The applicant also fails to demonstrate the principle of the change of use of the site is acceptable. Policy DM14 states: "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."
- The site is currently used for car showroom (Sui Generis), the business is still in operation and the site has not been vacant.

Discussed in the principle of development and planning history sections above.

- The applicant did not seek to engage with local residents.
- Owners of the properties 397- 405 Hendon Way have a right of way along the proposed access route to the back of their buildings. The applicant has blocked this route with fencing, despite several protests.

Whilst discussions with adjoining neighbours is strongly encouraged as good practice, there is no requirement from the Local Planning Authority for this. Issues with access is a civil matter.

6. Equality and Diversity Issues

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

7. Conclusion

In light of the above appraisal, it is considered that the proposed scheme as amended would have an acceptable level of impact on the amenity of existing and future occupants. The design and layout can be accepted in principle, and the scheme would make a more efficient use of a previously developed site, in line with adopted policy. It is therefore recommended for APPROVAL subject to conditions and s106 contributions.



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Location 55 The Broadway London NW7 3DA

Reference: 21/1521/FUL

Received: 18th March 2021

AGENDA ITEM 10

Accepted: 29th March 2021

Ward: Mill Hill

Expiry: 24th May 2021

Case Officer: Mansoor Cohen

Applicant: Patel

Proposal: Conversion of existing first floor office space into 2no self contained units, internal alterations to second floor to provide 2no. self contained units including first and second floor rear extension following the demolition of the existing first floor rear extension. Erection of a two storey detached building to the rear following demolition in part of the existing single storey rear extension to provide 2no self-contained units. Associated refuse/recycle store, cycle parking and amenity space (Amended Description and Plans)

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:

216-01 (02)001

216-01 (02)002 Rev A

216-01 (02)003 Rev A

216-01 (02)004

216-01 (02)005 Rev F

216-01 (02)006 Rev D

Parking Survey by Kronen, dated July 2021

Parking Survey Addendum by Kronen, dated July 2021

Design and Access Statement Rev A, dated 17 February 2022

Arboricultural Implications Assessment by ROAVR Environmental, dated 15 March 2021

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

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

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

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

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

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

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

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

x. details of a community liaison contact for the duration of all works associated with the development.

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

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

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

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

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

6 a) Notwithstanding the details submitted with the application, 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.

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

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

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

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

- 9 a) Before the development hereby permitted is first occupied, details of the subdivision 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 2016).

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any Class within Part 1 of Schedule 2 of that Order shall be carried out within the curtilages of the new dwellings hereby approved.

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

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

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

- 12 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

- 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) with the exception of the provision of lifts. The development shall be maintained as such in perpetuity thereafter.

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

- 14 Prior to the first occupation of the residential units 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 Polices document (2012), Policies SI 2 of the London Plan 2021.

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

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

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

- 16 a) Prior to the first occupation of the hereby approved development, details of the proposed green roof shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and G6 of the London Plan 2021.

Informative(s):

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

- 4 The applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.
- 5 If a concrete pump lorry is operated from the public highway, surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 6 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk

OFFICER'S ASSESSMENT

1. Site Description

The site comprises a mixed use mid-terrace building fronting Mill Hill The Broadway. The front main part of the building has been used as a Banking Hall with ancillary offices to the upper floors and residential accommodation above.

The building extends at ground level with connecting ancillary office space with a far end rear garden. The rear and upper floor flat is accessed via a separate side entrance.

The properties either side include mix use commercial development with residential and offices above and in some cases with self-contained residential development to the rear of No.53.

The property is sited on The Broadway where a range of shops and services can be found. The site is located within the Primary Retail Frontage of the Mill Hill Town Centre.

The site is located within a CPZ and has a good PTAL 4 rating. Bus and rail services are within walking distance.

The rear of the building is not listed and is not located within a Conservation Area. There are no TPO trees onsite. The property is not located within a Flood Risk Zone.

2. Relevant Site History

Reference: 18/7339/FUL

Address: 55 The Broadway, London, NW7 3DA

Decision: Refused, Appeal dismissed ref: APP/N5090/W/19/3222874 dated 3 July 2019

Decision Date: 12 February 2019

Description: Conversion of first floor from ancillary A2 office space to 1no self-contained unit. Erection of two storey detached building to the rear following demolition of existing single storey rear extension to provide 4no self-contained units. Associated refuse/recycle store and cycle parking (amended description).

Reason 1: The proposal due to its lack of provision of glazing and single aspect north facing orientation for Units 1 and 3, would result in units which do not provide an adequate level of outlook and light for future occupants. Furthermore, the close relationship of habitable rooms in Units 5 and 4 and 2 would give rise to overlooking and a loss of privacy for these future occupiers. For these reasons the proposal is contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policies DM01 and DM02 of the Adopted Development Management Policies DPD (2012), the Council's Sustainable Design and Construction SPD (2016), Supplementary Planning Document: Residential Design Guidance (2016) and policy 3.5 of the Mayor's London Plan (2016).

Reason 2: The development fails to provide a legal undertaking to enable an amendment to the Traffic Management Order to mitigate the on-street parking impact in the vicinity of the site. The development is therefore likely to lead to conditions detrimental to the free flow of traffic and highway and pedestrian safety, contrary to Policy CS9 of the Local Plan Core Strategy (Adopted) 2012; and Policy DM17 of the Local Plan Development Management Policies DPD (Adopted) 2012.

Reference: W00530N/05

Address: 55 The Broadway, London, NW7 3DA

Decision: Approved subject to conditions

Decision Date: 29 July 2005

Description: Minor internal and external alterations. Insertion of internal ramp to entrance.

Reference: W00530Q/05

Address: 55 The Broadway, London, NW7 3DA

Decision: Refused

Decision Date: 23 November 2005

Description: Replacement of existing air-conditioning units.

3. Proposal

The proposal seeks planning permission the conversion of existing first floor office space into 2no self contained units, internal alterations to second floor to provide 2no. self contained units including first and second floor rear extension following the demolition of the existing first floor rear extension. The erection of a two storey detached building to the rear following demolition in part of the existing single storey rear extension to provide 2no self-contained units. Associated refuse/recycle store, cycle parking and amenity space.

The proposal has been subject to amendments during the course of the application which have principally, reduced the quantum of new units proposed, re-designed and reduced the depth of the rear extension to the main building and altered the siting, design and internal configuration of the outbuilding to feature as a pair of semi-detached dwellings. The amended plans are the subject of this assessment.

The existing building provides commercial and ancillary floorspace at ground and first floor level and a 1 bedroom apartment at second floor level. The proposal therefore seeks a net increase of 3no. 1 bedroom apartments with the main building and 2no. self contained units within the new rear outbuilding.

The first floor of the main building would provide 2no. 1 bedroom 1 person units. At second floor the proposal would mirror the layout of the first floor and similarly provide 2no. 1 bedroom 1 person units.

The proposed two storey outbuilding would provide 2no. 2 bedroom 3 person units and associated amenity space.

The two storey outbuilding would measure 12.7m in depth and 8.6m in width at ground floor level. At first floor level the front elevation would be staggered resulting in a depth of between 8.1m to 10.3m and recessed from the ground floor element by 2.4m. The outbuilding would stand with a flat roof measuring a maximum height of 6m. A green roof is proposed on the roof of the first floor.

Associated refuse and recycling store would be located within the rear of the main building. A cycle store would be provided within the communal courtyard that would be created between the existing building and proposed outbuilding.

4. Public Consultation

A site notice was erected on 8 April 2021.

Consultation letters were sent to 117 neighbouring properties. Following amendments re-consultation letters were sent on 16 February 2022.

Initial consultation:

7 letters of objections including from the Mill Hill Preservation Society have been received which can be summarised as follows:

- Concerns of overlooking and loss of privacy
- Concerns over loss of light and sunlight to neighbouring dwellings
- Concerns over visual amenity and overbearing impact

- Discrepancies/inaccuracies within the Design and Access statement
- Overdevelopment of the site
- over-intensification of the site leading to increased refuse waste
- loss of trees and greenspace
- inadequate parking
- previous application refused, current scheme offers no improvements
- limited access for emergency vehicles and refuse and recycling provision
- insufficient provision of amenity space for future occupiers.

Re-consultation:

Following re-consultation of the amended plans, 4 letters of objection were received consisting of 3 letters from previous objectors and 1 new letter of objection.

Previous objectors - the revised plans do not address any of the previous comments of objection and therefore the stand true.

New objector - Raises concerns previously raised, namely; Loss of privacy, access and parking concerns and previous refusals.

It is noted that no further comments were received from the Mill Hill Preservation Society.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM08, DM11, 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 Draft Local Plan (Reg 22) 2021

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of the development;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposal would provide a satisfactory form of accommodation for future occupiers;
- Impact of development on Highways;
- Impact on trees and landscaping.

5.3 Assessment of proposals

Principle of the development

The proposal follows a previously refused application under reference 18/7339/FUL. The application was refused on grounds of sub-standard level of living accommodation for future occupiers and highway impacts as cited above in the planning history section. Whilst the present proposal differs in several aspects, the officers delegated report considered the principle of the conversion of the first floor ancillary office space to residential and reduction in commercial floor space at ground floor level acceptable. Given there are no changes in circumstances since the previous application or other material considerations to consider, the principle of this part of the development remains acceptable. For clarity and avoidance of doubt, an excerpt of the report detailing the acceptability is included as follows:

'The site is located within the Primary retail frontage of the Mill Hill Town Centre. The proposal is to convert the first floor into a residential unit.

The current property was occupied by a commercial bank with associated service offices and ancillary rooms to the rear and above, including a flat at the top floor.

The proposal seeks to retain the main ground floor front commercial floor space with a reduction in the rear storage and safe rooms, which are considered surplus to need given the extensive floor area to be retained. The loss of this floor space will not harm the viability or vitality of the high street or diminish the attractiveness of using the retained commercial area for long-term use.

With respect to the first-floor flat conversion, this space is currently laid out with a mix of small bathrooms, storage rooms and ancillary office space. The loss of this office and ancillary space would not harm the operational functioning or attractiveness of the ground floor commercial unit to be retained.

It is noted that properties along The Broadway often involve commercial space in the ground floor with residential units above. The property already comprises residential accommodation at the second floor. Both neighbouring properties are comprised of flats. As such, the conversion of the first floor into a residential unit is acceptable in principle. The proposal does not conflict with Policy DM11.'

Similarly, with regards to the erection of the outbuilding, no in principle objections were raised in the previous application and it is noted that the rear of no.53 The Broadway benefits from a comparable consented development.

Thus the principle of the development is considered acceptable subject to the considerations as set out below.

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

The conversion of the first floor of the main building to a residential flat will not result in any noticeable changes to the front elevation of the main property. There is an existing separate entrance in the ground floor frontage for the existing residential unit at second floor level which will be utilised for access to the proposed first floor flats as well as the

new outbuilding. Alterations to the rear elevation of the main building including the first/second floor extension would have no visibility from street level. Furthermore, the extension would see the removal of the overly deep and somewhat incongruous first floor projection replaced with a reduced depth extension that would add a level of symmetry and cohesiveness to the rear elevation of the main building. There is therefore no objection to this element.

The existing building is part of a terrace of commercial and mixed use buildings which feature deep rear plots accommodating a mix of rear ancillary buildings and features. The existing property benefits from an extended single-storey projection providing a mix of bathroom, storage and safe rooms. This area is to be demolished and replaced with a detached 2-storey flat roof outbuilding to house 2no. self contained units.

The addition of the outbuilding to the rear garden would not be visible from The Broadway or in the street elevation. The height of the outbuilding would be comparable to the existing outbuilding at the rear of 51-53 The Broadway. Permission was granted at 51-53 The Broadway for a similar two storey outbuilding housing a pair of semi-detached properties under reference H/03944/12. The revised scheme seeks to broadly mirror the footprint, scale and use of the outbuilding which would function much like a pair of semi-detached dwellings as approved at the neighbouring site. This aspect of the proposal would therefore be in keeping with the immediate neighbouring site and is therefore acceptable.

The overall footprint of built form would be similar to the existing footprint (taking into consideration the demolition of the single storey rear projection) and therefore would not constitute an overdevelopment of the site.

Furthermore, a communal courtyard located between the main building and proposed outbuilding which would provide an area of soft landscaping thereby improving the setting of the outbuilding.

In summary, given the comparable development to the immediate neighbouring site, the array of buildings and uses along this stretch and the siting of the proposed development, it is not considered that any harm would be sustained to the character and appearance of the locality or street scene.

Whether the proposal would provide a satisfactory form of accommodation for future occupiers

Floor space standards:

The Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Table 3.1 within Policy D6 of The London Plan 2021 provides minimum space standards for new dwellings. According to Table 3.1 the required minimum space standard for a 1 bedroom 1 person unit is 39sqm and for a 2 bedroom 3 person unit across two floors is 70sqm.

The proposed new units for the outbuilding are as follows:

'Unit 01' (ground and first floor) - 2 bedroom 3 person unit - 76.5sqm

'Unit 02' (ground and first floor) - 2 bedroom 3 person unit - 76.5sqm

The proposed new units within the main building are as follows:

'Unit 03' (first floor) - 1 bedroom 1 person unit - 40sqm

'Unit 04' (first floor) - 1 bedroom 1 person unit - 40sqm

'Unit 05' (second floor) - 1 bedroom 1 person unit - 42.5sqm

'Unit 06' (second floor) - 1 bedroom 1 person unit - 40sqm

All of the units would exceed the required minimum space standard.

Bedroom size:

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

- Single bedroom: minimum area should be 7.5m² and is at least 2.15m wide to comply with the nationally described space standard.

- Double/twin bedroom: minimum area should be 11.5m² and minimum width should be 2.75 m to comply with the nationally described space standard.

All of the bedrooms in the proposed units would meet these standards.

Light/Outlook:

The Sustainable Design and Construction SPD states in paragraph 2.2.3 that 'Dual aspect dwellings have many benefits including better daylight, a greater chance of direct sunlight for longer periods, natural cross ventilation, mitigating pollution, offering a choice of views, access to a quiet side of a building, greater flexibility in the use of rooms, and more potential for future adaptability by altering the use of rooms.'

All units would be dual aspect and provide suitable outlook and light for future occupiers.

Privacy:

The privacy of existing and future development should be protected and gardens and windows to habitable rooms should not be significantly overlooked. Design solutions through layout of habitable rooms, window placement and building orientation should be used to address privacy and overlooking issues. Use of opaque glazing should be avoided in order to provide an outlook.

Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

A separation distance of 17m would exist between the front elevation of the outbuilding (housing units 1 and 2) and the rear elevation of the host building (housing units 3-6). It is noted that the outbuilding has been specifically designed and sited to ensure the maximum possible separation distance. Nevertheless, the development does fall short of the required 21m as stipulated within guidance, however, greater discretion is afforded by guidance pursuant to the London Plan and given the town centre location which incorporates a higher density environment, shorter separation distances are not uncommon and comparable to the neighbouring development. Furthermore, given the nominal shortfall, it is considered that a distance of 17m would prevent any significant mutual overlooking to an acceptable degree.

Floor to ceiling height:

The Sustainable Design and Construction SPD states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling, however, to address the unique heat island effect of London a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged.

All of the proposed units would comply with this requirement.

Room stacking:

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.

All of the proposed units would provide like for like stacking and therefore acceptable.

Amenity Space:

The provision of outdoor amenity space is an important consideration for residential development. Residential units with insufficient garden outdoor amenity space are unlikely to provide good living conditions for future occupiers.

Table 2.3 of Barnet's Sustainable Design SPD (Oct 2016) states that flats should have 5m² of amenity space per habitable room. Habitable rooms exceeding 20m² of floor space are counted as two. For houses 55sqm of amenity space is required for up to five habitable rooms

Each unit of the outbuilding would benefit from approximately 30sqm in the form of rear garden.

The communal soft landscaped courtyard between the two buildings, would provide a further 30sqm of outdoor amenity space for all units.

Whilst it is noted that no amenity space is provided for the 1 bedroom unit and the two bedroom units would fall short of the required standard, given the town centre location, good level of accessibility to local amenities and proximity to Mill Hill Park, the proposal would be acceptable in this regard.

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

The proposed first and second floor extension to the rear of the main building would replace the existing first floor rear projection. The enclosure would be almost centrally located maintaining a distance of 2.7m to 3m to either side boundary at a depth of 3m. Given the depth and separation distances, it is not considered that this would result in a harmful impact to neighbouring occupiers.

The neighbouring site no.51-53 The Broadway has a similar size and scale outbuilding in the rear garden. The proposed outbuilding would be recessed approximately 2.6m from the front elevation of the neighbouring building at ground floor level and 4.6m at first floor level. No harm would thus result from this aspect.

The ground floor rear elevation of the proposed outbuilding would align with the neighbouring ground floor rear elevation (consisting of a conservatory) thus minimal impact would be sustained as a result of this element.

At first floor level the building would project a marginal 0.9m beyond the first floor rear elevation of the neighbouring building. The overall heights of the two buildings would be comparable. Given the marginal projection, it is not considered that this would result in any substantial harm in terms of loss of light/sunlight or appear unduly overbearing so as to warrant a refusal.

To ensure privacy is maintained, a condition will be included to ensure that the flat roof of building is not used as a balcony. Rear elevation windows although would allow views into the neighbouring garden would be a typical relationship of any residential area and therefore not harmful.

To the other side is the neighbouring occupier at 57 The Broadway. A search of planning history (W10267A) indicates the upper serve as two self contained residential units. It is not apparent whether occupiers of the residential units benefit from access to the rear garden. In the event the garden is only utilised for the commercial ground floor premises, it is not considered there would be any harm to the neighbouring occupier. Notwithstanding this, the neighbouring rear garden is presently flanked by large single storey projections to either side; The existing ground floor extension to the host property already extends significantly into the garden beyond the neighbours rear elevation at a height of 3.5m and to a similar extent the rear projection of no.59 The Broadway. This proposal would demolish the host existing deep ground floor projection and replace it with a two storey outbuilding up to 6m high. The proposal would also demolish the first floor rear projection which extends for a depth of 8.5m and replace it with a 3m deep extension.

Whilst the proposed new build would still project significantly into the garden and to a greater height, taking into consideration the above, on balance, the proposal would create more openness and separation in built form between the existing building and the new build which officers consider would be of benefit to the neighbouring occupiers. Furthermore, it is noted that no comments or objections were received from the neighbouring occupiers at no.59.

Objections relating to overlooking and loss of privacy have been raised from neighbours along Goodwyn Avenue which back onto the site. Residential Design Guidance states that 'In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.'

At first floor level a distance of between 9.2m to 9.6m would exist to the boundary with the rear gardens of Goodwyn Avenue, falling modestly short of guidance, however, a distance in excess of 30m would exist between facing habitable windows. The relationship would not be materially different to several other developments across this stretch and in particular no.51-53 where some degree of overlooking may take place. As such, officers do not consider that any significant level of overlooking or loss of privacy would occur to neighbouring occupiers in this instance.

In respect of further intensification, dedicated refuse stores would ensure any rubbish is managed appropriately. Given the busy town centre location, it is not considered that additional noise and disturbance would be so discernible so as to impact neighbouring occupiers adversely.

Impact of development on Highways

Highways officers have been consulted on the proposal. The site fronts onto The Broadway, Mill Hill, it is in a town centre location, it lies in an area with a PTAL rating of 4 (good). 8 bus routes can be accessed from stops within 4 minutes walking distance of the site and Mill Hill Broadway rail station is within 7 minutes walking distance. The site is in a CPZ which operates Mon-Fri, 8am -18.30.

The proposal will result in the provision of 4x1 bed units and 2x2 bed units along with a reduced area of commercial space fronting The Broadway. Based on Policy DM17, the residential units would attract a maximum parking provision of 7 spaces. Based on a PTAL of 4 (good), 3 spaces would be acceptable. The floor area of the commercial use is existing and has been reduced in size, therefore is not sought to require any additional parking provision.

The applicant has carried out a parking survey which shows that there are 70 spaces available with an average parking stress of 40%, although it is noted that parking stress associated with the town centre activities were high but below the 90% threshold specified by the Lambeth Methodology. Highways therefore raise no objection to the proposal.

Taking into consideration comments from the highways officer, the proposed scheme is not considered to result in adverse impact to the highway network and pedestrian safety.

Cycle spaces:

Based on London Plan standards, a minimum of 8 long stay and 2 short stay cycle parking spaces are needed for the residential units. The proposed floor plans indicate a dedicated cycle area within the communal courtyard capable of accommodating the requirement. Further elevational details will be secured by way of a condition.

Refuse storage:

Refuse storage is shown to be located within the rear of the main building which is acceptable, however, bins will need to be moved to a collection point by the road side commensurate with existing collection arrangements. Further details to include a refuse management strategy will be secured by way of a condition.

Impact on trees and landscaping

The submitted tree report demonstrates that there are no on-site trees and up to 8 off-site trees, none of which are protected. All trees as a result of the development are proposed to be retained. The outbuilding would encroach into the root protection zone of tree T3, however, would be utilising existing hard surfaced land and therefore tree roots are likely to be offset. Precautionary methods as detailed in the report can be undertaken should tree roots be found. There is also a chance that construction activities could result in harm to retained trees and therefore a tree protection plan will be imperative. This will be secured by way of a pre-commencement condition. Overall, there would be a net gain in greenspace as a result of the internal courtyard.

The proposed green roof(s) would also positively contribute towards biodiversity.

5.4 Response to Public Consultation

Mainly addressed in the body of the report.

-Discrepancies/inaccuracies within the Design and Access statement

These are well noted and have been taken into account some of which have been rectified within the revised D&A statement.

-Previous application refused, current scheme offers no improvements

The application has been assessed on its own merits and varies considerably. Nonetheless, the previous decision has formed as a material consideration in the assessment of the proposal. It is considered that the previous reasons for refusal have been overcome within this application.

-Limited access for emergency vehicles and refuse and recycling provision

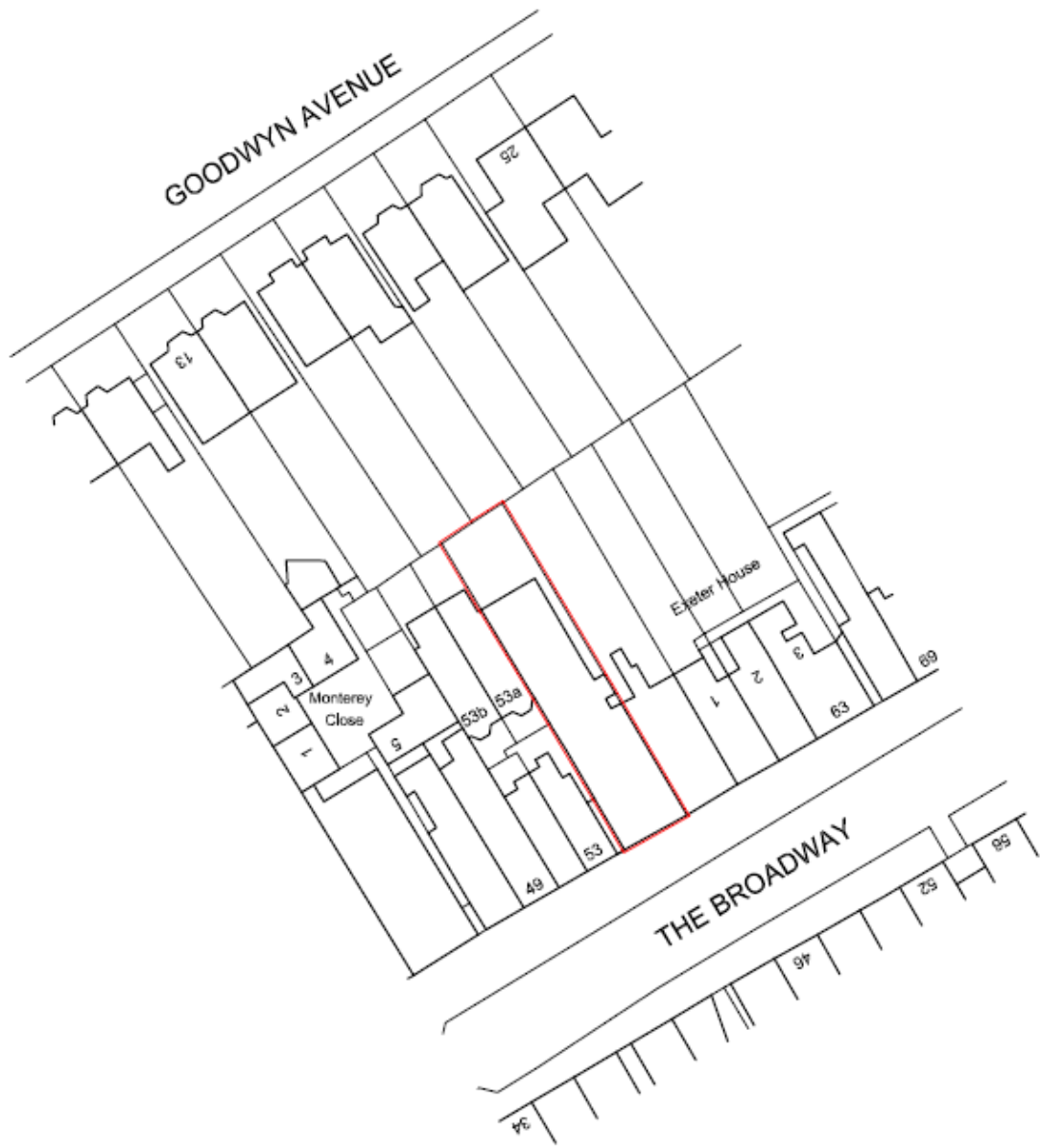
The development would be comparable to the neighbouring no.51-53 The Broadway, access would be provided through a dedicated side passage route.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location Dawlish Court And 63 Daws Lane Daws Lane London NW7 4SG

Reference: 20/4355/FUL Received: 18th September 2020
Accepted: 21st September 2020

Ward: Mill Hill Expiry: 16th November 2020

Case Officer: Mansoor Cohen

Applicant: KDS Estates Limited

Proposal: Demolition of the existing dwellings and erection of a three storey building to provide 9no self-contained flats. Associated parking, cycle store, refuse and recycling store and amenity space (amended application form)

AGENDA ITEM 11

OFFICER'S RECOMMENDATION

Approve subject to s106

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

RECOMMENDATION I:

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

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

1. The Council's legal and professional costs of preparing the Agreement and any other enabling agreements.
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.

A contribution of £6,000 (10 trees) towards the new provision of street trees in the immediate area.

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:

U-J11311-A-1.1
U-J11311-A-1.2
U-J11311-A-2.2
U-J11311-A-2.3
U-J11311-A-4.1
U-J11311-A-4.2
U-J11311-A-6.1
U-J11311-A-6.2
U-J11311-A-6.3
U-J11311-A-6.4
U-J11311-A-7.1
U-J11311-A-8.1
U-J11311-A-8.2
U-J11311-A-9.1
U-J11311-A-9.2
U-J11311-A-9.3
U-J11311-A-9.4

Planning, Design & Access Statement, dated September 2020
Preliminary Roost Assessment Survey, dated 26/01/2021
Bat Emergence and Re-entry Surveys, dated 19/07/2021

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 6 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. U-J11311-A-1.2 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (2016) and Policy T6.1 of the London Plan 2021.

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

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

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

10 a) Notwithstanding the approved plans, before the development hereby permitted is first occupied, details of cycle parking to accommodate a minimum of 17no long stay and 2no short stay cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards - including the type of stands, gaps between stands, location of cycle parking and type of store proposed - shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of

traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM16, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

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

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

- 14 a) Notwithstanding the submitted details, 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).

- 15 Before the building hereby permitted is first occupied the proposed first floor side elevation window serving unit 6 and roof level side dormer windows serving the main living spaces of units 8 and 9 facing nos. 61 and 71 Daws Lane shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

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

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

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

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

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

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

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

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

- 19 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 **** as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and D14 of the London Plan 2015.

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy D14 of the London Plan 2021.

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

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

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

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

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

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

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

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

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

- 28 Prior to occupation of the development the applicant must submit an application under Section 184/278 of the Highways Act (1980) for the proposed vehicular access and implement the highway works before the development is occupied. The proposed access design details, construction and location will be reviewed by the Highways Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

Reason:

To ensure that the works on 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.

- 29 a) Before any site works, (including any temporary enabling works, site clearance, removal of existing vegetation, demolition or any investigative works referred in any other conditions, or development) hereby permitted commences, the applicant shall submit for approval details of measures to secure net biodiversity gain on the site in accordance with guidance set out within BS42040:2013: Biodiversity - Code of practice for planning and development, and guidance documents provided by the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Royal Town Planning Institute (RTPI) and those details shall incorporate mitigation measures as set out in the submitted 'Bat Emergence and Re-entry Surveys' by Arbtech, dated 19 July 2021.

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

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Section 197 of the Town and Country Planning Act 1990 in accordance with Policy DM16 of the Local Plan Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy G6 of the London Plan (2021)

RECOMMENDATION III:

- 1 That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control.
- 2 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 30th June 2022, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not provide a legal agreement to mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and highway safety, contrary to Policy T6.1 of the London Plan (2021), Policy CS9 of the Adopted Core Strategy and Policy DM17 of the Adopted Development Management Policies DPD

Informative(s):

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

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

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

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

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

- 4 Any external lighting provided must be installed in accordance with guidance with the Bat Conservation Trust Bats Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series
- 5 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

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

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

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

- 7 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.

OFFICER'S ASSESSMENT

1. Site Description

The application site is located on the north side of Daws Lane and comprises of a two-storey single-family dwelling (No.63 Daws Lane) and a two-storey building accommodating 3 self-contained flats (Dawlish Court). The surrounding area is mixed with residential uses primarily located to the north and east of the application site, with commercial uses to the west and a public car park, Mill Hill Park and Etz Chaim Jewish Primary School located opposite to the south.

The existing buildings benefit from deep front gardens and onsite parking. No.63, a detached two-storey dwelling, is characterised by a two-storey bay feature, whilst Dawlish Court has a Dutch gable roof form clad in timber and a more blocked formed to the rear. Dawlish Court while attractive from the front, is undermined by its blocked form to the rear.

The application site is seen in context with the residential dwellings immediately to the east running up Daws Lane and although the neighbouring property to the immediate west has retail units at ground floor the built form is modest with pitch roof, retaining a residential appearance.

The property is not listed nor does it lie within a conservation area.

2. Site History

Reference: 19/5874/FUL

Address: Dawlish Court, Daws Lane, London, NW7 4SG

Decision: Refused

Decision Date: 11 February 2020

Description: Demolition of the existing dwellings and erection of a three storey building to provide 10no self-contained flats. Associated parking, cycle store, refuse and recycling store and amenity space

Reason 1: The proposed development fails to provide comprehensive and robust justification for its failure to provide for affordable housing. In the absence of any information to demonstrate the financial viability of the scheme, it is not possible to ascertain whether the scheme would, to best endeavours to provide housing that would meet the full range of housing needs. As such, the scheme would fail to accord with policies CS3 and CS4 of the Core Strategy and policies DM08 and DM10 of the Development Management Policies DPD. The scheme would also fail to accord with Policies 3.12 and 3.13 of the London Plan (2016).

Reason 2: In the absence of a detailed Surface Water Drainage Strategy Report (including drainage provision during the demolition phase), the application has failed to ensure that surface water runoff would be managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development. The proposal is therefore contrary to Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753).

Reason 3: The proposed development, by reason of its size, scale, depth, design and siting, would be overbearing, visually obtrusive and would result in loss of outlook and overlooking, to the detriment of the residential and visual amenities of the neighbouring properties, in particular No.71 Daws Lane, contrary to Policy CS5 of the Barnet's Local Plan (Core Strategy) 2012 and Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD 2012, SPD: Sustainable Design and Construction (Adopted 2016) and SPD: Residential Design Guidance (Adopted 2016).

Reason 4: The proposed development would fail to provide: sufficient internal living space (for unit 8); adequate private outdoor amenity space; bedrooms with adequate outlook and daylight/sunlight; an acceptable internal layout; and would therefore represent a poor form of development that would provide a poor, sub-standard form of accommodation, to the detriment of the amenity and living conditions of future occupiers. Therefore the proposal is contrary to the provisions of Policies: 3.5, 7.4 and 7.6 of the London Plan (2016) Policy CS5 of the Local Plan Core Strategy (2012), Policy DM01 and DM02 of the Development Management Policies Development Plan Document (2012) and the Council's Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016).

Reason 5: The proposed development would, by reason of its size, scale, bulk, layout, siting, built form, design including prominent front projected gables, glazed link structure, roof form and balconies/roof terrace; would represent an unsympathetic and incongruous form of development, amounting to an overdevelopment of the plot. As such it would fail to relate to the context of the site and the pattern of development, to the detriment of the character and appearance of the streetscene and the surrounding area, contrary to the National Planning Policy Framework (NPPF); Policies 3.5, 7.4 and 7.6 of the London Plan (Adopted 2016); Policy CS5 of the Barnet Core Strategy (Adopted September 2012); Policies DM01 and DM02 of the Barnet Development Management Policies Document (Adopted September 2012); and advice contained in the Barnet Residential Design Guide Supplementary Planning Document (Adopted 2016).

3. Proposal

The application seeks planning permission for the demolition of the existing dwellings and erection of a three storey building to provide 9no self-contained flats. Associated parking, cycle store, refuse and recycling store and amenity space.

The proposal would consist of two buildings interlinked with a recessed structure forming the entrance and corridor into the respective buildings. The western building adjacent to No.61 would measure approximately 15.5m in depth and 8.5m in width. The eastern building adjacent to no.71 would measure approximately 15.5m in depth and 9.2m in width.

Each building would feature a prominent front protruding gable end and a pitched crown roof measuring an eaves height of approximately 6.5m and overall height of 9.8m.

The scheme would provide the following units:

- Unit 1 (ground floor) - 3 bedroom 6 person
- Unit 2 (ground floor) - 2 bedroom 3 person
- Unit 3 (ground floor) - 2 bedroom 3 person
- Unit 4 (first floor) - 1 bedroom 2 person
- Unit 5 (first floor) - 1 bedroom 2 person
- Unit 6 (first floor) - 2 bedroom 3 person
- Unit 7 (first floor) - 2 bedroom 3 person
- Unit 8 (loft floor) - 2 bedroom 3 person
- Unit 9 (loft floor) - 2 bedroom 4 person

Provision of amenity space would be in the form of terraces, balconies (both inset and projecting) and a communal garden area.

A total of 6 car parking spaces are proposed to the rear of the application site.

The current application follows a previously refused scheme which this proposal seeks to overcome the reasons for refusal.

4. Public Consultation

Consultation letters were sent to 167 neighbouring properties.

5 objections have been received, two from residents including one submitted by an agent on behalf of the neighbouring property, one from an unknown disclosure presumed to be a resident, one from the Mill Hill Preservation Society and one from Cllr John Hart.

A detailed objection was submitted by Leith Planning Ltd on behalf of the residents of no.71 Daws Lane. In summary:

- Previous reasons for refusal have not been adequately addressed.
- The proposed design, scale and mass of the proposed building, and the damage to the appearance and character of the area, is considered to be in clear conflict with the policies within the adopted Development Plan.
- A gross overdevelopment of the plot.
- Concerns regarding: Structural Impact, Impact on Amenity, Parking, Ground Levels, Overlooking, Impact on drainage, impact on trees and protected species.
- Submission of misleading and incomplete information to be able to sufficiently assess the proposal.

Planning committee of the Mill Hill Preservation Society object for the following reasons:

- gross overdevelopment of the site regardless of reduction from 10 to 9 units.
- No evidence that the previous reasons for refusal have been addressed.
- result in a development of an excessive density and would result in a poor addition to the local housing stock.
- Detrimental impact on amenity, loss of privacy and overshadowing for the neighbouring occupiers.
- rear elevation balconies would be visually obtrusive and overbearing features when viewed from neighbouring gardens.
- Under provision of parking in a constricted location is totally inadequate. The burden of extra parking will be placed on the already busy and congested roads in the vicinity.
- Would like to see the proposed scheme reduced so that there can be at least 1 car space per flat.

Cllr J Hart objects for the following reasons:

- Would constitute over-intensive use of a relatively small site and be thereby out of character with the general street scene of mainly single family houses, with front and rear gardens, their facades fronting Mill Hill Park.
- Daws Lane is one of the oldest lanes in Mill Hill and retains a semi-rural 'feel' that such a dense development would help to destroy.
- A less intensive development might be acceptable.

Remaining objections summary:

- Lack of sufficient parking in an already congested highway
- Previous refusal reasons have not been addressed
- Inaccuracy of ownership details
- sewage/drainage concerns,
- landslip concerns

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

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

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

Barnet's Local Plan (2012)

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

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

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

Residential Design Guidance SPD (adopted April 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 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 extension 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.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposals would provide suitable living conditions for future occupiers of the proposed dwellings;
- Impact on Highways;
- Trees and Landscaping;
- Ecology;

5.3 Assessment of proposals

Principle of development

The current application follows a previously refused scheme which this proposal seeks to overcome the aforementioned reasons of refusal. It was noted within the previous scheme that no objections were held in relation to the principle of the development. The proposal was considered to reflect the surrounding residential use and this remains so presently. Furthermore, the principal of flats within this location is established by virtue of Dawlish Court (to be demolished) which houses 3no flats.

However, 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. These aspects are considered and addressed below.

Impact on the character and appearance of the area

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

The delegated report to the previously refused scheme noted that 'It was accepted that the proposal would have a greater visual impact and prominence within the streetscene and therefore, the success of any submission would depend mainly on the ability of the design to visually assimilate within the existing streetscene.' The report highlighted a number of aspects that failed to be considered in order to achieve an appropriate integration into the existing streetscene. These were as follows:

- o The front building line needs to be set-back to reduce the visual impact of the building when viewed within the streetscene.
- o The bay window and front gable features need to be pulled in and set-down from the ridge height. At present, they visually dominate the design when they are supposed to be a more subordinate feature.
- o Explore reducing the height of the linking structure and setting back its front building line.
- o It is considered that a reduction in the number of proposed units will be required to achieve an acceptable design which works both externally and internally.

The current proposal seeks to address the above highlighted concerns with the following amendments:

- o A setback of the front building line of the eastern building by 1 metre thus aligning both buildings.
- o The bay windows and front gable features have been pulled in and set further down from the ridge height.
- o An increased set back (1.2 metres) of the linking structure and its further reduction in height.
- o Simplified roof form and fenestration details.
- o A reduction in the total number of units from previously 10 units to 9no. units.

The proposed amendments are considered to have a positive impact on the acceptability of the development;

The front protruding gables have been pulled in significantly and have been set down further from the ridgeline, reducing their respective mass and bulk which in turns reduces their prominence making them more akin to front gables which feature on neighbouring properties.

The setting back of the eastern building which now aligns with the northern building would reflect the front building lines of the existing buildings and additionally provides opportunity for front landscaping to help better integrate and settle the buildings within the surrounding environment.

Similarly, the substantial setback of the linking structure from the principal elevation (3m) and reduced height when combined with the recessed nature of the proposal would adequately reduce its visual presence.

A simplified roof form consisting of a pitched roof with crown top has also been enabled, providing improved design consistency that would be more reflective of roof forms within the vicinity.

The newly proposed pitched roof side dormer windows would be modest in size and scale and visually contained within their respective roofslopes thus featuring as subordinate additions and in compliance with Residential Design Guidance which requires dormers to be no more than half the width or height of the respective roofslopes.

It is acknowledged that the proposed development would remove the visual separation afforded between the two existing subject buildings, however, such a gap is at odds with the pattern of the street scene and advantage has been taken by centralising the development within the site ensuring that an adequate visual separation would be maintained between the immediate neighbouring buildings.

Furthermore, although the development would see a marked increase in footprint, the extent would nonetheless be commensurate with the spatial pattern of development in the vicinity and therefore not considered to be an overdevelopment of the site.

It is further acknowledged that the proposed development would be of a more contemporary design, however, equally it is noted that there is no one uniform style of development along this stretch of the road and the addition of this development subject to high quality materials and finish would add to the mixed character and appearance of the area. Furthermore, the above noted amendments have adequately toned down aspects which would read as visually prominent or jarring to the eye, facilitating an acceptable level of integration into the streetscene.

In terms of intensification of the site, whilst it is acknowledged that a substantial uplift in units as well as occupancy levels would result, the diverse and mixed use nature of the locality, which includes, retail frontages, a primary school, Mill Hill Park and associated parking area would allow for a relatively seamless integration in terms of coming and goings and general activity associated with the development.

In conclusion, officers consider that the amendments within this submission in contrast to the previously refused scheme have overcome the concerns relating to the impact of the development on the character and appearance of the streetscene and locality and when taken as a whole would suitably integrate into the streetscape.

Impact on the amenities of neighbours

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.

No.61 is sited to the west of the subject site and sits adjacent to no.2 Birkbeck Road. No.71 is sited to the east of the subject site.

In respect of no.61, the proposed adjacent building would be sited 3m away from the common boundary afforded by the access road leading into the rear car park. The extent of the footprint would modestly project (0.5m) beyond the rear outrigger of no.61 which itself is sited some 3m from the boundary. Taking the separation distances involved, it is not considered that an adverse impact would be sustained to this neighbour in the form of overshadowing, sense of enclosure or loss of outlook. The first floor projecting window would be obscured glazed and therefore not result in overlooking or a loss of privacy.

No.2 Birkbeck Road features an outbuilding which runs along the far eastern common boundary and therefore is not considered that any harm will arise to this neighbour.

To the side facing no.71, a single family dwelling house, the adjacent proposed building would be set off 1.6m from the common boundary and an additional 1m setoff at first floor level towards the rear half of the building. The footprint of the proposed building would be recessed 1.2m in comparison to the existing Daws Court building, however, it is acknowledged that there would be added mass and bulk given the width of the building at first floor and roof level. This equates to a further projection of 3.3m beyond the two storey outrigger of no.71. Residential Design Guidance SPD (2016) states in paragraph 14.23: Two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable. This is because they can be too bulky and dominant, and have a detrimental effect on the amenities of neighbours. In this instance, the upper levels would be set off 2.6m from the boundary and 3.8m to the neighbouring flank wall, therefore the modest excess projection of 0.3m beyond guidance would be adequately mitigated by the separation distance.

Furthermore, perceived mass and bulk would be reduced by way of the pitched roof which slants away from the boundary. As such, it is not considered that the proposal would appear overbearing or unduly obtrusive. Separation distances would ensure outlook is retained and any overshadowing to an acceptable level.

The 'centralised' first floor projecting balconies would be some distance from either common boundary and have been illustrated with tapered privacy screens to its sides which would sufficiently ensure any direct sightlines to neighbouring gardens would be restricted. Subject to the implementation of the privacy screens it is not considered that these would result in an unacceptable loss of privacy or overlooking. Given their siting away from the boundaries they would not feature as visually obtrusive or overbearing from neighbouring gardens.

The roof level balconies would be inset within the roofslope and therefore function much like rear elevation windows which is acceptable. It is further argued that the existing relationship whereby Daws Court features a first floor rooftop terrace adjacent to the boundary is far more invasive and thereby the development would improve the existing relationship.

New boundary fencing would ensure no overlooking results from ground floor flank windows and side amenity spaces. The side dormer window serving units 8 and 9 main living space would be obscure glazed in an effort to maintain privacy. A condition will be imposed to ensure this is endured.

Overall, it is considered that the proposal would have an acceptable impact on neighbouring occupiers.

Whether the proposal would provide a suitable standard of living for future occupants;

The Councils Sustainable Design and Construction SPD (2016) and Table 3.1 within Policy D6 of the London Plan (2021) provides the minimum space standards required for new dwellings.

The proposal development would provide the following:

Unit 1 (ground floor) - 3 bedroom 6 person GIA 106sqm (required 95sqm)

Unit 2 (ground floor) - 2 bedroom 3 person GIA 61sqm (required 61sqm)

Unit 3 (ground floor) - 2 bedroom 3 person GIA 62sqm (required 61sqm)

Unit 4 (first floor) - 1 bedroom 2 person GIA 52sqm (required 50sqm)

Unit 5 (first floor) - 1 bedroom 2 person GIA 50sqm (required 50sqm)

Unit 6 (first floor) - 2 bedroom 3 person GIA 61sqm (required 61sqm)

Unit 7 (first floor) - 2 bedroom 3 person GIA 62sqm (required 61sqm)

Unit 8 (loft floor) - 2 bedroom 3 person GIA 82sqm (required 61sqm)

Unit 9 (loft floor) - 2 bedroom 4 person GIA 86sqm (required 70sqm)

As illustrated above all of the units would either meet or exceed the required minimum space standards.

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

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

All bedrooms would accord with the aforementioned requirements. It is noted that the secondary bedroom within unit 8 would meet the required GIA for a double bedroom, however fails to meet the required width for a double and therefore has correctly been illustrated as single bedroom.

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 Sustainable Design and Construction SPD also states 'The nationally described space standard sets a minimum ceiling height of 2.3 meters for at least 75% of the gross internal area of the dwelling. To address the unique heat island effect of London and the distinct density and flatted nature of most of London's residential development, a minimum ceiling height of 2.5 metres for at least 75% of the dwelling area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space.'

The submitted section drawings demonstrate that the floor to ceiling heights would comply with the requirements.

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'.

Units 1, 2 and 3 at ground floor level and units 8 and 9 at loft level would all be dual aspect units and enjoy a good level of outlook, light and privacy.

Units 6 and 7 at first floor level would also be dual aspect units, however to a limited extent given the siting of the secondary windows. Both of these unit would however be south facing and enjoy a good level of sunlight intake which when combined with the glazed areas and partially inset balconies would provide adequate outlook light and privacy fir future occupants.

Units 4 and 5 also a first floor level would be north facing single aspect units. Paragraph 2.2.3 of the Sustainable Design and Construction SPD states the following:

Dual aspect dwellings have many benefits including better daylight, a greater chance of direct sunlight for longer periods, natural cross ventilation, mitigating pollution, offering a choice of views, access to a quiet side of a building, greater flexibility in the use of rooms, and more potential for future adaptability by altering the use of rooms. Where single aspect flats are considered acceptable they should demonstrate that all habitable rooms and the kitchen are capable of providing adequate ventilation, privacy and daylight and the orientation enhances amenity, including views.

Both of these units consist of 1 bedroom 2 persons units, the smallest of the proposed units. The flats would be sited to rear of the property and therefore away from the main thoroughfare of the highway enjoying a relatively more tranquil and peaceful environment with views of the communal garden which weigh in favour of the proposal in this regard. Furthermore, the habitable spaces of these units would benefit from large glazed areas which are intertwined with projecting balconies which officers consider would provide an adequate level of ventilation, daylight intake and outlook. In this instance, taking into consideration the siting, design and occupancy level of these two units, the single aspect dwellings are acceptable.

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.

Stacking of like for like rooms would broadly be maintained between units at ground floor level to those at first floor level, however, it is noted that there would be significant overlap between bedrooms and main living spaces of the first floor and second floor units. Furthermore, it is equally important that horizontal stacking between units ensures noise and disturbance is kept to an acceptable level. A condition will therefore be imposed requiring the development to comply with sound insulation requirements to minimise the harm of noise between units.

Outdoor amenity space:

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5m² per habitable room.

Accordingly the provision and requirement for each unit is as follows:

Unit 1 (ground floor) - 27sqm (required 25sqm)

Unit 2 (ground floor) - 19sqm (required 20sqm)

Unit 3 (ground floor) - 33sqm (required 20sqm)

Unit 4 (first floor) - 5sqm (required 15sqm)

Unit 5 (first floor) - 6sqm (required 15sqm)

Unit 6 (first floor) - 5sqm (required 20sqm)
Unit 7 (first floor) - 6sqm (required 20sqm)
Unit 8 (loft floor) - 8sqm (required 20sqm)
Unit 9 (loft floor) - 9sqm (required 20sqm)

Although there is a shortfall of private outdoor amenity space for units 4 through to 9, a communal garden area of 75sqm would be provided to the rear of the site which would exceed the required shortfall. In addition, whilst its use being adjacent to the highway is limited additional amenity space is provided within the front forecourt of the buildings and the site is in close proximity to Mill Hill Park on the south side of Daws Lane.

Officers therefore consider that the overall provision of amenity space would be adequate for future occupiers.

Impact on highways and parking

Policy DM17 outlines the adopted parking standards for residential developments. It states that 1-bed flats are required to provide 1 off-street car parking space and 2/3-beds to provide 1 to 1.5 spaces.

The proposal has been reviewed by the highways team who state that the site lies within a PTAL 2 zone which means that there is poor public transport accessibility to and from the site. The applicant has conducted a manual PTAL rating exercise, which has provided a PTAL result of 3.

Taking the proposed into consideration, the required off-street car parking provision in line with requirements set out on Policy DM17 of the Barnet Local Plan is between 7-13 off-street car parking spaces. Taking the PTAL into consideration the required off-street car parking provision is 10 spaces. The applicant has proposed a provision of 6 spaces which leaves an under-provision of 4 spaces.

The applicant has previously provided the results of a car parking survey (conducted on Wednesday and Thursday, 6th and 7th of March 2019) which demonstrates that the existing car parking stress is at an average of 58%. This means that there appears to be sufficient availability on street to accommodate potential vehicular overspill from the proposed site. Whilst it is acknowledged that the survey is outdated, it is nonetheless indicative of the parking stress in the locality. Furthermore, according to Table 10.3 of the London Plan (2021) which sets the maximum parking provision of residential development, the proposal would attract a maximum provision of 7 spaces, it is therefore considered that the potential overspill of 1 space could be adequately accommodated on street.

The car parking layout has been amended to show a distance of 6m turning space which will enable safe and secure vehicle turning.

The applicant proposes changes to the existing vehicular access, the applicant is advised that a Section 278 application will be required in order to assess the proposed and to ensure that all changes are carried out safely in line with LBB requirements. An application must be made to the Highways Development Control Team, and will be secured via a condition.

Consequently, highways raise no objection to the proposal in this regard.

Cycle spaces:

In accordance with the London Plan, a provision of 17 cycle spaces and 2 short stay spaces is required. The plans indicate cycle storage for up to 16 spaces within the rear garden. This is acceptable in principle subject to an increase of 1 space. Details of short stay spaces have not been provided. The required details including details of the cycle store will be secured through a condition.

Refuse/Recycling:

A dedicated refuse and recycling area would be located within the front forecourt and within 10m of the highway, therefore acceptable. Details of the store, quantum of bins and a refuse strategy will be secured via a condition.

Trees and Landscaping

There are no large, significant landmark trees growing within the site boundary. The proposal would require the removal of all the trees from the site which means a small loss of visual tree amenity. A strong landscape scheme that replaces lost trees and provides significant enhancement to the landscape should therefore be provided. The proposal should also be supported by an onsite tree assessment to evaluate the merits of the trees being removed to facilitate the proposal.

The proposal has been reviewed by the council's tree officer who has confirmed that insufficient information has been provided in order to evaluate the application contrary to local planning policy DM01. However given the site does not sit within a conservation area and there are no protected trees it is considered that mitigation could be achieved through condition and legal agreement in the event the proposal was considered acceptable. The officer has advised that the larger building would need off site mitigation to help moderate the impacts it will have on the street scene. There is a lack of street tree planting from the site towards the A1, this can be moderated by the development contributing 10 new trees at a cost of £6,000.00. The applicant has confirmed agreement to such a legal undertaking. Subject to the completion of the legal agreement, the proposal is acceptable in this respect.

Ecology

A Preliminary Roost Assessment Survey accompanied the submission which concluded that further surveys were required. Subsequently, a Bat Emergence and Re-entry Surveys report was submitted. These documents have reviewed by the Councils Ecology team who have stated as follows:

The Arbtech Bat Emergence and Re-Entry report states that 'The buildings are not considered to hold current roosting habitation by bats' and no further surveys are required at this time, we therefore remove our previous objection and consider the applicant has demonstrated due consideration for bats within the development application.

In light of the above there are no objections to the proposal on ecological grounds. Enhancement measures as laid out in the report are proposed to be conditioned to secure their implementation as par of the requirement for biodiversity net gain.

Other matters

In considering all previous reasons for refusal it is highlighted that refusal reasons 1 and 2 relating to the provision of affordable housing and a Surface Water Drainage Strategy respectively are no longer applicable given that the reduction in the level of proposed units from 10 to 9 results in the proposal no longer being classed as 'major development' as per the Development Management Procedure Order (2015 update). In any event, in respect of surface water drainage, the site lies within Flood Zone 1 which has a low risk of surface water flooding and very low risk of river/sea flooding. In addition, a condition has been imposed for water saving measures for improved sustainability.

5.4 Response to Public Consultation

These have been duly considered and primarily addressed in the above appraisal.

- Concerns relating to structural impact/landslip are not material planning considerations.
- Point relating to misleading/inaccurate information such as outdated photos are duly noted and have been taken into consideration in the assessment of the proposal.
- Ownership disputes are not planning considerations, however, the initially submitted ownership declaration certificate was verified as being inaccurate and a revised 'Certificate B' was submitted with the requisite notice served to all 'owners' by the applicant on 17 January 2022. For good measure the Council conducted a 21 day reconsultation to the respective 'owners' on 28 January 2022, no further comments were received.
- Environmental Health have reviewed the submission and not raised any concerns in relation to contaminated land

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, the street scene and the locality. In addition, the proposed development is not considered to have an adverse impact on the amenities of neighbouring occupiers or highway network. The application is therefore recommended for approval subject to conditions and the completion of a S106 legal agreement.

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Location 121 Friern Park London N12 9LH

Reference: 21/6306/HSE

Received: 1st December 2021

AGENDA ITEM 12

Accepted: 1st December 2021

Ward: Woodhouse

Expiry 26th January 2022

Case Officer: Emily Bell

Applicant: Mr Peter Apicella

Proposal: Single storey side extensions

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:
202006.P.5301 REV 0
202006.P.5101 REV 0
202006.P.5011 REV C
202006.P.5302 REV C
202006.P.5111 REV C
202006.P.5001 REV 0

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

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

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

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

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

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

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

Informative(s):

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

OFFICER'S ASSESSMENT

1. Site Description

The site is located on the north-eastern side of Friern Park, within the Woodhouse ward. It contains a two-storey semi-detached dwellinghouse at 121 Friern Park, N12 9LH . The host property benefits from front hardstanding and rear amenity space. The dwelling has a two-storey rear outrigger. It also benefits from extensions including a hip to gable extension, rear dormer window and a single storey rear extension. It also benefits from an existing outbuilding at the rear of the garden.

The site does not lie within a conservation area. The host property is locally listed. The local listing states;

"Built 1903, the two pairs of prominent semi-detached houses at 115, 117, 119 &121 Friern Park have unifying features that include their Queen Anne Revival-style red and white facades, their four large two-storey bays, and their vernacular vs. classical variations at roof level. 115, 117, 119 & 121 Friern Park are four of the 32 surviving houses built on the 256 long, narrow plots of the 1851 Middlesex Freehold Land Association's plots in Friern Park, N12 and side-roads. The common history of these 32 survivors derives from a significant mid-Victorian venture: to enable more people, and particularly "the working man", to buy land cheaply and, through their ownership of land, to have the right to vote in Parliamentary elections. Established in 1851 to pursue these "political" and "commercial" aims, the Association was one of the very earliest freehold land societies to be set up in the south after the virtual collapse in 1848 of the national Chartist movement."

2. Site History

Reference: 20/4519/FUL

Address: 121 Friern Park, London, N12 9LH

Decision: Withdrawn

Decision Date: 18 February 2021

Description: Conversion of the existing dwelling into 2no self-contained flats including single storey side and rear extension. Associated parking, recycling and refuse storage, bicycle storage and amenity space [amended]

Reference: 21/1086/PNH

Address: 121 Friern Park, London, N12 9LH

Decision: Prior Approval Not Required

Decision Date: 1 April 2021

Description: A single storey rear extension measuring 6.00 metres in depth from the original rear wall with an eaves height of 3.00 metres and a maximum height of 4.00 metres

Reference: 21/1288/192

Address: 121 Friern Park, London, N12 9LH

Decision: Lawful

Decision Date: 23 April 2021

Description: Roof extension involving hip to gable, rear dormer, side dormer to outrigger and 1no front facing rooflight

Reference: 21/5679/192

Address: 121 Friern Park, London, N12 9LH

Decision: Unlawful

Decision Date: 11 November 2021

Description: Single storey side extension. Insertion of new side and rear windows at ground floor level. Internal alterations

3.Proposal

Single storey side extensions.

The proposal has been amended throughout the lifetime of the application. A first floor side extension has been removed.

4. Public Consultation

Consultation letters were sent to 26 neighbouring properties. 6 letters of objection have been received, summarised below:

- o Locally listed building
- o Several of the distinctive features of this house have been damaged by alterations allowed as permitted development
- o Side extension ruins symmetry of the group and unbalances the group
- o Multiple applications have been submitted
- o Building works causing chaos, noise and pollution
- o The extensions would have a severe effect on amenity of 121a Friern Park
- o Side of the application site faces front door and rear garden of 121a Friern Park
- o Together with gabled end roof and rear dormer would be dominant and overbearing
- o Increase shadowing of neighbouring garden reinforced by raised level of application site
- o Side windows should be obscure glazed
- o Cumulative impact on light
- o Loss of the open area to the side which frames the group of buildings would be detrimental to setting of locally listed buildings
- o Removal of trees will allow for neighbours to be overlooked
- o Would convert into a self-contained unit at a future date

Following the receipt of amended plans, a further re-consultation was undertaken. The following objections were received:

- o Note the application has been revised to single storey but this still unbalances the façade
- o Windows to side elevation will impinge on neighbours privacy
- o Original stain glass window to be lost
- o Property already extended and further extensions is step too far
- o Trees to be removed which will lead to overlooking
- o Local heritage list refers to group's unity as part of its special character

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, DM06

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

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -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

- 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 property is locally listed and forms part of two pairs of prominent semi-detached houses at 115, 117, 119 & 121 Friern Park. The host site has been altered by way of a hip

to gable and rear dormer roof extension. The adjoining semi-detached property at no. 119 Friern Park has also previously been altered to include a hip to gable extension, rear dormer window and a single storey rear extension.

The application seeks approval for a single storey side extension which would not protrude beyond the rear of the existing rear extension. It would infill a part of the rear elevation. Given the relatively minimal width of 2.5 metres, it is not considered to add unduly to the bulk or footprint of the existing building. The adjoining property at no. 119 Friern Park has also extended in a similar way to the rear. Whilst it is noted that the side extension to the host site would be wider than at no. 119, given the site circumstances, there would still be a gap of 3.5 metres retained between the side extension and common boundary with 121A Friern Park. Further, this element of the proposal would not be visible from the front elevation as it would be obscured from view behind the proposed side extension towards the front of the site.

A side extension is also proposed to the main part of the dwelling which would measure approximately 2.6 metres in width, 9.1 metres in depth with an eaves height of 2.9 metres and a maximum height of 3.8 metres. Throughout the lifetime of the application, this element has been amended from a part single part two storey side extension to a single storey extension. The side extension has also been reduced in width to conform with the Residential Design Guidance which states that side extensions should not be more than half the width of the original dwelling. The Residential Design Guidance further states that where gaps between houses are a common feature of a street, then proposals which close such gaps by bringing buildings too close together are likely to be rejected. Given the setting of the building within the site, there is a wide gap between the existing dwelling and neighbouring property at no. 121A Friern Park. At its closest point, a gap of 3.5 metres would be retained between the common boundary. This is considered to be consistent with spacing along the street.

The proposed side extension as amended is considered to have an acceptable impact on the character and appearance of the dwelling. The scheme as amended is considered to be a more subordinate addition which would not detract from the locally listed grouping of which it forms a part.

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

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

The proposed side extensions would be obscured from view behind the existing main dwelling and existing rear extension and as such would not be visible from no. 119 Friern Park. Therefore, there is considered to be no detrimental impact to the occupiers of this neighbouring property.

The proposed side extension would project closer towards the neighbouring property at no. 121A Friern Park by approximately 2.6 metres. A minimum gap of 3.5 metres would be retained between the flank wall of the extension and the common boundary. The proposal has been amended throughout the lifetime of the application so as to reduce the bulk when viewed from this neighbouring property. The reduction to a single storey extension is considered to result in a subordinate extension which would not be overbearing to neighbouring occupiers, in particular due to the retained gap between properties.

The proposed side extension would include windows within the flank wall facing towards no.121A Friern Park. The side extension to the main dwelling would include 2no windows which would replace 3no windows and a door which currently face this neighbouring property. The proposed windows are not considered to result in any greater degree of overlooking which would warrant refusal of the application. Within the side extension to the existing rear outrigger, 4no windows and 1no door are proposed. Given the ground floor nature of these windows and the gap between the properties, it is not considered that the windows would result in a detrimental level of overlooking and loss of privacy to neighbouring occupiers.

5.4 Response to Public Consultation

- o Locally listed building
- o Several of the distinctive features of this house have been damaged by alterations allowed as permitted development
- o Side extension ruins symmetry of the group and unbalances the group
- o Single storey still unbalances the group of houses

As discussed within the main body of the report, the property has been extended previously by utilising permitted development rights. The proposal has been amended throughout the lifetime of the application to include the removal of first floor side extension and reduction in width of the extension. The resulting extension is considered to be a subordinate addition which would have an acceptable impact on the appearance of the host site and wider group.

- o Multiple applications have been submitted
- o Would convert into a self-contained unit at a future date

Any proposal to convert the property into self-contained units would required a separate planning application which would be assessed on its own merits.

- o Building works causing chaos, noise and pollution
- The impact of construction work is not a material planning consideration.
- o The extensions would have a severe effect on amenity of 121a Friern Park
 - o Side of the application site faces front door and rear garden of 121a Friern Park
 - o Together with gabled end roof and rear dormer would be dominant and overbearing
 - o Cumulative impact on light
 - o Increase shadowing of neighbouring garden reinforced by raised level of application site

The comments above are noted. The application has been amended throughout the lifetime of the application and the amended extensions are considered to have an acceptable impact on amenity of neighbouring occupiers given their reduced scale and gap retained between common boundary.

- o Side windows should be obscure glazed
- It is not considered that the windows at ground floor level within the revised proposal would result in an unacceptable level of overlooking.
- o Loss of the open area to the side which frames the group of buildings would be detrimental to setting of locally listed buildings
- The side extension has been reduced in width and a sufficient gap is retained which is not considered to be detrimental to the setting of the group of listed buildings.

- o Removal of trees will allow for neighbours to be overlooked

The application forms states that no trees are to be removed.

- o Original stain glass window to be lost

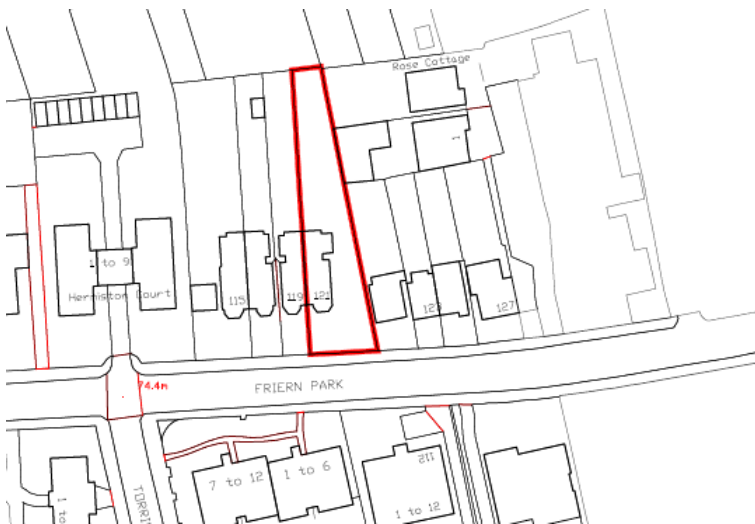
The agent has submitted photographs of the window and confirmed that this is not an original feature. The window will be replaced, retaining the original opening. This is considered acceptable.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposal would have an acceptable impact on the character and appearance of the site and would have an acceptable impact on the amenities of neighbouring occupiers. The application is therefore recommended for approval.



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Location 27 Abbots Gardens London N2 0JG

Reference: 22/1312/HSE

Received: 11th March 2022

Accepted: 11th March 2022

Ward: East Finchley

Expiry 6th May 2022

AGENDA ITEM 13

Case Officer: Refael Saffer

Applicant: Mr. Sebastian Sandler

Proposal: Erection of a rear outbuilding with green roof

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-01,
EX-02,
PA-01,
PA-02,
LP-00,
Perspectives/Key plan.

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 The use of the outbuilding hereby permitted shall at all times be ancillary to and occupied in conjunction with No. 27 Abbots Gardens 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) Prior to the first occupation of the hereby approved development, details of the proposed green roof shall have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

Informative(s):

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

OFFICER'S ASSESSMENT

The application has been called to committee by Councillor Farrier due to the size and bulk of the proposed building and its effect on the local environment.

1. Site Description

The application site is located at 27 Abbots Gardens, London, N2 0JG, consisting of a semi-detached dwellinghouse. The area surrounding the site is mainly residential consisting of semi-detached dwellinghouses of differing architectural styles. The site is located within the East Finchley ward.

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

2. Site History

Reference: 22/1151/192

Address: 27 Abbots Gardens, London, N2 0JG

Decision: Unlawful

Decision Date: 1 April 2022

Description: Erection of a rear outbuilding

Reference: 17/5945/192

Address: 27 Abbots Gardens, London, N2 0JG

Decision: Lawful

Decision Date: 5 October 2017

Description: Roof extension including hip to gable end and rear dormer to facilitate a loft

conversion.

Reference: 16/8168/HSE

Address: 27 Abbots Gardens, London, N2 0JG

Decision: Approved subject to conditions

Decision Date: 23 February 2017

Description: First floor side extension with projecting window to the rear. Alterations to roof including the addition of new rear dormer window and reconstruction of the existing one. 2no rooflights to front and 1 to each side elevation

Reference: F/02201/12

Address: 27 Abbots Gardens, London, N2 0JG

Decision: Approved subject to conditions

Decision Date: 21 August 2012

Description: Part single, part two-storey side extension with Juliet balcony to the rear, following demolition of existing garage. Alterations to roof including enlargement of rear dormer window four roof lights to elevations. New boundary fence 8ft and new decking in rear garden.

Reference: F/02013/12

Address: 27 Abbots Gardens, London, N2 0JG

Decision: Approved subject to conditions

Decision Date: 25 July 2012

Description: Change of use of an existing garage space to provide extra habitable space for a family dwelling house, change to fenestrations, construction of one new skylight and construction of a new decking in the rear garden.

Reference: F/01186/09

Address: 27 Abbots Gardens, London, N2 0JG

Decision: Lawful

Decision Date: 1 June 2009

Description: Conversion of garage into habitable room.

3. Proposal

Erection of a rear outbuilding measuring approximately a depth of between 2.8 metres and 7.7 metres, 10.6 metres in width, with an eaves height of 2.5m and maximum height of 3.2 metres.

4. Public Consultation

Consultation letters were sent to 5 neighbouring properties. 1 objection has been received, summarised below -

- The proposal goes along the full length of the garden, setting a precedent for other larger buildings to be developed
- The intended purpose of the proposal is not specified
- There are ecological consequences of such a large building. At least one tree would be cut down and such a building may affect water drainage.

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

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

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

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan

policies such as DM01 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan).

Policy DM01 requires that all proposals should preserve and enhance the local character of the area. This proposal relates to a rear outbuilding measuring approximately a depth of between 2.8 metres and 7.7 metres, 10.6 metres in width, with an eaves height of 2.5m and maximum height of 3.2 metres.

Paragraph 5.2 of Barnet's Residential Design Guidance states that back garden buildings should:

- o Not unduly over-shadow neighbouring properties
- o Not be too large or significantly reduce the size of a garden to become out of character with the area
- o Not unduly affect outlook from an adjoining property's habitable rooms or principal garden area
- o Be in harmony with the surrounding area in terms of design and material

The addition of the proposed outbuilding to the rear of the garden would still allow a sizeable amount of outdoor amenity space for the occupiers in accordance with the Residential Design Guidance SPD, with approximately 205m² still remaining.

Following a review of aerial photography, although it is noted that there are not a sizeable number of examples of outbuildings along Abbots Gardens, there are examples of smaller buildings and sheds to the rear gardens. As the outbuilding is located to the rear and is not visible from the public realm, it is not found that the established character and appearance of the existing dwelling and general locality would be affected.

The outbuilding is proposed to be used as a gym and playroom for the sole use of the applicants which is considered acceptable. A condition will be attached to ensure the use of the outbuilding shall at all times be ancillary to the main building and shall not at any time be occupied as a separate unit or dwelling.

The green roof would better integrate the structure into the natural landscape of the surrounding area, which benefits from a considerable amount of trees and greenery. It would thus be considered an acceptable addition.

Overall, the proposed development is considered to have an acceptable impact on the character and appearance of the property and general locality. The outbuilding is considered to be proportionate to the size of the house and the garden. It is not considered that it would appear as a dominant feature.

- 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.

In respect of the proposed outbuilding, the Residential Design Guidance SPD under paragraph 14.40 stipulates that back-garden buildings should ensure that they do not unduly overshadow neighbouring properties.

The proposed outbuilding would be located along the common boundary with no. 25 Abbots Gardens. However, the proposal will not exceed the fence height between these properties, with no windows or doors facing this neighbour. Thus, no unacceptable levels of amenity harm will result to no. 25.

14 metres would separate between the proposal and the shared boundary with no. 29 Abbots Gardens. The ground floor nature of the windows and doors facing this neighbour are considered to allow for more light into the outbuilding rather than for views into the adjacent garden which would not warrant refusal of the application. Therefore, no concerns of overlooking would be present, with no significant relationship change between these neighbours occurring.

No.s 22, 24 and 26 Deansway are sited to the rear of the applicant site. Nevertheless, due to their considerable garden depths of over 20m, as well as pitched design of the outbuilding roof, they are not considered to be majorly affected by the proposal, with minimal amenity losses being present.

5.4 Response to Public Consultation

- The proposal goes along the full length of the garden, setting a precedent for other larger buildings to be developed

Any future applications for outbuildings will still have to comply with the relevant planning policies, with this application having minimal bearing on this necessity of compliance.

- The intended purpose of the proposal is not specified

As stated in the above assessment, the outbuilding will be used as a playroom and gym

- There are ecological consequences of such a large building. At least one tree would be cut down and such a building may affect water drainage.

The mentioned tree does not have a tree protection order, and is not sizeable enough to warrant a refusal of this application.

6. Equality and Diversity Issues

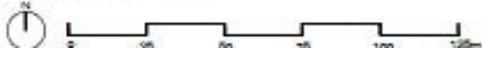
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

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 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 356 Cricklewood Lane London NW2 2QH

Reference: 20/3715/S73

Received: 12th August 2020

Accepted: 14th August 2020

Ward: Childs Hill

Expiry 9th October 2020

AGENDA ITEM 14

Case Officer: Andrew Turner

Applicant: Mr Mohammed Daulatzai

Proposal:

Variation of conditions 3 (Occupied hours) and 5 (Permitted occupants) of planning permission F/00302/10 dated 25/03/2010 for 'Change of use from Class Sui Generis (car show room) to Class D1 (community facilities). Internal and external alterations to include removal of ramp and windows'. Variation of hours stated within condition 3, to allow opening hours of 11:30 am - 10:45 pm from Monday - Sunday with a maximum of 1 hour 30 minutes use outside these hours per day to accommodate prayers. Variation of allowing 50 people instead of 30 people as stated within condition 5. Variations to also include removal of conditions 6 (sound insulation) and 7 (extraction and ventilation) [AMENDED DESCRIPTION AND PLANS]

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:
Proposed plan and elevations - 263/02; Existing plan and elevations - 263/01, Site Location Plan, The London Central Mosque Trust Ltd. & The Islamic Cultural Centre 2020 Islamic Calendar, Existing Ground Floor Plan PC/2020/001, Updated Noise

Management Plan, January 2022 by SM Design Consulting Studio (dated 1st January 2022) and Planning Statement And Revised Design And Access Statement dated 11th October 2021.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 The building shall not be occupied before 11:30am or after 10:45pm from Monday to Sunday, except for a maximum of 1 hour and 30 minutes outside of these hours to accommodate prayers only.

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM01 and DM04 of the Development Management Policies DPD (adopted September 2012).

- 3 The use hereby permitted shall be occupied as a community facility only and for no other purpose (including any other purpose in Class F1) under the Town and Country Planning (Use Classes)(Amendment)(England) Regulations 2020.

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.

- 4 The proposed use hereby permitted shall be occupied by no more than 50 people at any time.

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM01 and DM04 of the Development Management Policies DPD (adopted September 2012).

- 5 The level of noise emitted from any plant on the site 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.

- 6 The development shall hereafter be carried out in accordance with the Updated Noise Management Plan, January 2022 by SM Design Consulting Studio (dated 1st January 2022).

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM01 and 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 Within 3 months of the date of this permission, the applicant shall provide to the Local Planning Authority, a named point of contact for community and council liaison purposes.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM01 and 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.

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 This Notice relates solely to a planning decision and does not purport to convey any approval or consent which may be required under the Building Regulations or any other statutory purpose.

OFFICER'S ASSESSMENT

1. Site Description

The application site is the ground floor of 356 Cricklewood Lane located on the corner of Cricklewood Lane and Sunnyside, one of the designated local shopping frontages within the Borough. The application site is used as a Class F1(f) (formerly D1) Islam community centre.

The wider street comprises of commercial /retail activity at ground floor level with office and residential accommodation at upper floors.

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

2. Site History

Reference: F/00302/10

Address: 356 Cricklewood Lane, London, NW2 2QH

Decision: Approved subject to conditions

Decision Date: 25 March 2010

Description: Change of use from Class Sui Generis (car show room) to Class D1 (community facilities). Internal and external alterations to include removal of ramp and windows.

3. Proposal

Variation of conditions: 3 (Occupied hours) and 5 (Permitted occupants) of planning permission F/00302/10 dated 25/03/2010 for 'Change of use from Class Sui Generis (car show room) to Class D1 (community facilities). Internal and external alterations to include removal of ramp and windows'. Variation of hours stated within condition 3, to allow opening hours of 11:30 am - 10:45 pm from Monday - Sunday with a maximum of 1 hour 30 minutes use outside these hours per day to accommodate prayers. Variation of allowing 50 people instead of 30 people as stated within condition 5. Variations to also include removal of conditions 6 (sound insulation) and 7 (extraction and ventilation).

Condition 3 reads:

"The building shall not be occupied before 8am or after 10pm on weekdays and Saturday, nor before 10am or after 8pm on Sundays and shall be closed on Bank and Public Holidays.

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

Condition 5 reads:

"The proposed use hereby permitted shall be occupied by no more than 30 people at any one time.

Reason:

To protect the amenities of local residential occupiers"

Condition 6 reads:

"The development shall be constructed/ adapted so as to provide sufficient air borne and

structure borne sound insulation against internally/ externally generated noise and vibration. This sound insulation shall ensure that the levels of noise generated from the (specified use) as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

A scheme of mitigated measures shall be submitted to and approval by the Local Planning Authority prior to development. The approved mitigated scheme shall be implemented in its entirety before (an of the units are occupied/ the use commences).

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

Condition 7 reads:

"Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

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

The applicant has submitted a Noise Management Plan to try to minimise the amount of unnecessary noise and overcome the concerns of the Council's Environmental Health Officer. It is titled Updated Noise Management Plan, January 2022 and proposed by SM Design Consulting Studio (dated 1st January 2022).

It should be noted that the current application does not seek to change the use as it was originally granted planning permission for. Therefore, the permission for the community use as approved does not change and the application does not seek to address the nature of the community use.

4. Public Consultation

Consultation letters were sent to 117 neighbouring properties. Following amendments made to the proposal, a re-consultation was undertaken.

15 objections have been received in the initial round of public consultations. They can be summarised as follows:

- Impact on traffic on Fridays at prayer times.
- Question whether 90% of attendees arrive by foot.
- Overcrowding. Fire risk from increased attendees.
- Initial application was for a community centre, not for a mosque but current use operates as one
- Neasden tube station not within a 15 minute walk
- Detrimental impact on parking for residents during prayer times, the evenings and during religious festivals. This includes some disabled residents
- There has already been more than 30 people there using the property at any one time
- Users of the property were unneighbourly (being noisy outside the property, drinking and leaving/ throwing rubbish outside)
- Mosque should be moved to another location
- Applicants have not put in sound proofing
- Users in frequent breach of current opening hours

- Increased capacity will reduce the ability to socially distance during the period of social distancing
- Difficulty for residents to follow social distancing guidelines when getting into and out of their property
- Property is on a small residential street and is a small building with no parking facilities for the property and not appropriate for mosque to be here
- Inadequate toilet and washing facilities

18 objections were received in the second round of public consultations. They can be summarised as follows:

- Most attendees do not walk to the centre. Therefore a detrimental impact on traffic on Fridays at prayer times.
- The change of converting the property from a community centre to a place of worship (notably a mosque) in underhand
- Originally, there was the intention to have restrictions of the use at night and only a couple of times of year would the premises be able to open late at night
- Detrimental impact of having a large group of people in small area
- Detrimental impact to remove the sound proofing and extraction and ventilation
- Detrimental impact from noise on neighbouring residential amenities from increased numbers of people late at night lingering around the block
- Detrimental impact on parking for residents during prayer times, the evenings and during religious festivals. This includes some disabled residents
- Carrying items a long way to the block is not a feasible
- Application seems to have been done retrospectively
- Difficulty walking on pavements due to large numbers of people queuing outside
- Detrimental impact on parking nearby
- Users of the site often disregard the resident bay parking restrictions
- Neighbourhood cannot accommodate such large numbers of people: unable to socially distance when queuing outside
- Initial application was for a community centre, not for a mosque but current use operates as one
- Mosque should be moved to another location

Internal Consultees

The Council's Environmental Health officer was consulted on the application.

The Council's Environmental Health officer requested a noise management plan to cover the following issues:

- Details related to Summertime/wintertime prayer calendar.
- Signage (Patrons to respect neighbours and keep noise to a minimum)
- Arrival and departure noise mitigation measures to minimise disturbance to local residents (prevention of congregating outside).
- Proposed use of entrances.
- Assurance of no external means of noise amplification.
- Details of any internal speakers.
- Travel plan to promote the use of local public transport.
- Point of contact for community/council liaison.

A Noise Management Plan was submitted by the applicant and the Council's Environmental Health officer was satisfied with the plan.

Regarding the variation to condition 3: the hours the building is occupied, the Council's Environmental Health officer stated "Amendments to hours as proposed could cause some confusion with the summer time extension to an hour and a half..."

...I believe Ramadan dates change yearly so could become confusing to enforce if needed? I would be happy for them to be given 1.5h all year round and given that they will unlikely need the additional time outside of Ramadan it shouldn't be an issue."

Following discussions with the applicant and amendments made to the scheme, the Council's Environmental Health officer was satisfied with variation of condition 3 to allow opening hours of 11:30 am - 10:45 pm from Monday - Sunday with a maximum of 1 hour 30 minutes use outside these hours per day to accommodate prayers.

The Council's Environmental Health officer was also satisfied with the increase in the permitted occupants from 30 to 50.

Regarding the removal of conditions 6, 7 and 8, the Council's Environmental Health officer stated:

"Looking at noise, as long as no means of voice amplification are used internally or externally I do not see an issue regarding noise. I do see there may be concerns regarding traffic with increased occupancy but this is not within my remit."

Also "As for condition 6, based on that we haven't received any complaints regarding the internal noise of the facility over its operation I would say that this can be discharged. Levels of insulation are likely to be sufficient if no reports have been made.

As for the aircon unit if we could get confirmation if that belongs to the centre or not then we can look at discharging condition 7/8."

The case officer confirmed with the applicant that the air conditioning units have been part of the premises since 2014.

Following this, the environmental health officer was content with the removal of condition 6 in the absence of complaints to the environmental health team regarding these issues.

The Environmental Health officer was also content with the removal of condition 7 given that the air conditioning unit had been there since 2014 and no complaints had been raised with Environmental Health concerning issues with the air-conditioning unit specifically.

The Environmental Health office advised that condition 8 should remain. This is a condition re compliance with the standard noise level.

The Council's Highways officer was consulted on the application. They stated:

"The proposed variation of condition 3 and condition 5 is unlikely to have a significant highways impact.

The increase of 20 worshippers should not result in a significant number of additional vehicle trips and is therefore unlikely to have a noticeable network impact.

In terms of opening hours, the extended hours are unlikely to create any significant

network issues and measures to encourage sustainable travel are likely to be effective as the site is in a CPZ and from a highways perspective the site has good access to public transport.

Highways would raise no objection to the proposed variations to conditions 3 and 5."

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. 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, DM12, DM13, 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.

Barnet's Local Plan (Reg 22) 2021

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Impact on the character of the area

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy D3 of the London Plan) in respect of the impact on the character of an area.

It is noted that the application is for an existing permission to be amended. Therefore there is no in-principle objection to the use. All of the reasons for the conditions being attached to the original permission were regarding protecting the amenities of neighbouring occupiers as detailed above. Therefore there are no proposed significant changes to the external façade of the building, with no operational development extending the building in any way. The only changes will be the erection of notices to inform occupiers of the need to be respectful in their levels of noise when inside the building and entering and exiting the building directly outside the premises as detailed in the Noise Management Plan January 2022.

Therefore, the impact on the character of the area will be negligible and as such the proposal is not considered to cause undue harm to the character of the area, thus complying with policy DM01.

Impact on the amenities of neighbours

The increased opening hours (condition 3):

It is important that any scheme addresses the relevant development plan policies (for

example policies DM01 and DM04 of the Barnet Local Plan and policy D3 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 DM13 of Barnet's Development Management Policies Document DPD (2012) states that in point b:

New community or educational uses will be expected to protect the amenity of residential properties.

Policy DM01 seeks to protect the impact of development on the amenities of neighbouring occupiers. The explanatory text for policy DM04 states:

Proposals should seek to minimise any adverse impact... by controlling the hours of use

The explanatory text for policy DM04 states:

Noise can reduce the quality of life of people living or working in the borough. Planning controls can help to minimise noise disturbance in new developments with planning conditions used to control the operating hours of a particular source of noise.

Condition 3 of planning permission F/00302/10 dated 25/03/2010 states:

The building shall not be occupied before 8am or after 10pm on weekdays and Saturdays, nor before 10am or after 8pm on Sunday and shall be closed on Bank and Public Holidays

Reason:

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

As noted above, following discussions with the applicant and amendments made to the scheme, the Council's Environmental Health officer was satisfied with variation of condition 3 to allow opening hours of 11:30 am - 10:45 pm from Monday - Sunday with a maximum of 1 hour 30 minutes use outside these hours per day to accommodate prayers. This was considered to provide enough flexibility for special prayer times which arise around the time of Ramadan and the requirements to pray in line with their lunar calendar, whilst still ensuring an adequate level of protection for the amenity of neighbouring properties. It also ensures that the planning condition remains easily enforceable, not changing the opening hours to be in line with the Lunar calendar, which had been previously suggested by the applicant.

Therefore, the proposed changes in opening hours is considered to be acceptable and in compliance with DM01 and DM04.

Increase in the number of permitted occupiers (Condition 5)

Condition 5 of the planning permission F/00302/10 dated 25/03/2010 states:

the proposed use hereby permitted shall be occupied by no more than 30 people at any one time.

Reason:

To protect the amenities of local residential occupiers.

Changes are proposed to condition 5 to allow a maximum of 50 occupiers of the property at any one time.

The Council's Environmental Health officer was also satisfied with the increase in the permitted occupants from 30 to 50.

Given that the primary use of the premises is used for prayers which is a relatively quiet activity, it was considered that a maximum number of 50 would allow a sufficient number of people to use the premises as their place of worship to pray whilst still maintaining the amenities of the neighbouring occupiers.

Therefore, the proposed changes in the permitted number of occupiers is considered to be acceptable and in compliance with DM01 and DM04.

Removal of the Requirement to Submit and Have Approved Sound Insulation Prior to Occupation (Condition 6:

Condition 6 of the planning permission F/00302/10 dated 25/03/2010 states:

The development shall be constructed/ adapted so as to provide sufficient air borne sound insulation against internally/ externally generated noise and vibration. This sound insulation shall ensure that the levels of noise generated from the (specified use) as measured within habitable room of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in the bedrooms from 11pm to 7am.

A scheme for mitigation measures shall be submitted to and approved by the Local Planning Authority prior to development. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied/ the use commences).

Reason:

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

The applicant has submitted a Noise Management Plan to try to minimise the amount of unnecessary noise and overcome the concerns of the Council's Environmental Health Officer. It is titled Updated Noise Management Plan, January 2022 and proposed by SM Design Consulting Studio (dated 1st January 2022). The most relevant issues covered in the Plan include the following:

- Confirming there was no existing or proposed internal or external voice amplification systems.
- Introducing a marshal reminding attending and departing congregational members that conversations inside should be kept to a minimum.
- Subject to planning permission being granted, the applicant will provide within the next 12 weeks' appropriate point of contact for community and council liaison. This will help in the dialogue between the Council and the users of the property to address any further concerns which may arise concerning noise issues going forward.

As noted above, the environmental health officer was consulted regarding the removal of condition 6 as part of this variation of condition application. The officer was content with the removal of conditions 6, in the absence of complaints to the environmental health team regarding noise being made since the initial planning permission was approved and with

no existing or proposed internal or external voice amplification systems.

Therefore, the proposed removal of condition 6 of the planning permission F/00302/10 dated 25/03/2010 is considered to be acceptable and in compliance with DM01 and DM04.

Condition 7 of the planning permission F/00302/10 dated 25/03/2010 states:

Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

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

As noted above, the environmental health officer was consulted regarding the removal of condition 7 as part of this variation of condition application. The officer was content with the removal of condition 7 given that an air conditioning unit had been in use since 2014 and there had been no complaints to the environmental health team regarding the air conditioning being made since the initial planning permission was approved.

Therefore, the proposed removal of condition 7 of the planning permission F/00302/10 dated 25/03/2010 is considered to be acceptable and in compliance with DM01 and DM04.

Impact on Highways

It is important that any scheme addresses the relevant development plan policies (for example policy DM17 of the Barnet Local Plan and policy T4 of the London Plan) in respect of the impact on travel and parking standards. With regards to a transport assessment, in considering planning applications for new development, the council will require developers to submit a full Transport Assessment (as defined by Department for Transport threshold) where the proposed development is anticipated to have significant transport implications in order to ensure that these impacts are considered. With regard to parking management, the council will expect development to provide parking in accordance with the London Plan standards.

The Noise Management Plan sets out measures to encourage sustainable modes of transport for the users of the site. This includes:

- The Imam strongly advising attendees wherever possible to use public transport or to walk to the Centre
- Car sharing/taxi sharing (particularly for the elderly and disabled individuals) with other attendees will also be actively encouraged.
- Those attendees arriving by car will be instructed to park at nearby public car parks or at paid spaces on the main road and not at resident permit sites.

The Council's Highways officer was consulted as part of this scheme. They were satisfied that the variations of conditions 3 and 5 would not have any significant impact on highways. They were satisfied that additional number of worshippers should not result in any significant numbers of vehicle trips or noticeable highway network impact. The extended opening hours was judged to not cause any significant network issue. The measures to encourage sustainable travel laid out in the Traffic Management Plan were deemed to be effective as the site is within a CPZ and from a highways perspective

because of the good access to public transport, having a PTAL rating of 4.

Therefore taking all of this into account, the development proposal is not considered to have any undue impacts on the highways network or parking, complying with policy DM17.

5.4 Response to Public Consultation

- Impact on traffic on Fridays at prayer times.

Response: This was covered in the body of the report

- Question whether 90% of attendees arrive by foot.

Response: the highways officer was satisfied that the goal of sustainable transport for getting to and from the site and limiting car use for the elderly and disabled was acceptable.

- Overcrowding. Fire risk from increased attendees.

Response: this was not considered to be of concern for the environmental health officer. The proposed number of people occupying the site is considered to be acceptable, especially given the nature of the use.

- Initial application was for a community centre, not for a mosque but current use operates as one

Response: This has been addressed in the body of the report. Notwithstanding this, the comment has been taken into account as part of this application.

- Neasden tube station not within a 15 minute walk

Response: this has been noted. It appears to be an error in naming the nearby station which is indeed Golders Green tube station and is a 15 minute walk. This has been duly noted and taken into account.

- Detrimental impact on parking for residents during prayer times, the evenings and during religious festivals. This includes some disabled residents

Response: This has been addressed in the body of the report.

- There has already been more than 30 people there using the property at any one time

Response: any breaking of the current permission is a planning enforcement matter. The application must be determined on its planning merits.

- Users of the property were unneighbourly (being noisy outside the property, drinking and leaving/ throwing rubbish outside)

Response: this was addressed in the Noise Management Plan (as amended) and, following consultation from the environmental health officer is now considered acceptable.

- Applicants have not put in sound proofing

Response: the environmental health officer is satisfied with the current proposal to remove the condition to submit details of the sound proofing given the age of the use and there being no complaint to environmental health regarding the noise. This is echoed through the concerns with noise being from the use outside the premises.

- Users in frequent breach of current opening hours

Response: any breaking of the current permission is a planning enforcement matter. The application must be determined on its planning merits.

- Increased capacity will reduce the ability to socially distance during the period of social distancing

Response: the need to socially distance is something which is everchanging. This also falls outside of the jurisdiction of planning to control for an ongoing use.

- Difficulty for residents to follow social distancing guidelines when getting into and out of their property

Response: the issue of congregating outside the premises has been satisfactorily addressed through the Noise Management Plan. The need to socially distance is something which is everchanging. This also falls outside of the jurisdiction of planning to control for an ongoing use.

- Property is on a small residential street and is a small building with no parking facilities for the property and not appropriate for mosque to be here

Response: This has been addressed in the body of the report.

- Mosque should be left as it is without the removal of sound proofing.

Response: The existing sound proofing will not be removed or changed. The removal of the condition is only removing the need to submit details of the existing soundproofing. There is still a condition restricting the maximum noise from plant on the premises (originally condition 8).

- Inadequate toilet and washing facilities

Response: This was not highlighted by environmental health as being a concern. The existing facilities are considered to be appropriate.

- Most attendees do not walk to the centre. Therefore a detrimental impact on traffic on Fridays at prayer times.

Response: the highways officer was satisfied that the goal of sustainable transport for getting to and from the site and limit car use for the elderly and disabled was acceptable.

- The change of converting the property from a community centre to a place of worship (notably a mosque) is underhand

Response: This has been addressed in the body of the report. Notwithstanding this, the comment has been taken into account as part of this application.

- Originally, there was the intention to have restrictions of the use at night and only a couple of times of year would the premises be able to open late at night

Response: the proposed opening hours would ensure a balance of protecting the neighbouring residential amenity with the enforceability of the opening hours as well as the right to worship for the occupiers.

- Detrimental impact of having a large group of people in small area

Response: it was considered to be acceptable by the environmental health officer to have groups of up to 50 people in the community centre at one time. This number is only likely to happen on Friday Prayers and during special times of fasting and praying during times of Ramadan. Therefore on balance this is considered acceptable.

- Detrimental impact to remove the sound proofing and extraction and ventilation

Response: The existing sound proofing will not be removed or changed. The removal of the condition is only removing the need to submit details of the existing soundproofing. There is still a condition restricting the maximum noise of plant at the premises (originally condition 8).

- Detrimental impact from noise on neighbouring residential amenities from increased numbers of people late at night lingering around the block

Response: this is deemed to have been adequately addressed in the applicant's Noise Management Plan

- Detrimental impact on parking for residents during prayer times, the evenings and during religious festivals. This includes some disabled residents

Response: if the resident parking CPZ restrictions are not being adhered to by the occupiers, this should be addressed through highways parking enforcement

- Carrying items a long way to the block is not feasible

Response: the current parking arrangements, with the correct enforcement of the resident parking CPZ is considered acceptable. This was not raised as a concern by the Council's Highways Officer.

- Application seems to have been done retrospectively

Response: this application is not a retrospective planning application as it seeks to amend a previous permission. Whether the previous permission has not been adhered to is a matter for planning enforcement. The current application will be judged on its own merits.

- Difficulty walking on pavements due to large numbers of people queuing outside

Response: This has been adequately addressed in the applicant's Noise Management Plan

- Detrimental impact on parking nearby

Response: the current parking arrangements, with the correct enforcement of the resident

parking CPZ and the correct implementation of the Noise Management Report, should be acceptable for the proposed increase in occupiers of the building. This was not raised as a concern by the Council's Highways Officer.

- Users of the site often disregard the resident bay parking restrictions

Response: if the resident parking CPZ restrictions are not being adhered to by the occupiers, this should be addressed through highways parking enforcement

- Neighbourhood cannot accommodate such large numbers of people: unable to socially distance when queuing outside

Response: the ability to socially distance outside of a premises is not a material planning consideration. It would fall more under the property management of the site. Also, with regard to queuing outside the premises, this has been adequately addressed in the applicant's Noise Management Report.

- Initial application was for a community centre, not for a mosque but current use operates as one

Response: This has been addressed in the body of the report. Notwithstanding this, the comment has been taken into account as part of this application.

- Mosque should be moved to another location

Response: this is not a material planning consideration. The application must be considered on its merits.

6. Equality and Diversity Issues

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

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

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

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

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

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

The proposed development would provide, amongst other things, extended opening hours and an additional number of permitted occupiers of the building.

The planning authority have taken account of the impact on the character of the area and the impact on the amenity of neighbouring properties. The proposal is considered to have an acceptable impact in these regards and is compliant to Policies CS NPPF, CS1, CS5 and CS13 of the Barnet's Adopted Core Strategy (2012) and Policy DM01 of the Adopted Development Management Policies DPD (2012).

The positive impacts created by the proposed development on people of an Islamic religious persuasion, would outweigh any impacts on the character of the area and amenity of neighbouring properties. Potential adverse impacts can be addressed through the use of conditions.

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

7. Conclusion

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



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Location 133 Brent Street London NW4 4DA

Reference: 21/4966/FUL

Received: 14th September 2021

Accepted: 14th September 2021

Ward: Hendon

Expiry: 14th December 2021

AGENDA ITEM 15

Case Officer: Dominic Duffin

Applicant: Readysset Resources Limited

Proposal:

Redevelopment of the site with a 7 storey building comprising Class E use on the ground floor, Class E(g)(i) -offices - and (ii) - research and development - use on the first and second floors, with 17 residential units on the third, fourth, fifth and sixth floors.

OFFICER'S RECOMMENDATION

Refuse

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

- 1 The proposed development by reason of its size, siting, bulk, height and design, would result in a discordant, visually dominant and overbearing development which would fail to successfully integrate into the existing urban fabric or respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets, to the detriment of the character and appearance of the application site and surrounding area, contrary to national guidance with the NPPF, Policies D2, D3 and D9 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet Local Plan: Core Strategy (2012) and Policy DM01 of the LB Barnet Local Plan: Development Management Policies (2012)
- 2 In the absence of an approved scheme, the proposed development is not supported by a formal undertaking to secure green travel plan measures to promote sustainable means of travel together with an arrangement for associated monitoring. As such, it would fail to minimise increases in road traffic, contrary to Policies CS9 and CS15 of the LB Barnet Local Plan: Core Strategy (2012), Policy DM17 of the LB Barnet Local Plan: Development Management Policies (2012) and the Planning Obligations SPD (adopted April 2013) and Policy T4 of the London Plan 2021

- 3 The proposed development provides inadequate outdoor amenity space for future occupiers and in the absence of an approved scheme, is not supported by a formal undertaking to mitigate this by contributing to off-site amenity space improvements. The proposal would therefore not address the impacts of the development, contrary to Policy CS7 of the Adopted Local Plan Core Strategy (2012), Policy DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Planning Obligations SPD (2016) and the Adopted Green Infrastructure SPD (2017).
- 4 The proposed development, by virtue of the resultant long term post development pressure for pruning/removal of existing trees, would reduce their amenity value and fail to adequately protect existing trees, appropriately mitigate the impact on visual amenity and achieve a suitable visual setting for the building. In the absence of an approved scheme, the proposed development is not supported by a formal undertaking to meet the cost of tree planting along Brent Street. As such, the proposal would result in unacceptable detriment to the character and appearance of the application site and surrounding area, contrary to Policies CS1, CS5 and CS15 of the LB Barnet Local Plan: Core Strategy (2012) and Policy DM01 of the LB Barnet Local Plan: Development Management Policies (2012) and the Planning Obligations SPD (adopted April 2013)
- 5 In the absence of an approved scheme, the proposed development is not supported by a formal undertaking to provide a contribution towards carbon off-setting to achieve net zero carbon dioxide emissions from the residential component of the development. The proposal would therefore not address the impacts of the development, contrary to Policy SI.2 of the Mayor's London Plan (2021), Policy CS13 of the Adopted Local Plan Core Strategy (2012), Policy DM04 of the Adopted Development Management Policies DPD (2012), the Adopted Sustainable Design and Construction SPD (2016) and the Adopted Planning Obligations SPD (2016).

Informative(s):

- 1 The plans accompanying this application are:

SITE LOCATION PLAN: CGL-XX-00-DR-A-010100

EXISTING GROUND FLOOR / SITE PLAN: CGL-XX-00-DR-A-010105

EXISTING NORTH & SOUTH ELEVATIONS: CGL-XX-EL-DR-A-020111

EXISTING SIDE ELEVATIONS: CGL-XX-EL-DR-A-020111

PROPOSED FRONT & REAR ELEVATIONS: CGL-XX-EL-DR-A-060320 Rev A

PROPOSED NORTH AND SOUTH SIDE ELEVATIONS: CGL-XX-EL-DR-A-060321
Rev A

PROPOSED SECTION AA: CGL-XX-SE-DR-A-060324 Rev B

PROPOSED GROUND FLOOR/ SITE PLAN: CGL-XX-00-DR-A-050310 Rev C
PROPOSED FIRST FLOOR PLAN: CGL-XX-01-DR-A-050311Rev C
PROPOSED SECOND FLOOR PLAN: CGL-XX-02-DR-A-050312 Rev B
PROPOSED THIRD FLOOR PLAN: CGL-XX-03-DR-A-050313 Rev B
PROPOSED FOURTH, FIFTH and SIXTH FLOOR PLAN: CGL-XX-04-DR-A-050314 Rev B
PROPOSED ROOF PLAN: CGL-XX-RF-DR-A-050315 Rev A
PROPOSED CGI P20-044 CGL-XX-00-DR-A-900330
PROPOSED CGI ANNOTATED P20-044 CGL-XX-00-DR-A-900331

TREE CONSTRAINTS PLAN: 200614 01 Rev B

- 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.

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

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 is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

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

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

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

Please visit

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

- 4 The applicant is advised that an application under the Highways Act (1980) would need to be submitted for any works proposed on the public highway to facilitate the development on any scheme granted consent. 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 should submit proposed design and construction details to the Development Team for approval. The applicant is also advised that the cost of repairing any consequential damage to public highway as a result of the development proposal shall be borne by the applicant

OFFICER'S ASSESSMENT

This application had initially been brought before the Committee at the request of Cllr Shooter for the following reason:

The application is important for the regeneration of the high street, and the application is an improvement on the previous submission regarding height

The application was heard at the meeting of Planning Committee B, held on Wednesday 30th March 2022. The Minutes for that meeting note the following:

The Committee were minded to approve the application, but wished to have more time to consider robust reasons. Due to the next committee meeting taking place after the elections and therefore being constituted of new Members, if deferred, the application would be required to be re-heard in its entirety.

Appeal determination of application 20/4357/FUL

Since the meeting of Planning Committee B on Wednesday 30th March 2022, the appeal relating to the previous refusal (ref: 20/4357/FUL) has been determined - with the Inspector dismissing the appeal. The appeal determination is a material planning consideration and is discussed below.

1. Site Description

The application site is located on the western side of Brent Street, just north of the junction with Brampton Grove, a residential road which runs behind the site. The site is within the Brent Street Town Centre, but outside the Key Retail Frontage, is 'L' shaped in form, and consists of areas of hardstanding and overgrown vegetation, there are no existing buildings on the site.

The adjoining site is occupied by Hendon Post Office, a part single/part 2 storey brick building on the corner with Brampton Grove. The site, the subject of this application, borders the post office plot on both Brent Street and Brampton Grove, with vehicle access from Brampton Grove.

Hendon Post Office was the subject of a separate planning application, 20/5081/FUL, for the erection of a four-storey building of a mixed-use-community building including retail premises at ground floor level. This was approved by Members at the Planning Committee meeting held on 09th March 2021, subject to the execution of a Section 106 Agreement. The formal decision has not yet been issued, as s106 matters are ongoing.

The site is boarded up along Brent Street. A three-storey residential block ("Homemead") adjoins to the north-west and Churchill House, an office building lies to the north. Burnham Court, a four-storey development, is located across Brent Street to the east. No.6 Brampton Grove adjoins the site to the west.

As the site is located within the town centre, there is a variety of retail, commercial and residential uses within the surrounding area. The site is not within a conservation area and does not include any listed buildings and has a PTAL Rating of 2, demonstrating low access to public transport links.

2. Site History

Reference: 22/2473/191

Address: 133 Brent Street London NW4 4DA

Decision: As yet undetermined

Decision Date: N/A

Description: Use as a car park

Reference: 20/4357/FUL

Address: 133 Brent Street London NW4 4DA

Decision: Refuse

Decision Date: 14.05.2021

Appeal Decision: Dismissed

Appeal decision Date: 14.04.2022 (APP/N5090/W/21/3282268)

Description: Redevelopment of the site to provide an 8-storey building comprising Class E use on the ground floor, Class E(g)(i) - offices - and (ii) - research and development - use on the first, second and third floors with 9 residential units on the fourth, fifth, sixth and seventh floors. Associated amenity space, refuse storage, cycle parking and 13no. off-street car parking spaces

Reasons for Refusal:

1. The proposal results in an eight storey building outside of an identified location for tall buildings, contrary to Policy CS5 of the LB Barnet: Local Plan Core Strategy DPD (2012), Policy DM05 of the LB Barnet: Local Plan Development Management Policies DPD (2012), Policy D9 of the London Plan (2021) and Section 38(6) of the Planning and Compulsory Purchase Act 2004

2. The proposed development by reason of its size, siting, bulk, height and design, would result in a discordant, visually dominant and overbearing development which would fail to successfully integrate into the existing urban fabric or respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets, to the detriment of the character and appearance of the application site and surrounding area, contrary to Policies D3 and D9 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet Local Plan: Core Strategy (2012) and Policies DM01 and DM05 of the LB Barnet Local Plan: Development Management Policies (2012)

3. The proposed development is not supported by a legal agreement to secure green travel plan measures to promote sustainable means of travel and, in the absence of a legal agreement to secure a Travel Plan and associated monitoring, it would fail to minimise increases in road traffic, contrary to Policies CS9 and CS15 of the LB Barnet Local Plan: Core Strategy (2012), Policy DM17 of the LB Barnet Local Plan: Development Management Policies (2012) and the Planning Obligations SPD (adopted April 2013) and Policy T4 of the London Plan 2021.

4. The proposed development, by virtue of the resultant long term post development pressure for pruning/removal of existing trees, would reduce their amenity value and fail to adequately protect existing trees, appropriately mitigate the impact on visual amenity and achieve a suitable visual setting for the building. In the absence of a formal undertaking to meet the cost of tree planting along Brent Street, the proposal would result in unacceptable detriment to the character and appearance of the application site and surrounding area, contrary to Policies CS1, CS5 and CS15 of the LB Barnet Local Plan: Core Strategy (2012) and Policy DM01 of the LB Barnet Local Plan: Development Management Policies (2012) and the Planning Obligations SPD (adopted April 2013)

5. The proposed development provides inadequate outdoor amenity space for future occupiers and does not include a formal undertaking to mitigate this by contributing to off site amenity space improvements. The proposal would therefore not address the impacts of the development, contrary to Policy CS7 of the Adopted Local Plan Core Strategy (2012), Policy DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Planning Obligations SPD (2016) and the Adopted Green Infrastructure SPD (2017).

6. The proposed development does not include a formal undertaking to provide a contribution towards carbon off-setting to achieve net zero carbon dioxide emissions from the residential component of the development. The proposal would therefore not address the impacts of the development, contrary to Policy SI.2 of the Mayor's London Plan (2021), Policy CS13 of the Adopted Local Plan Core Strategy (2012), Policy DM04 of the Adopted Development Management Policies DPD (2012), the Adopted Sustainable Design and Construction SPD (2016) and the Adopted Planning Obligations SPD (2016).

Reference: 17/7497/FUL

Address: 133 Brent Street London NW4 4DA

Decision: Approved subject to conditions

Decision Date: 12.04.2018

Description: Erection of 5 storey building with basement to provide commercial floorspace (A2 - Professional and Financial Services) at ground floor and basement level and 9no self-contained flats on the level above. Provision of basement car parking and cycle provision. Associated landscaping.

Reference: W08536H/06

Address: 133 Brent Street London NW4 4DA

Decision: Approved following legal agreement

Decision Date: 21.09.2006

Description: Construction of five storey building plus basement, to provide commercial floorspace at ground floor level and a total of 9 self-contained flats. Provision of off-street parking (in basement) accessed from Brampton Grove and associated changes to landscaping.

Reference: W08536G/05

Address: 133 Brent Street London NW4 4DA

Decision: Refused

Decision Date: 20.01.2006

Description: Erection of part two, part three, part four, part five-storey building plus basement level, to provide office floorspace at ground level and a total of 12 self-contained flats. Provision of off-street parking (in basement) accessed from Brampton Grove and associated changes to landscaping.

Reference: W08536F/04

Address: 133 Brent Street London NW4 4DA

Decision: Refused

Decision Date: 13.10.2004

Description: Erection of five-storey block plus basement level to provide health club at basement/ground levels and 13no. self-contained flats on the upper floors. Provision of off-street parking accessed from Brampton Grove.

Appeal Reference Number: APP/N5090/A/04/1166078

Appeal Decision: Dismissed

Appeal Decision Date: 18/01/2006

Reference: W08536E/03

Address: 133 Brent Street London NW4 4DA

Decision: Refused

Decision Date: 02.07.2003

Description: Erection of four-storey block to provide 9no. self-contained flats and a health club at ground floor and basement level, provision of 13no. underground car-parking spaces accessed from Brampton Grove and associated changes to landscaping.

Reference: W08536C/02

Address: 133 Brent Street London NW4 4DA

Decision: Refused

Decision Date: 19.03.2003

Description: Redevelopment of site to provide residential flats. (OUTLINE)

131 Brent Street

Reference: 20/5081/FUL

Address: Hendon Post Office, 131 Brent Street London NW4 4DA

Decision: Approved subject to conditions/S106 Agreement

Decision Date: Committee Resolution - 09.03.2021 (Formal decision not yet issued)

Description: Demolition of the existing Post Office and Sorting Office and erection of a four storey building over basement providing a mixed-use community building including retail premises at ground floor level, with associated landscaping, cycle storage and refuse and recycling facilities

3. Proposal

The application seeks consent for the construction of a 7-storey building comprising offices on the ground floor and research and development uses on the first and second floors (Class E Use Class). 17 residential units would be provided on the third, fourth, fifth and sixth floors (Class C3 Use Class). Associated amenity space, refuse storage, cycle parking and 11no. off-street car parking spaces would also be provided.

The non-residential uses (ground to second floor) would amount to 1,126sqm gross internal area.

The proposed residential mix is as follows:

- 7 x 1-bedroom 2-person flats
- 4 x 2-bedroom 3-person flats
- 6 x 2-bedroom 4-person flats

The parking spaces would be provided to the rear and accessed from Brampton Grove. Separate refuse facilities (residential/commercial) would be provided on the rear ground floor, and a storage area for cycles would also be located on the ground floor.

The first three floors would form the commercial block with the upper 4 floors of residential use. The building would be predominantly glazing and brick. The third to sixth floors would be set behind the lower floors to the rear, the lower floors would continue further into the rear of the plot. Upper floors would be served by terrace/balcony areas.

4. Public Consultation

Consultation letters were sent to 497 neighbouring properties. 29 responses were received comprising 24 letters of objection and 5 letters of support. The responses received can be summarised as follows:

Objections:

- The building is too big and using other local buildings that look visually poor to justify it. The density and scale of the building will severely detract from Brent Streets amenity, architectural layouts and cause parking pressures and congestion
- The surrounding neighbourhood is mostly low rise and is densely populated with four stories being the maximum building height. A seven-story building is out of character.
- the plans show the building to be heavy and boxy, not adding anything to improve the character of the main street of Hendon.
- The developer has merely reduced the scheme massing for this proposed development from eight (8) down to seven (7) storeys in order to secure approval
- The parking spaces provided should be added to, providing parking for visitors to the centre as well as residents. 11 spaces is not enough.
- This proposal will put further pressure on already over-stretched local services.
- The proposal is in contravention of a raft of London Plan and Local Plan policies and will be out of character in this setting of lower set buildings.
- Concerned that those residents will be able to look into our gardens, which will be a serious invasion of our privacy.
- The high rise building will be overlooking our garden and will be very intrusive.

- This seven (7) storey building will have a direct line of sight into the homes and gardens of surrounding residents, robbing those residents of privacy from overlooking and the loss of light.
- Being directly behind my house it will be overlooking my garden and directly into my house dramatically impacting on my families privacy
- Noise and disturbance resulting from use.
- 32 cycle spaces will not make up for the lack of car spaces
- Site access will be via a residential road and the increased traffic will cause huge disturbance and congestion to residents as well as safety concerns for pedestrians
- No demand for this type of development locally, with similar units having remained unsold.
- The area does need rejuvenation, but this not the way to go.
- No plans for social housing in this development, leading me to suspect that this will be another 'luxury' development.

Support:

- The local community of Hendon critically need this project.
- Our area is in need of better office facilities, coupled with nice housing projects given the amount of young couples looking for accommodation in the area
- Welcome this application. It is exactly the type of scheme Barnet should embrace, modern, architecturally pleasing and creating much needed office and residential space.
- The proposal is by no means overbearing or out of kilter with the immediate neighbourhood, this will refresh the area.
- Brent Street is slowly undergoing a renaissance with many new shops, cafes
- restaurants etc and in particular some redeveloped buildings, welcome this new development, it can only further enhance this main through road in Hendon.
- We are a company trading locally and have considered the plans which look impressive and will be transformative of the area, hopefully leading to further inward investment into our Borough and local environment at a crucial time. Such investment is long overdue. That area of land has been unoccupied for too long to no benefit and look forward to seeing the proposal come to reality.

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 (Revised 2021) is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2021

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS6, CS9, CS13, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM11, DM14, DM17.

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)
- Sustainable Design and Construction SPD (adopted October 2016)
- Barnet Trees Policy (October 2013)
- Planning Obligation SPD (adopted April 2013)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Planning history of the site (including appeal determination)/Principle of development;
- Viability/Affordable Housing/Dwelling Mix;
- 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;
- Refuse provision;
- Other considerations;
- Responses to third party comments

5.3 Assessment

Planning history of the site/Principle of Development

The application site has been subject to a number of previous applications for the construction of a mixed-use development. The most recent application, reference 20/4357/FUL, was refused consent in May 2021, details are contained within the planning history above.

The principal reasons for refusal related to the concern with the construction of a building, considered under local and regional policy as a Tall Building, at this location, as well as the overall bulk and scale of the building and its impact on the character and appearance of the area. The proposal was considered to result in a discordant, visually dominant and overbearing development which would fail to successfully integrate into the existing urban fabric or respect the appearance, scale, mass, height and pattern of surrounding buildings. There was no concern with the general principle of a mixed-use scheme.

Previous to this consent was granted, reference 17/7497/FUL for the following development;

Erection of 5 storey building with basement to provide commercial floorspace (A2 - Professional and Financial Services) at ground floor and basement level and 9no self-contained flats on the level above. Provision of basement car parking and cycle provision. Associated landscaping.

The NPPF, London Plan and Barnet's Local Plan are relevant and support the provision of residential development in appropriate locations. Paragraph 120 of the NPPF advises that LPA's should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. The location of the proposed development on a under-utilised and previously developed site therefore meets the objectives of the NPPF which reiterates the Government's ongoing commitment to boosting housing supply and upholds the presumption in favour of sustainable development.

Therefore, there is no concern with the principle of a similarly mixed-use development within this town centre location, on a previously developed site, which existing and emerging policy continues to espouse.

Appeal Determination of application 20/4357/FUL

As detailed in the Planning History above, application 20/4352/FUL, was appealed to the Planning Inspectorate, and was determined under the Written Representations procedure. The decision to dismiss the appeal was issued on 14th April 2022. At eight stories the building was considered a tall building, with regards to local and London Plan policy.

As detailed in the discussion below relating to character and appearance, officers, and the Planning Committee that determined application 20/4352/FUL raised concern with regards to how a building, which significantly increased the built form on the site, would successfully assimilate within the lower set development along Brent Street, and within the surrounding area.

With regards to the main issues on character the Inspector concluded as below;

.....9. The appeal site is located within Brent Town Centre and fronts Brent Street which is a busy and main thoroughfare. The appearance of the mainly linear positioned buildings along this street varies, but there is nonetheless a pleasing consistency to the height of the buildings with three and four storeys being the most common. This gives this street its distinctive character.

10. The appeal building would be eight-storeys in height. The upper four floors would be set back from the edges of the lower floors, but despite this tapering effect the building as a whole would still be seen as a tall, dominant, bulky and materially out of scale form of development when seen against surrounding buildings. The effect would be to materially disrupt the general consistency of height to the buildings, particularly when viewed from Brent Street, thereby causing unacceptable harm to the aforementioned positive and distinctive characteristic of the immediate locality.

11. Given the above, there would be conflict with policy D9.C of the LP which requires development proposals to address visual impacts including the 'views of buildings from different distances'. There would not be an appropriate transition in scale between the appeal building and surrounding buildings.

12. Overall, the development would fail to appropriately integrate into the existing urban fabric and would appear incongruous in the street-scene. I appreciate that the appeal site has some open gaps with existing surrounding buildings, but for those travelling up and down Brent Street, this would not have the effect of suitably mitigating against the out of keeping bulk and height of the building when seen in the immediate context.

13. In reaching the above view, I am cognisant of the fact that the Council has previously approved five-storey development on the appeal site. However, such approved development was significantly lower in height than the appeal proposal and would not have the same harmful impact.

14. The appellant has referred me to examples of tall buildings and approved development elsewhere including for example the Hyde Estate Road Site , 46 Watford Way , Sentinel House, and Upper Fosters. However, these sites are not located within the same visual context as the appeal site. I have determined this appeal on its individual planning merits and on the basis of the effect of the development on the character and appearance of the immediate locality when experienced by passers-by. The examples of tall development elsewhere do not alter or outweigh my conclusion on this main issue.

As discussed the officers have never had any issue with the principle of redeveloping the site, which would accord with many relevant policies, including making use of an under-utilised brownfield site. The concern has been the amount of development proposed. As the Inspector opined;

.... 33. *I acknowledge that the proposal would seek to make very efficient use of a brownfield site. However, it is necessary that a balance is struck between achieving that aim and ensuring that the prevailing character and appearance of the area is not unduly harmed. In this case, the Council has made it clear that it does not object to some form of mixed use development being constructed on the site, and indeed it has previously approved planning permission for five-storey development on the site. The evidence is that, in principle, it would be possible to opt for a development that is less bulky and high on the site while also safeguarding the character and appearance of the site.*

34. The appeal proposal causes significant harm to the character and appearance of the area and maximising the use of the site does not, in this case, outweigh that harm. In addition, I would add that there is no evidence that in dismissing this appeal it would mean that the site was not developed as part of an alternative proposal and, in that regard, the site need not remain vacant indefinitely.

35. None of the other considerations identified above are individually or collectively of sufficient weight to alter or outweigh the harm that I have identified in respect of my conclusions on the main issues.

Officers concur with the view that there is no reason for the site to remain vacant indefinitely. With regards to the current proposal, the seventh floor has been removed and a seven storey building is now proposed. However the floorspace from this floor has been transferred to the lower floors, which in some respects results in a bulkier, more pronounced building, the more discreet upper floor now gone (discussed in character section below).

Officers do not consider that this scheme overcomes the significant concerns as detailed in the appeal determination. The recommendation to members is therefore that the application is refused, for the reasons attached to the committee report. It is considered a more appropriate balance can be struck between ensuring the site capacity is optimised, along with the other benefits which would flow, but also ensuring that the character and appearance of the area is maintained.

Tall Building

Extending to 8 storeys in height the recently refused scheme was classed as a "Tall Building" under policy DM05 and CS5 of the Local Plan, emerging policy CDH04, and policy D9 of the London Plan 2021.

However, given the reduction in height to seven storeys, and a total height which is less than 26.0 metres, the current proposal would no longer be classed as a tall building and there is no requirement to assess the proposal under these policies. Further to this, the first reason to refuse consent would no longer be sustainable. As detailed above, there were further concerns relating to the previous scheme and its impact on the character of the area, and this aspect will be considered once again later in the report.

Employment Uses

The employment generating aspect includes, Ground floor Class E, Class E(g)(i) - offices, and (ii) research and development - use on the first and second floors.

New employment uses are directed to exiting town centres. The site is within the Brent Street Town centre. Policy DM14 (B) states;

New and existing employment space

b: New employment space

- i. All proposals for new office space should follow a sequential approach which considers town centre sites before edge of centre sites.
- ii. New industrial/warehousing space will be expected to locate in Locally Significant Industrial sites. Warehousing uses or uses which generate high levels of movement should be located in close proximity to tier one and two roads as set out in Policy DM17 Travel Impact and Parking Standards and minimise impact on residential areas.
- iii. Proposals for new employment space will be expected to provide on-site servicing for the intended use and include space for service vehicles.

The site is within a designated town centre location and as such the principle of office and R and D use at this location can be accepted. Residential use within town centres is long accepted as being beneficial to the vitality and viability of the town centres. The site is outside the retail frontage so an alternative to retail can be accepted - the new Class E affording greater flexibility in that respect. The mixed use of the site would also make more efficient use of a previously developed site as advocated within the NPPF.

The proposed use of office and research and development are formerly B1 uses. The Government has outlined that one reason for the changes to the Use Classes has been the need to enable a repurposing of buildings on high streets and town centres. Given current circumstances, it is evident that town centres will face increased challenges and hence the use class changes aim to promote greater flexibility. In that regard the mixed use is in compliance with a thinking that continues to move towards greater flexibility in town centres. The new Use Class E also includes former A and D uses - retail and community uses, which are suitable uses within a town centre.

The proposed mix of Class E and residential uses is therefore deemed acceptable in principle.

Viability/Affordable Housing/Dwelling Mix

The proposal scheme includes a residential element of greater than 10 units as such there is a requirement to consider potential affordable housing provision and affordable housing contributions, either on site or as an in-lieu payment. It is acknowledged that the decision making framework outlines that any contributions should not render the proposal unviable or threaten the potential of the scheme coming forward for viability reasons.

Policy DM10 of the Local Plan states:

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

The tenure mix required would be 60% social rented and 40% intermediate as confirmed by the Housing Officer.

The proposed development is providing no affordable housing, as per the submissions on viability. Consequently, the overall provision falls considerably short of the target set by policy DM10.

The applicant has provided a viability report in support of this (Savills, October 2021) it is stated that;

"We have appraised the Residual Land Value (RLV) of the proposed scheme using Argus Developer (Version 8) and have based our appraisal upon the plans and schedule of accommodation shown in Appendix 3. The RLV is calculated by subtracting all associated development costs and a suitable level of developer profit from the Gross Development Value (GDV) of the proposed development, which is assessed by calculating all revenues and capital receipts realised by the developer. The assumptions adopted within our appraisal have been informed by market evidence and input from independent third-party experts, where appropriate.

We have compared the RLV to our Site Value Benchmark (SVB) to ascertain whether there is a deficit or surplus against our SVB. In this case our SVB has been determined by giving consideration to the Existing Use Value (EUV) of the Subject plus a suitable landowner premium. The EUV has been calculated through a traditional investment valuation methodology, which includes capitalising a rental income by a suitable capitalisation rate and deducting associated costs.

Viability Appraisal Result:

Residual Land Value	Site Value Benchmark	Deficit Against Benchmark
-£2.52m	£2.28m	-£4.80m

Given that the RLV generates a deficit against the SVB, the scheme is not considered commercially viable in development viability terms. Notwithstanding this, the Applicant is prepared to proceed with the project given their wider interest in the regeneration of the area. We understand the Applicant is working on this project and others in order to bring about lasting improvements. The Applicant therefore hopes that they will benefit long term from their interests in the area and, equally, that the balance of costs and values will improve over the lifetime of this project.

In light of this the applicant advises that the scheme could not make development contributions or provision for affordable housing as the scheme is already running at a deficit. The council has had the Viability Report independently appraised by BNP Paribas (BNP) - Review of "Financial Viability Assessment" (December 2021).

The applicant has used an existing use as a car park in its valuation to achieve a site value of £2.28m, which is not the lawful use of the site, and as such considered an unreasonable assumption. BNP recommended the following amendments:

- ! Increase private residential values to reflect current market expectations;
- ! Adjust commercial revenue and yield to reflect what is achievable in the current market;
- ! Reduce construction costs in line with advice received from JA;
- ! Reduce professional fees allowance to reflect current market expectations;
- ! Reduce finance rate to reflect what is achievable in the current market;
- ! Adjust disposal costs to reflect current market expectations;
- ! Reduce profit levels to reflect risk profile of the scheme; and
- ! Reduce the viability benchmark.

Under BNP's assessment and following further reductions, and an alternative use value of a storage use, the site would generate a benchmark value of £384,393, which is a significant reduction from the Savills report. BNP have undertaken an appraisal of the proposed development assuming 100% private housing in line with the Applicant's proposals, taking into account the recommended amendments. The summarised BNP appraisal results conclude;

Viability Appraisal Result:

Residual Land Value	Site Value Benchmark	Deficit Against Benchmark
£334,459	£384,393	-£49,934

The amendments identified above have resulted in a reduced deficit of -£49,934 in comparison to the deficit of -£4,800,000 concluded in the Savills appraisal results. Furthermore, section 106 contributions would result in a further development cost, which has not been included in the Savills or BNP assumptions. This would be a further development cost of circa £110,000. Therefore, whilst the deficit is much reduced, the conclusions are still that the scheme could not sustain contributions towards affordable housing.

Given the potential for variance in the construction costs, value engineering exercises which may be undertaken by the Developer after securing planning permission in an attempt to reduce their costs and the potential for 'real growth' in values achieved, the Council would include an early and late-stage review mechanism within a Section 106 Agreement on any approved scheme.

Unit Mix

The proposed development provides the following mix of units:

- 7 x 1-bedroom 2-person flats
- 4 x 2-bedroom 3-person flats
- 6 x 2-bedroom 4-person flats

Policy DM08 of the Development Management Policies states that:

Development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough.

Dwelling size priorities are:

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

The proposals would provide a mix of one/two-bedroom units. Given the location of the site and the constraints in respect of the shape of the plot, provision of amenity space and to a lesser extent parking, as well as its reasonable accessibility, the mix of accommodation is considered appropriate.

The supporting text to the policy does state that it is intended to be applied flexibly. It further states that it may not be appropriate to meet the standards in town and local centres. The site is within a town centre. Policy H10 of the London Plan recognises the role that one and two bed units can play in freeing up existing family housing. It also recognises a higher proportion of one and two bed units are generally more appropriate in locations which are closer to a town centre or underground station or with higher public transport access and connectivity. Given the constraints of the site, its town centre location, and the financial realities of the London property market which means a demand also exists for smaller units, the mix can be accepted. There are some concerns, but the scheme offers the opportunity to redevelop a brownfield site and contribute to the housing requirement of the borough in a meaningful way.

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

Paragraph 125 of the NPPF acknowledges that LPA's avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. It goes on to state that "local planning authorities should refuse applications which they consider fail to make efficient use of land". The National Design Guide confirms that the appropriate density will result from the context, accessibility, proposed building types, form and character of the development.

Para 69 of the NPPF recognises small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.

Policy D3 of the London Plan 2021 states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling, in accordance with Policy D2 - Infrastructure requirements for sustainable densities. Where these locations have existing areas of high density buildings, expansion of the areas should be positively considered by Boroughs where appropriate.

The policy goes on to require optimisation of site capacity through a design-led approach whilst 'enhancing local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions' and responding to 'the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character' amongst other things.

Policy H.2 "Small Sites" advises that boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making.

Core Strategy Policy CS5 seeks to protect and enhance Barnet's character to create high quality places.

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

As detailed above a previous reason for refusal (reason for refusal No.1, 20/4357/FUL) related to the construction of a building, considered under policy a tall building, at this location. However, the second reason for refusal on the same application raised concern with the wider issue of character in relation to the building. The reason for refusal stated;

2. *The proposed development by reason of its size, siting, bulk, height and design, would result in a discordant, visually dominant and overbearing development which would fail to successfully integrate into the existing urban fabric or respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets, to the detriment of the character and appearance of the application site and surrounding area, contrary to Policies D3 and D9 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet Local Plan: Core Strategy (2012) and Policies DM01 and DM05 of the LB Barnet Local Plan: Development Management Policies (2012)*

The previous application, in overall finish, the structure had recessed upper residential floors (4th to 6th), the submitted Design and Access Statement advised "to reduce the bulk and prominence of the building", and a further set-in, penthouse style 7th floor. Under this proposal the 7th floor is removed, but the set in of upper floors is also removed. Therefore, on the Brent Street aspect, the upper floors follow the same form and bulk of lower floors, with the commercial lower floors extending further into the site to the rear.

The Design and Access Statement suggests that;

"The site location at a junction of roads where the street widens presents the opportunity to create a dynamic focal point and node along Brent Street, utilising the buildings envelope to create interest with a more active street frontage and make best use of the more generous public landscaping in front".

As outlined above, the application site falls within the Brent Street Town Centre, an area characterised by two-to-four storey buildings containing a mix of commercial, residential and community uses. To the south-west of the site along Brampton Grove and Chapel Walk, this area is characterised by two-storey residential dwellings.

Given this context, and the previous decision, the council would have to be satisfied that the proposed changes overcome the previous concern, as recorded at reason for refusal No.2 or that there have been policy changes more supportive to the development.

Whilst the overall height of the building has been reduced by one storey, sitting in the above context, this will still be a visually significant structure, in particular given the increased massing over the upper floors and corresponding loss of articulation. It is noted that the adjacent post office site has recently been the subject of a planning application, with a committee resolution to grant permission subject to conditions and a s106 Agreement. This scheme was for the following development;

"Demolition of the existing Post Office and Sorting Office and erection of a four storey building over basement providing a mixed-use community building including retail premises at ground floor level, with associated landscaping, cycle storage and refuse and recycling facilities"

The Committee Report for the application provided the below analysis;

....."With regards to the height of the proposed building, a total of four storeys plus additional basement level are proposed. This is not considered to be out of keeping with the scale of buildings in the local area, with several four-storey buildings on the eastern side of Brent Street. The set back of the building from the streetscene reduces its perceived height and bulk. Additionally, weight is given to the extant consent for a five-storey building, albeit with a slightly lower ridge height, at the neighbouring site at 133 Brent Street. It is considered that this establishes the acceptability of a building of this height in this location. The topmost storey is set back from the front and side elevations. This lessens the perceived scale and bulk of the building. Additionally, the height is staggered, with the proposed building only having two storeys to the rear along the Brampton Grove elevation, where the established character is more residential. The staggered height of the proposed building also breaks up its bulk and massing, such that it does not appear as overly prominent. The site coverage, while large, is comparable to the existing building"...

The Planning Statement by SMB Town Planning Ltd, outlines how the revised scheme is in compliance with the relevant policy framework including new policy of pertinence within the London Plan.

It is evident that the London Plan places an emphasis on achieving greater densities on suitable sites and national and regional guidance both espouse the role small sites, such as the application site, can play in the delivery of housing. However, the relevant policy framework, including policy D3 of the London Plan advocate an approach which is mindful of local character and the existing setting of the site.

Officers consider the character of Brent Street, and the immediate area around the site to be low set. As discussed under application 20/4357/FUL whilst the wider area does contain taller buildings these are largely 1960's and 1970's Tower Block developments and are set off the main thoroughfare of Brent Street and in some cases are standalone, dominant structures in a wider context and setting. Although the current proposal does not meet the technical classification of a tall building, it would be a much taller structure than the surrounding development and at odds with the predominant low-scale, low-density character of the area surrounding the application. It is acknowledged the proposed development has been reduced by the removal of its upper floor but this would still be a significant structure in the setting and the analysis undertaken under the application for the eight-storey building, is still considered relevant when assessing this scheme and the character and appearance of the area, in particular, in view of the revised massing;

The inclusion of an eight-storey building within this space and within close proximity to the lower set development, is considered to result in a visually dominant and overbearing building scale, which would be detrimental to the visual appearance and spatial character of the application site and this part of Brent Street. The proposal would be seen and experienced alongside various noticeably lower and smaller-scale developments situated along Brent Street and from the residential area to the rear. The building would appear as a large and conspicuous built addition at a prominent location in proximity to various publicly accessible routes.

Whilst the application site is within a town centre, it is not located adjacent to an important transport hub. The application site forms part of a low-scale, low-density area, with a low-to-moderate PTAL rating and is sited immediately adjacent to two-storey dwellings. Therefore, it is not considered that there is sufficient policy or design justification for the proposed eight-storey scale and resultant departure from the predominant building scale and massing within the area surrounding the application site. The taller buildings referenced do not define the predominant character of the locality therefore, little weight would be given to the use of these structures as a justification for additional scale at the application site. Consequently, it is considered that the proposed eight-storey building scale would be out of keeping with, and detrimental to the low-scale character and appearance of this section of Brent Street and would be visually overbearing in relation to adjacent building scales in the immediate locale. It is accepted the building is recessed on the upper floors but this does not do enough to reduce the dominant impact when viewed in this lower set context around the site.

As detailed, it is acknowledged the overall height of the building has been reduced, but it is still the case this proposal would appear discordant and out of keeping within the existing streetscape.

Whilst policy encourages Local Authorities to make more efficient use of previously developed land and look for opportunities to increase density and bring forward development on small sites, which can generally be built out quicker, the policy framework also requires that decision makers give consideration to ensure new developments respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy.

Whilst this proposal has many positive attributes the level of development in respect to the overall height and massing of the proposal is excessive, a five-storey structure has previously been considered acceptable, and four storey has been considered appropriate at the adjoining post office site. This is a level of development considered more in keeping with the existing pattern of development.

The National Design Guide at Para 43 advises that well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed and is demonstrably based on an understanding of the existing situation, including... patterns of built form, to inform the layout, grain, form and scale; the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development.

It is noted at Para 44 that "well-designed places do not need to copy their surroundings in every way. It is appropriate to introduce elements that reflect how we live today, to include innovation or change such as increased densities".

Officers consider the justification for an increased scale to seven storeys is provided by nearby taller buildings "Sentinel House" 11 storeys in height, "Belle Vue", and "Upper Fosters" a redevelopment which includes existing and proposed taller buildings. These buildings now appear relatively dated architecturally, are set in a different context, and at odds with the predominant low-scale, low-density character of the area surrounding the application site and are considered along with their relatively tired and dated design and materiality, to detract from the character, appearance and two-to-four storey building scale within this section of Brent Street.

As such it is considered the proposed development would appear discordant in this setting and contrary to adopted policy.

Design:

As outlined within the site description above, the area surrounding the application site comprises of a mixture of different architectural forms and elevational treatments. The most common building form visible within the part of the town centre in which the application site resides, comprises of flat roofs and brick or render cladding. The proposed development would provide a contemporary flat roofed building. It would include cladding, large areas of glazing and include private balcony areas. Its resultant appearance would reference the most common building forms within this part of Brent Street.

Officers continue to be of the view that the proposed development needs reduced in overall height, bulk and scale, but there is no in-principle objection to a more modern architectural expression at the application site.

Balconies and terraces are proposed on the upper floors of the building to the front and rear. There are examples of existing balconies on Brent Street and additionally the consented building on site, includes several balconies and terraces. As such, there is no objection to the inclusion of terraces in principle.

Once again, it is considered that a more modern design of a reduced and appropriate building scale would have a more restrained and managed impact on the character and appearance of the application site and adjacent streetscene. With a reduction in scale, it is considered that some of the more modern architectural features proposed could be accommodated within the streetscene.

It is noted that a key difference from the refused scheme is that the tiered approach, with a set in upper residential floors, and further set in uppermost floor, has been set aside in favour of a continuous block of development over all seven floors, albeit there is a 2.0m set in on the northern flank. It is acknowledged that the rear of the building does progressively step towards the more residential scale of Brampton Grove.

Whilst the balcony areas and oriel style windows to the flank, would offer some articulation, the new scheme would appear much more "boxy" with a heavy proportionality, and even though the generous paved area to the front would remain, which would provide some relief, the new design would exacerbate the buildings bulk and scale and would result in a structure which would overwhelm and dominate the visual appearance of this section of the town centre. The unredeemed mass would appear out of place in an area of finer grain, lower rise development. It is not considered the removal of the 8th floor element overcomes the previous reasons for refusal., and the building in some respects appears bulkier and heavier when compared to the previously submitted scheme.

As detailed in the previous sections, an appeal to the Planning Inspectorate has now determined on a previous application to redevelop the site. officers consider the appeal adds further weight to the case to refuse the application, and it is not considered this scheme overcomes the concerns highlighted within the Appeal Decision. officers consider the appeal is a material consideration which should attract significant weight.

Neighbouring Amenity

Paragraph 2.7.1 of Policy DM01 states that

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

Privacy / Overlooking:

Section 7 of the Residential Design Guidance SPD (2016) states that:

Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden.

Daylight / Sunlight:

Policy DM01 states that:

e. Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Further to the above, the Major's Housing SPG (2016) requires that new development avoids:

Causing 'unacceptable harm' to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing and where tall buildings are proposed. An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves.

In terms of buildings surrounding the site, the Post Office lies to the south, detached houses along Brampton Grove are to the west, a three-storey residential block (Homemead) lies to the north-west and Churchill House, a commercial building lies to the north, with Burnham Court across Brent Street to the east.

The nearest residential dwelling on Brampton Grove (No.6) would once again have the rear of the proposed block facing the flank boundary of this property, and its rear amenity area. The proposed rear elevation would also again include an array of balconies and terraces to serve the new uses. It is noted that under this application the ground, first and second floors would extend closer to the common boundary with No.6 Brampton Grove than under the previous submission. Whilst the main bulk of the development (residential floors 3-7) would be located approximately 21.0m - 23.0m from the common boundary, the lower commercial floors would be located circa 7.5m-11.0m from the flank boundary of No.6. The distances as referenced above would be maintained on the residential core of the building but would be breached by the commercial lower floors. The adjoining dwelling is served by windows in the flank elevation of the property, and the private amenity space is located to the rear of the dwelling.

The plans indicate that 4 No. windows at first floor level and 2 No. windows and an amenity area at second floor, to serve the offices, would face towards No.6 at these distances.

In order to address an issue whereby proposed windows would be as close as 12.0m to existing windows on No.6 and the proposed amenity area would be from 9.5m from the boundary, the applicant proposes obscure glazing the proposed windows, and the amenity area would be behind a 1.8m high screen.

Under the previous application officers concluded;

...The aspect to the eastern side of the property will materially change. However, it is not considered that the proposed development would appear particularly overbearing, and a good level of outlook would remain from the rear garden area and dwelling. Whilst the amount of development is significant, it is not considered that the amenity of existing residents would be significantly affected. There would be some increased overshadowing of the north facing garden in the earlier part of the day, but this would not be highly detrimental.

As discussed above this scheme does relocate three floors of development closer to the common boundary. This would effectively result in a broad following of the existing rear wall of the Post Office building, or the rear wall of the scheme approved under 20/5081/FUL, with the rear wall of the proposed scheme, albeit the existing Post Office building is part single/part two storey and the approved scheme for that site would be part single/part two storey to the rear facing No.6 Brampton Grove.

The scheme proposes three storeys on the rear elevation, although given the fall in levels the ground floor would be part sunken into the existing raised level to the rear. It is accepted that windows serving habitable residential rooms would retain an adequate distance to avoid overlooking. It is also accepted that loss of privacy from a commercial use would be less pronounced, furthermore the use of obscure glazing and privacy screens could further mitigate this impact. However, the overall height of this section of the building and its position relative to the flank boundary of No.6 will have some impact.

However, it is considered that this additional bulk to the rear would not appear seriously overbearing when viewed from No.6. The site is located at a more urban location, which will have a tighter built form, and a development of this nature on the flank, whilst having some impact on outlook on this aspect, this would not be to a serious level. The property is served by a generous rear garden, and good levels of amenity would remain. As stated, obscure glazing and screens could be used to reduce concerns about overlooking, and Local Authorities should look for design solutions to ensure the more efficient development of vacant plots, notwithstanding the design/character concerns discussed above.

With regards to Daylight/Sunlight, the applicant has submitted a survey (Right to Light, Daylight/Sunlight Report, Neighbouring Properties, 03 September 2021). In reference to No.6 the report concludes adequate levels of daylight and sunlight could be achieved and the scheme would not lead to the serious overshadowing of windows.

Homestead, to the north-west, is a three-storey residential building which comprises of 8no. flats along the flank boundary of the site. As with No.6 Brampton Grove, the relationship of this new scheme to Homestead has altered from the previous submission, were no serious impact was concluded.

The further extension of the rear aspect would bring the development closer to the facing elevation of Homemead. The proposed windows along the northern elevation would face towards Homemead.

Under the previous application, a combination of obscure glazing, balcony screens and window angling was sufficient for officers to conclude that impact could be reduced to an acceptable level. Once again there would be the use of obscure glazing, screening to balconies, and the angling of residential windows serving residential rooms (floors 4-7), in an oriel style - clear glazed facing towards Brent Street, obscure glazed facing Homemead. This would have some success in reducing overlooking between properties.

The northern flank wall of the scheme now extends further into the site, the distances between the proposed flank and the rear elevation of Homemead is now reduced in places to 9.0m between elevations. The position of a commercial balcony at second floor level, would reduce the impact that a full second floor wall would have, however given these distances there would be some loss of outlook to rear windows on Homemead and from the small communal amenity area to the rear of Homemead.

With regards to Sunlight, the report concludes that all relevant windows pass the sunlight test.

In relation to Daylight, the Vertical Sky Component is a measure of available skylight at a given point on a vertical plane. Diffuse daylight may be adversely affected if after a development the Vertical Sky Component is both less than 27% and less than 0.8 times its former value.

It is stated that "all windows with a requirement for daylight pass the Vertical Sky Component test with the exception of windows 47, 48, 53 & 58 at Homemead, which experience before/after ratios of between 0.65 and 0.75 (against the BRE 0.8 recommendation). These windows achieve high retained VSC scores of between 23.4% to 26.9% and would be located opposite the flank of the new development.

It is stated that there is growing recognition that in more built-up areas a score greater than 20% may be considered suitable, and at present the rear windows have an open aspect so some impact will result. The site is not a high-density location, such as examples from more inner London Boroughs which have been quoted, where lower values were accepted, and it is noted that the BRE Guide advises numerical values are not to be applied rigidly. However it is accepted the current undeveloped site results in a currently high score and that the open aspect currently enjoyed will therefore result in a higher loss (as below);

	Before	After	Loss	Ratio
Window 47	Domestic	36.0%	25.7%	10.3% 0.71
Window 48	Domestic	36.2%	23.4%	12.8% 0.65
Window 53	Domestic	37.6%	26.9%	10.7% 0.72
Window 58	Domestic	33.8%	25.4%	8.4% 0.75

The target VSC for a window, whereby it would meet the BRE criteria is 27% and therefore the windows only fall marginally short of that target by a maximum of 3.6%.

It is therefore the case that there would be some loss of daylight and outlook to rear facing windows at Homemead, and this is acknowledged. It is also the case that, as discussed above, the council should look for opportunities to optimise the redevelopment of vacant plots. On balance, it is not considered the proposed scheme would seriously impact on the amenity of residents of Homemead, the rear aspect currently enjoys an unrestricted outlook, which will be inevitably infringed by redevelopment, and it is not that the case that this would eb to any serious levels. The obscure glazing/screening measures could be agreed with appropriate conditions.

Burnham Court, a residential block, is located opposite the site, across Brent Street, and there would be no serious impact on the amenity of residents of this block with a separation distance of 37m between the new scheme and this building.

In relation to the approved scheme at the Post Office site, there would be no serious impact on this community building. However, in light of the foregoing it is considered the scheme would impact negatively on the amenity of some neighbouring residents.

Living standards for future occupiers

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

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

- (1 Bedroom/1 person): London Plan requirement = 39m²
- (1 Bedroom/2 persons): London Plan requirement = 50m²
- (2 bedroom/3 person): London Plan requirement = 61m²
- (2 Bedroom/4 Persons): London Plan requirement = 70m²

Each of the proposed flats would meet the highlighted minimum internal space standards as demonstrated below:

Floor Area:

3rd Floor	Flat 1	1 Bed 2 Person	51.50 sqm
3rd Floor	Flat 2	1 Bed 2 Person	66.00 sqm
3rd Floor	Flat 3	1 Bed 2 Person	50.50 sqm
3rd Floor	Flat 4	2 Bed 3 Person	67.60 sqm
3rd Floor	Flat 5	1 Bed 2 Person	69.90 sqm
4th Floor	Flat 6	1 Bed 2 Person	51.50 sqm
4th Floor	Flat 7	2 Bed 4 Person	77.00 sqm
4th Floor	Flat 8	2 Bed 4 Person	75.70 sqm
4th Floor	Flat 9	2 Bed 3 Person	68.40 sqm
5th Floor	Flat 10	1 Bed 2 Person	51.50 sqm
5th Floor	Flat 11	2 Bed 4 Person	77.00 sqm
5th Floor	Flat 12	2 Bed 4 Person	75.70 sqm
5th Floor	Flat 13	2 Bed 3 Person	68.40 sqm
6th Floor	Flat 14	1 Bed 2 Person	51.50 sqm

6th Floor	Flat 15	2 Bed 4 Person	77.00 sqm
6th Floor	Flat 16	2 Bed 4 Person	75.70 sqm
6th Floor	Flat 17	2 Bed 3 Person	68.40 sqm

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

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

All proposed bedrooms would meet the above standards.

Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling.

Each of the proposed flats would meet the above standard.

Light/outlook:

Barnet's Sustainable Design & Construction SPD (2016) section 2.4 states that glazing to all habitable rooms should provide reasonable levels of outlook and daylight / sunlight to all habitable rooms.

It is noted that unit No.3 would be single aspect north-facing. The Mayor's 2016 Housing SPG, states in Standard 32 that "All homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight."

Standard 29 states that: "Developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided."

Paragraph 2.3.40 of the Mayor's Housing SPG states: "Good single aspect one and two bedroom homes are possible where limited numbers of rooms are required, the frontage is generous, the plan is shallow, the orientation and or outlook is favourable, and care is taken to mitigate the potential for overheating without the need for mechanical cooling".....

In this specific case, a depth of 8.0m is not considered particular shallow, however both the bedroom and the living area would open onto a balcony area and it is considered reasonable outlook from its elevated third floor location would exist. On a seventeen-unit scheme, this one, north facing unit, which would have reasonable levels of amenity value can be justified.

It is also noted that bedrooms in the north elevation (floors 4-7) would be served by oriel style windows with obscure glazed panes facing towards Homemead and clear glazed panes facing towards Brent Street.

The fact that window panes facing directly out of the room would not be used, would have result in some compromising of the amenity from these rooms, however it is considered that a reasonable level of amenity would be provided and this arrangement can be accepted.

It is considered that each flat would receive an acceptable level of outlook and daylight /sunlight as detailed in the submitted assessment.

Amenity Space:

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

Not all the proposed units are served by balcony/outdoor amenity areas to provide an individual level of private amenity space to serve the residents of the development.

The development has a requirement to provide 305 sq. m of private amenity space and it is evident it provides significantly less at 107 sq. m, a shortfall of 198 sq. m. The council's SPG Guidance "Sustainable Design and Construction" acknowledges that "Higher density development, such as flats may not always be able to provide amenity space to the standards outlined.... Where the standards cannot be met, and an innovative design solution is not possible the council will seek a Planning Obligation".

The Planning Obligations SPG advises that in such cases the development should make a financial contribution to the nearest appropriate public open space to compensate for the lack of outdoor amenity space. Contributions will be used for both improving access to and the quality of existing open spaces as appropriate.

Para. 3.2.6 states that the amount of compensation required for a lack of outdoor amenity space in town centres and for some higher density schemes including tall buildings will be determined on a site by site basis taking into account the following factors:

- how much outdoor amenity space is required and how much is provided [if any],
- the size of the development,
- the amount of communal amenity space provided and its quality [if any],
- distance to and accessibility of the existing local public open space
- the existing quality of the public realm in the town centre
- other factors including the mix of uses on site

The overall development and the individual units do not meet the policy requirement, even units with amenity space are under-provided with the amenity range of 5.0sq. m - 8.0 sq. m being provided, and no communal space, to off-set this, can be provided. Public amenity space in the area is not readily accessible, Hendon Park is 650m from the site, and the local public realm provides little in the way of amenity value for future residents.

It is considered a contribution of £50 sq m x 198 sq m (£9,900) of shortfall on these units can be justified, and the contribution, securable through a s106 obligation, could be used for use in improvements to Hendon Park. It is considered that such an obligation would meet the test of CIL Regulation 122, and would be necessary to make the development acceptable in planning terms. Given the tight confines of the site, its town centre location, the desire to optimise the development of a brownfield site, in this case, the shortfall on amenity space can be accepted, with this in lieu payment recognised as mitigation.

The applicant has submitted a draft Heads of Terms agreeing an in lieu contribution.

Accessibility:

The proposed development is required to be designed to comply with M4(2) and (3) standards. This could be secured via condition.

Highways

The site fronts onto Brent Street (A502), one of the main distributor roads in the Borough. The site which is currently vacant is situated in a busy town centre area flanked by a mixture of shops, offices as well as residential and commercial buildings.

There are parking restrictions (yellow lines) and short term parking spaces in the form of "pay by phone" spaces which operate Mondays - Saturday between 9am-5.30pm. The site is in, but at the edge of, a CPZ which operates on weekdays between 10am -5pm. However, several residential streets to the east and south of the site are not in a CPZ.

The site lies in an area with a PTAL score of 2 (poor). However, 5no bus routes can be accessed from stops which are located within 2 -6 minutes walking distance of the site on Brent Street and Finchley Lane.

Parking:

The proposal seeks to provide 17no residential units (7x1bed, 10x2bed) and 1,264sqm of Class E (Commercial Business and Service) floorspace. Based on Policy DM17 of Barnet's Development Management DPD, the required parking provision for the residential apartments is 10 -24no spaces. It is noted the London Plan (2021) advises a maximum parking of 12.75 spaces to serve the residential element of this development. With regard to the Class E element, for outer London sites it is 1 space per 100-600sqm GIA which equates to 3 -13no spaces.

Whilst the PTAL rating of 2 is low, the Local Highway Authority accept 11no spaces to serve the development. Given that the site is in a town centre location with good access to bus services, the provision is considered to be acceptable, subject to consideration of the displaced residual demand.

In that respect, the applicant had previously submitted findings from a Parking Survey carried out at the adjoining site, the subject of application 20/5081/FUL. The applicant on this scheme, carried out daytime parking surveys over a 500m distance of the site as recommended by the Lambeth Methodology for non-residential uses. The results indicated there was a total of 559 unrestricted kerbside space of which 414 was occupied and 145 spaces were available at time of peak use during the hours of 9am and 8pm. The survey also revealed that there was spare capacity on the "pay by display" spaces nearby. Additional spaces become available to visitors in the evening after the CPZ hours.

Based on the results of the parking survey and considering the level of parking demand associated with the scheme, it is considered that there is sufficient on-street parking spaces to accommodate any displacement from the scheme, in accordance with the provisions of DM17. Highways have accepted the number of proposed spaces and survey result - though they advise the applicant agrees to enter into a s106 agreement to deny residents of the development the right to purchase CPZ permits.

Given the provision accords with the requirements of the Development Plan however, an obligation to restrict permits is not considered to meet the tests set out in the NPPF.

Cycle Parking:

Based on London Plan standards, for the proposed residential units, a minimum of 30 no cycle parking spaces are required, together with 10 no long stay and 3 no short stay spaces for the Class E element. 30 no long term cycle parking spaces are proposed for the residential units and 12 no long stay spaces are proposed for the Class E use - but no short stay cycle parking is indicated on the ground floor plan.

3 short stay spaces must therefore be provided. Short stay cycle parking should be provided in a covered, secure and lockable environment. 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.

Electric vehicle charging:

Electric vehicle charging points are to be provided in accordance with London Plan standards. This is considered to be achievable in principle and the type of charging points to be installed could be reserved by way of a planning condition in the event of an approval.

Internal layout, Access and Servicing:

Pedestrian access to the site is provided on Brent Street. Vehicular access to the site's car park is taken from an existing crossover on Brampton Grove. The access is via a narrow service road and visibility splays at this egress are below standard.

Highways requested that the pedestrian visibility splays are ensured at this egress. A Stage 1 safety audit of the site egress and car park was requested prior to determination. Highways would also recommend that the existing crossover is enhanced with tactile paving and boundary treatment modified to ensure minimum pedestrian visibility splay requirements are met at this egress.

The applicant has provided further details (TPA Transport Planning Associates, August 2021) which has been reviewed by Highways. Additional signage and safety measures are recommended, however highways are content this can be agreed by condition.

Arrangements will be made to move the bins to the site frontage on collection days and this is acceptable. While the LHA would prefer all loading to be undertaken off-street, it is accepted there is scope to load on the single yellow line on Brampton Grove. The site is expected to be serviced by vans and small lorries in the main. However, arrangements for emergency access include for a fire tender have not been provided.

Details of emergency access and a servicing management plan including refuse storage/collection arrangements are requested, and this must include the type of storage, elevations, and dimensions of the bin stores. This is to be secured by way of a planning condition.

Parking Management Plan:

Given that no parking restrictions are proposed on site the issue of obstructive and non-residents parking therefore needs to be considered. A parking management plan for the site which sets out proposals for parking enforcement and allocation of spaces should be provided and reserved by condition in the event of any approval.

Travel Plan:

A contribution of £10k is requested towards travel plan monitoring. Whilst individually, neither element exceed the TfL threshold for travel plans, the combination in use, and its trip generating potential, would have a significant impact, and it is considered the Travel Plan requirement can be justified.

This is to be secured via a section 106 agreement. In addition, a contribution of £300 to fund green travel plan measures such as oyster cards, cycle loan, car club, etc for each household is requested. This makes a total of £15,100

Having assessed the proposals, TfL Spatial Planning confirms they have no strategic transport comments to make on this planning application.

Planning obligations:

The following planning obligations are recommended:

- 1) That the applicant enters into a s184 agreement for the proposed off-site highways works listed associated with the development
- 2) A financial contribution of £10k is requested towards travel plan monitoring
- 3) A financial contribution of £300 per household towards green travel measures such as oyster cards, cycle loan, car club, etc. (£5,100)

Other Matters

Refuse

The proposed development is required to comply with Barnet's Waste and Recycling Strategy (2018). The residential refuse and recycling storage is located within an integral storage area within the site. Residents and occupiers will carry their waste a short distance (as allowed by Building Regulations) from their unit to the store. Each storage area is sized to accommodate the required capacity. The residential bin stores are not ideally situated for access by the Local Authorities; however a bin store on Brent Street would take up part of the active street frontage, and the access on Brampton Grove is required for vehicular access. Therefore, on collection dates the bins will be moved from the bin stores to the location shown for collection and returned. A condition requiring further details of both residential and commercial refuse storage areas and collection points and the site's refuse collection strategy can be attached to any permission.

Trees and Landscaping

The Trees and Landscaping Officer advises that the tree report highlights that there would be impacts on trees growing on adjoining land within Homestead and that these trees would help soften the visual massing of the building at a human level. A detailed method statement is required to minimise the harm to the trees and the root system.

Landscaping:

The current proposal will impact on the existing trees growing to the north of the site within Homestead on Churchwalk. These trees provide significant visual amenity in the local area and will provide a strong visual softening to the massing of the building.

There is no meaningful scope to provide soft landscape within the site boundary, yet the building - being 2 stories higher than the previous approval - would require significantly greater visual softening. Therefore, it is considered that new trees could be provided on the streets locally.

The arboricultural report recommends specialist foundation designs for the building to reduce the harm/impact on these trees. A pile foundation that bridges the rooting areas, or a cantilever foundations that would give a larger area of undisturbed soil within the application site, are required. This will mean fewer tree roots pruned for and will help maintain the health of the trees.

However, these trees will be under long term post development pressure for pruning/removal due to their proximity to the building. It is very likely that in the longer term the amenity the trees provide will reduce from such actions.

Given the scale of the development, 40no street trees would provide some level of improvement and mitigation in relation to the visual impact of the building and to compensate for the future threat to these trees and their high amenity value. These could be secured as part of the Section 106 Agreement in the event of an approval (40 new trees at £650.00/tree being a total contribution of £26,000). The applicant, through the draft Heads of Terms document, does agree an undetermined contribution to street trees as mitigation.

Ecology:

The applicant has provided details of biodiversity net gain and ecological enhancements (Eight Associates 17th September 2021 "Biodiversity Net Gain"), these enhancements could be agreed by condition on any approved scheme. A green/brown roof is appropriate for this application and would contribute to the ecological enhancement. The details can be secured by condition.

A Preliminary Ecological Appraisal (Eight Associates, 13th September 2021) has been submitted and assessed by the council's ecologist. No further surveys in relation to protected species are required.

The site was found to have low ecological value with scattered trees on its boundaries and ephemeral/short ruderal within the site boundary to provide limited habitat for bats and nesting birds. The development is expected to have little impact on statutory sites near to the development.

Local Biodiversity Policy and compliance with EU & UK legislation for protected species is also reviewed and discussed. Recommendations have been made to mitigate any impact from the development and ensure that the site is enhanced for wildlife and a gain for biodiversity in line with national and local policy. It is considered that if all recommendations within this report are implemented, it is considered that the development will have minimal impact on the ecology of the site and zone of influence.

Drainage

The site is within Floodzone 1 which has a low probability of flooding.

A SuDS strategy has been proposed for the development in accordance with all relevant best-practice guidance and the principles of the sustainable drainage hierarchy, along with local planning policy requirements. The suitability of specific SuDS components has been evaluated based on the site and development proposals. A number of SuDS components are proposed as part of a surface water drainage strategy for the site, specifically:

- o Green roofs.
- o Pervious paving.
- o Attenuation storage.
- o Flow control device to limit rate of discharge from site.

Assessment of Flood Risk

The Drainage team advise that whilst the development site is located in Flood Zone 1, the site is located within a critical drainage area. It is at some risk (<25%) of groundwater flooding.

To ensure the site has been assessed against flooding from all sources in accordance with the National Planning Policy Framework at para.163 (2019) and its practice guidance, footnote 50 indicates the following:

A site-specific flood risk assessment should be provided for all developments in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

The applicant has submitted a SUDS Strategy (Eight Associates 26th January 2021) to address this aspect of the scheme. This has been reviewed by the Council's Drainage Consultants who accept the conclusions of the submission, including the Flood Risk Assessment conclusions.

It is however advised that further information, as below, is secured before the commencement of works;

- Appropriate design rainfall i.e. Flood Estimation Handbook (FEH) design rainfall 2013; currently, the Flood Studies Report (FSR) design rainfall 1975 has been used (conditioned);
- Evidence of statutory authority agreement for discharge into the existing Thames Water sewer (conditioned);
- Evidence of SuDS adopters (conditioned); and,
- SuDS construction phasing (conditioned).

This could be secured by condition and the submitted information is acceptable, and agreed, subject to a suitable condition requiring these details.

MET Police

The Crime Prevention Officer has reviewed the submission and concludes no objection to this proposal (on proviso that rear car park is protected by secure gates). Due to the reported issues affecting the ward and high levels of burglary in Barnet, it is recommended that a planning condition be attached to any approval whereby this development must achieve Secured By Design accreditation, prior to occupation. Any approval could be conditioned accordingly.

Environmental Health

NOISE:

Even if the proposed commercial premises is an office use, it will need to be ensured there is enough absorption to ensure that noise does not travel up from the floor through the walls to the residential premises.

No objections subject to conditions agreeing noise and air quality mitigation measures.

Construction Management Plan:

For such a large development, the construction work is likely to have an impact on surrounding roads and must therefore be carried out in a sensitive manner. A demolition and construction management and logistics plan is therefore requested by way of a planning condition in the event of approval.

Sustainability

The proposed carbon dioxide savings measure result in an overall saving of 52.50%, exceeding the on-site target set within policy SI.2 of the London Plan.

New residential developments are required to meet the zero-carbon target. The applicant is therefore required to mitigate the regulated CO2 emissions, equating to a financial contribution of £56,450 to the Borough's offset fund, the shortfall in carbon emission tonnes per annum over 30 years at a cost of £95 per tonne, in line with Greater London Authority Guidance, and as detailed in the council's Sustainable Design and Construction SPG (para.2.8.4). This could be secured by Legal Agreement.

In terms of water consumption, a condition would be attached to any permission to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy SI.2 of the London Plan (2016 Minor Alterations).

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

5.4 Response to Public Consultation

It is considered that the majority of issues raised in third party correspondence have been addressed within the report.

Objections:

- The building is too big and using other local buildings that look visually poor to justify it. The density and scale of the building will severely detract from Brent Streets amenity, architectural layouts and cause parking pressures and congestion
- The surrounding neighbourhood is mostly low rise and is densely populated with four stories being the maximum building height. A seven-story building is out of character.
- the plans show the building to be heavy and boxy, not adding anything to improve the character of the main street of Hendon.
- The developer has merely reduced the scheme massing for this proposed development from eight (8) down to seven (7) storeys in order to secure approval

Response: See design and character sections above.

- The parking spaces provided should be added to, providing parking for visitors to the centre as well as residents. 11 spaces is not enough.
- This proposal will put further pressure on already over-stretched local services.
- 32 cycle spaces will not make up for the lack of car spaces

Response: Professional highways advice does not raise an issue with this aspect of the scheme.

- Concerned that those residents will be able to look into our gardens, which will be a serious invasion of our privacy.
- The high rise building will be overlooking our garden and will be very intrusive.
- This seven (7) storey building will have a direct line of sight into the homes and gardens of surrounding residents, robbing those residents of privacy from overlooking and the loss of light.
- Being directly behind my house it will be overlooking my garden and directly into my house dramatically impacting on my families privacy

Response: See amenity sections above.

- Noise and disturbance resulting from use.
- Site access will be via a residential road and the increased traffic will cause huge disturbance and congestion to residents as well as safety concerns for pedestrians

Response: Disturbance can be reduced with appropriate conditions.

- No demand for this type of development locally, with similar units having remained unsold.
- The area does need rejuvenation, but this not the way to go.
- No plans for social housing in this development, leading me to suspect that this will be another 'luxury' development.

Response: The site is within a designated town centre where commercial uses are directed. It is considered that the principle of a mixed-use development, served by smaller unit sizes is not, in itself, objectionable.

Support:

- The local community of Hendon critically need this project.
- Our area is in need of better office facilities, coupled with nice housing projects given the amount of young couples looking for accommodation in the area
- Welcome this application. It is exactly the type of scheme Barnet should embrace, modern, architecturally pleasing and creating much needed office and residential space.
- The proposal is by no means overbearing or out of kilter with the immediate neighbourhood, this will refresh the area.
- Brent Street is slowly undergoing a renaissance with many new shops, cafes
- restaurants etc and in particular some redeveloped buildings, welcome this new development, it can only further enhance this main through road in Hendon.
- We are a company trading locally and have considered the plans which look impressive and will be transformative of the area, hopefully leading to further inward investment into our Borough and local environment at a crucial time. Such investment is long overdue. That area of land has been unoccupied for too long to no benefit and look forward to seeing the proposal come to reality.

Response: As with the previous scheme it is once again accepted that the site is currently under-used and that investment, which is laudable to some degree in these times, would bring many positive benefits, including bringing investment into the town centre and increasing local housing supply. There is no objection to the principle of redevelopment and the council will always seek to bring forward development which improves the role and function of its town centres. However, for the reasons highlighted above, there are still concerns with the scheme, and the positive benefits do not outweigh these material concerns with the scheme. A reduced development, as per the previous consent at the site, or the adjacent proposal, could bring similar benefits, whilst potentially removing the concerns with this scheme.

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

It is accepted the scheme has been revised and reduced from the previous submission, however, the proposed development would still represent a departure from the policies contained within the adopted Development Plan, against which other material considerations do not provide compelling justification to determine otherwise - as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004. The proposal is considered to be excessive at this location for the reasons highlighted above, resulting in unacceptable harm to the character and appearance of the area. This conclusion is supported by an appeal determination weighed against the development of a building on the site significantly over and above previous approvals. The application is therefore recommended for REFUSAL



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