

**MEETING**

**PLANNING COMMITTEE A**

**DATE AND TIME**

**THURSDAY 7TH JULY, 2022**

**AT 7.00 PM**

**VENUE**

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

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

Chair: Councillor Nagus Narenthira  
Vice Chair: Councillor Tim Roberts

**Councillors**

Richard Barnes                      Danny Rich  
Lachhya Gurung                      Elliot Simberg

**Substitute Members**

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

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**Andrew Charlwood – Head of Governance**

**ASSURANCE GROUP**

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## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	5 - 10
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.	Deferred- Dawlish Court And 63 Daws Lane London NW7 4SG - 20/4355/FUL	11 - 40
7.	Deferred - 27 Abbots Gardens London N2 0JG - 22/1312/HSE	41 - 50
8.	Deferred - 356 Cricklewood Lane London NW2 2QH - 20/3715/S73	51 - 68
9.	Unit 4 Hawthorn Business Park 165 Granville Road NW2 2AZ - 22/0189/FUL	69 - 78
10.	Stowe House, Carpenter House, Abington House, Beaufort House, Kingsley House And Cosway House Emmott Close - 21/4794/FUL	79 - 92
11.	Arkley Riding Stables Hedgerow Lane Barnet EN5 3DT - 22/1514/FUL	93 - 124
12.	Marston Court Mays Lane Barnet EN5 2EG - 21/4548/FUL	125 - 142
13.	Sisters Of The Sacred Heart 6 Oakleigh Park South London N20 9JU - 22/0804/FUL	143 - 164
14.	Any item(s) that the Chairman decides are urgent	

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## Decisions of the Planning Committee A

8 June 2022

Members Present:-

AGENDA ITEM 1

Councillor Nagus Narenthira (Chair)

Councillor Tim Roberts (Vice-Chair)

Councillor Richard Barnes  
Councillor Lachhya Gurung

Councillor Elliot Simberg

Also in attendance

Councillor Claire Farrier (Substitute)

Apologies for Absence

Councillor Danny Rich

### 1. MINUTES OF THE LAST MEETING

The Chair of the Planning Committee A, Councillor Nagus Narenthira welcomed all attendees to the meeting. She also welcomed Members of the Committee to the first meeting of this municipal year.

It was noted that item 6 on the agenda, 40 Corringham Road London NW11 7BU, 21/6722/HSE has been withdrawn from the agenda to enable further consideration of the impact both on and from the development in respect of flood management.

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

### 2. ABSENCE OF MEMBERS

Apologies were received from Councillor Danny Rich who was substituted by Councillor Claire Farrier.

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

Councillor Richard Barnes made a declaration in relation to agenda item 13 (89 Burleigh Gardens London N14 5AJ - 21/0757/FUL) by virtue of residing on the same road and that he had no connection to the application.

### 4. REPORT OF THE MONITORING OFFICE (IF ANY)

None.

**5. ADDENDUM (IF APPLICABLE)**

The addendum was noted. Items in the addendum would be dealt with under individual agenda items.

**6. 40 CORRINGHAM ROAD LONDON NW11 7BU, 21/6722/HSE - GARDEN SUBURB**

The Chair announced at the start of the meeting that this item had been withdrawn as publicised on the Committee agenda webpage.

**7. 138 HENDON LANE LONDON N3 3PS, 21/5055/HSE - FINCHLEY CHURCH END**

The Planning Officer presented the report and addendum.

The Applicant, Madeleine Winston addressed the Committee.

Following discussions, the Chair moved to vote on the planning officer's recommendations as outlined in the report and addendum.

Votes were recorded as follows:

For (refusal) – 3\*

Against (refusal) – 3

Abstained – 0

\*The Chair used her casting vote and voted for the recommendation (refusal).

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

**8. 34 ST MARY'S AVENUE LONDON N3 1SN, 21/5028/FUL - FINCHLEY CHURCH END**

The Planning Officer presented the report.

Steven Brown read out a statement on behalf of Yogin Patel and addressed the Committee in objection to the application.

Steven Brown addressed the Committee in objection to the application.

The Applicant, Katie Wood addressed the Committee.

Following discussions, the Chair moved to vote on the planning officer's recommendations as outlined in the report.

Votes were declared as follows:

For (approval) – 3\*  
Against (approval) – 3  
Abstained – 0

\*The Chair used her casting vote and voted for the recommendation (approval).

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

## **9. 26 ST JOHNS ROAD LONDON NW11 0PG, 21/5708/FUL - GOLDERS GREEN**

The Planning Officer presented the report.

There were no speakers.

Following discussions, the Chair moved to vote on the planning officer's recommendations as outlined in the report.

Votes were declared as follows:

For (approval) – 5  
Against (approval) – 0  
Abstained – 1\*

\* Councillor Simberg vacated the room during the Officer's presentation and therefore abstained from the votes.

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

## **10. LAND REAR OF 63 - 65 FINCHLEY LANE (GARRICK WAY) LONDON NW4 1BY - 22/0937/FUL - HENDON**

The Planning Officer presented the report and addendum.

There were no speakers.

Following discussions, the Chair moved to vote on the planning officer's recommendations as outlined in the report.

Votes were declared as follows:

For (approval) – 6  
Against (approval) – 0  
Abstained – 0

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

**11. 9 CENACLE CLOSE LONDON NW3 7UE - 22/0589/S73 - CHILDS HILL**

The Planning Officer presented the report and addendum.

The Agent for the Applicant, Pat Mills joined the meeting to answer questions from the Committee.

Following discussions, the Chair moved to vote on the planning officer's recommendations as outlined in the report.

Votes were declared as follows:

For (approval) – 6  
Against (approval) – 0  
Abstained – 0

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

**12. 5 SUNNYFIELDS CRESCENT LONDON NW4 4RD - 20/6011/FUL - HENDON**

The Planning Officer presented the report.

There were no speakers.

Following discussions, the Chair moved to vote on the planning officer's recommendations as outlined in the report.

Votes were declared as follows:

For (approval) – 5  
Against (approval) – 1  
Abstained – 0

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



**13. 89 BURLEIGH GARDENS LONDON N14 5AJ - 21/0757/FUL - BRUNSWICK PARK**

The Planning Officer presented the report.

There were no speakers.

Following discussions, the Chair moved to vote on the planning officer's recommendations as outlined in the report.

Votes were declared as follows:

For (approval) – 6

Against (approval) – 0

Abstained – 0

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

**14. LAND TO REAR OF 43 HENRY ROAD BARNET EN4 8BG - 21/2330/FUL -EAST BARNET**

The Planning Officer presented the report and addendum.

Nikki Hiller addressed the Committee in objection to the application.

The Agent for the Applicant, Helen Cuthbert addressed the Committee.

Following discussions, the Chair moved to vote on the planning officer's recommendations as outlined in the report.

Votes were declared as follows:

For (approval) – 4

Against (approval) – 2

Abstained – 0

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

**15. DEVELOPMENT SITE NORTH OF PARK HOUSE AT FORMER 12 - 18 HIGH ROAD LONDON N2 9PJ - 21/6385/S73 - EAST FINCHLEY**

The Planning Officer presented the report and addendum.

Mary Hogben addressed the Committee in objection to the application.

Lee Moroney addressed the Committee in objection to the application.

Councillor Alison Moore addressed the Committee in objection to the application.

The Agent for the Applicant, Joe Henry addressed the Committee.

Following discussions, Councillor Farrier moved a motion to defer the item which was seconded by Councillor Roberts to allow for further information on accurate measurements.

The Committee voted on deferring consideration of this item.

Votes were declared as follows:

For (deferral) – 4

Against (deferral) – 2

Abstained – 0

**RESOLVED that the application be deferred for the reasons outlined above.**

The Committee noted that this item would be reported back to Planning Committee A as it's been part heard and that speakers would not be heard as only the additional information regarding measurements as outlined above would be considered as a continuation of the consideration of this application. It was also noted that only the Members present at this meeting would be able to consider this item at the next meeting.

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

There were none.

The meeting finished at 9.45 pm

**Location** **Dawlish Court And 63 Daws Lane Daws Lane London NW7 4SG**

**Reference:** **20/4355/FUL** Received: 18th September 2020 **AGENDA ITEM 6**

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)

### **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](http://www.planningportal.gov.uk/cil).

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

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

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

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

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

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

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

#### Relief or Exemption from CIL:

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

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

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

documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

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

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

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

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

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

- 4 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](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

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

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

All 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 for 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 5m<sup>2</sup> 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.

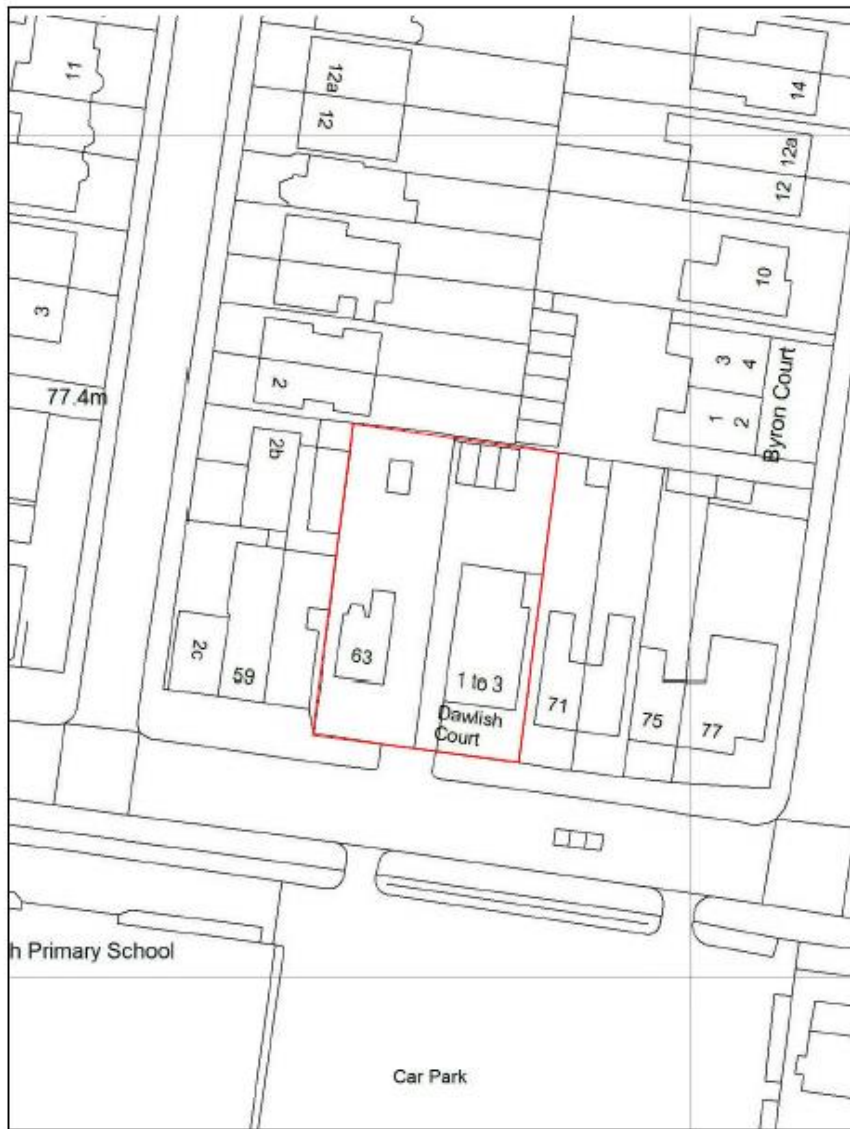
- Concerns relating to structural impact/landslip are not material planning considerations.
- Point relating to misleading/inaccurate information such as outdated photos are duly noted and have been taken into consideration in the assessment of the proposal.
- Ownership disputes are not planning considerations, 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** 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 7

**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: 22/2218/192  
Address: 27 Abbots Gardens, London, N2 0JG  
Decision: Lawful  
Decision date: 23/05/2022  
Description: Erection of a rear outbuilding

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 205m<sup>2</sup> 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**

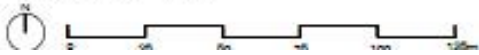
Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site and the locality.



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



**X** **2018/2019**  
2018/2019 Plan - 10/2018



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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 8

**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 Chair (or in their absence the Vice-Chair) 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

Since the publication of the officer's report, two additional objections were received on 16th June 2022. The comments can be summarised as follows:

Firstly, detrimental impact on neighbours from additional noise, business, traffic and general inconvenience. Also lack of need to still meet in person, being able to meet online instead.

Secondly, use of microphone on site until early hours of the morning has a detrimental effect on the amenity of nearby residents.

#### *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 a ny 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 policy DM01 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. Policy D13 and of the London Plan 2021 states:

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 give 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

- Detrimental impact on neighbours from additional noise, business, traffic and general inconvenience. Also lack of need to still meet in person, being able to meet online instead.

Response: The impact on neighbours has been covered in the body of the report. The principle of the use has been established and therefore the principle and benefits of people meeting in person compared to meeting virtually has already been established. It is widely held that there are benefits for peoples' wellbeing, both spiritual, emotional and psychological through meetings in person. Whilst some people have chosen to meet virtually for prayer, particularly since the COVID-19 lockdowns, people should still be given the opportunity to meet in person for such activities whenever and wherever appropriate to do so.

- Use of microphone on site until early hours of the morning has a detrimental

effect on the amenity of nearby residents.

Response: The submitted updated Noise Management Plan (dated 1st January 2022) makes reference to internal noise under Issue 6- Details of any internal speakers. It confirms that:

There will be no internal speakers. Due to the compact internal dimensions of the ground floor and that the Imam provides prayers from a platform, the service will be vocally provided by the Imam. Vocal noise level will be at a minimum but sufficient for the indoor congregation to hear. There also will be no use of musical instruments or other internal apparatus that would affect noise level.

Also the control of noise issues is contained in the updated Noise Management Plan (dated 1st January 2022) which forms part of the recommended planning consent.

## **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.



**Location** Unit 4 Hawthorn Business Park 165 Granville Road London NW2 2AZ

**Reference:** 22/0189/FUL Received: 14th January 2022  
Accepted: 17th January 2022

Ward: Childs Hill Expiry 14th March 2022

**Case Officer:** Wilf Foster

Applicant: c/o agent

Proposal: Change of use from office use to religious meeting room with ancillary office space [amended]

**AGENDA ITEM 9**

**OFFICER'S RECOMMENDATION**

Approve subject to conditions

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

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

Drawings: 210 Proposed Ground Floor Plan revA; 211 Proposed First Floor Plan revA; 212 Proposed Second Floor Plan revA; 220 Proposed Elevations.  
Parking Beat Survey, Traffic Surveys UK, June 2020.  
TRANSPORT STATEMENT, Velocity Transport Planning, January 2022.  
TRAVEL PLAN STATEMENT (TN001), January 2022.

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

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

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

- 3 Details of cycle parking including the type of stands, gaps between stands, location 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, a minimum of 1 long stay and 2 short stay cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 4 The use hereby permitted shall not be carried on before 9am or after 9pm on weekdays or Saturdays, or before 10am or after 7pm on Sundays and Bank and Public Holidays.

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

- 5 The premises shall not be used for the purposes of banqueting, wedding receptions or parties.

Reason: To safeguard highway safety and the residential amenities of neighbouring occupiers in accordance with Policies DM01 and DM17 of Barnet's Development Management Policies DPD 2012.

- 6 The premises shall not be occupied by more than 35 people at any time.

Reason: To safeguard highway safety and the residential amenities of neighbouring occupiers in accordance with Policies DM01 and DM17 of Barnet's Development Management Policies DPD 2012.

- 7 The premises shall be used for a religious meeting room and ancillary office space and for no other purpose, (including wedding or similar parties or any other purpose in Class F.1) 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.

- 8 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.

- 9 The development shall be carried out in accordance with the travel plan measures contained within Section 3 of the approved Travel Plan Statement (TN001), January 2022.

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

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

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

- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'.

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

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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

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

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

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

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

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site is located on the western side of Granvill Road, within the Hawthorn Business Park. The surrounding area comprises a mix of residential and non-residential



uses.

The site contains a three storey building known as Unit 4, sited within a terrace of similar commercial units. The site was last in use as an office (Class E(g)). It is understood to have been vacant for more than a year.

The site is not within a conservation area and does not contain any listed buildings.

## **2. Site and other Relevant History**

Reference: 17/5517/PNO

Address: Units 3 & 4, Hawthorn Business Park, 165 Granville Road, London, NW2 2AZ

Decision: Prior approval required and refused

Decision Date: 17 October 2017

Description: Change of use from Use Class B1 (office) to Use Class C3 (10 residential units)

## **3. Proposal**

The application seeks approval for "Change of use from office use to religious meeting room with ancillary office space [amended]".

There are no external changes proposed to the existing building. The proposed change of use would provide a religious meeting room (Sui Generis) use at the site including ancillary office space at second floor level.

The proposal would provide 2no off-street car parking spaces.

## **4. Public Consultation**

A site notice was posted on 20 January 2022. Consultation letters were sent to 160 neighbouring properties.

A total of 9no responses have been received, comprising 9 letters of objection and 1 neutral representation.

The contents of the letters in objection can be summarised as follows:

- Concern regarding access and impact on parking congestion in the surrounding area.
- Concern regarding noise impacts from the proposed use.

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

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

#### The Mayor's London Plan 2021

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

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

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

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

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

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

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

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

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

### **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 harm would be caused to the surrounding highways network.

### **5.3 Assessment of proposals**

#### Principle of development

The proposal involves the loss of the existing office space. Policy DM14 of the Local Plan states that "loss of a B Class use will only be permitted where it can be demonstrated to the council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken." It is noted that the existing unit has been vacant for more than a year. Marketing information has been provided demonstrating a lack of demand for the property in its existing use. Significant weight is given to the proposed use, which would be a community facility involving retention of some employment. Taking into account the marketing evidence and the nature of the proposed use, it is on balance considered that the proposal would comply with Policy DM14.

#### Impact on the character of the area

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

There are no external changes proposed to the existing building. As such, it is not considered to be detrimental to the visual amenities of the site or the local character.

The proposal would involve a maximum capacity of 35 persons at any one time. This is considered to be a relatively modest intensity of use that would be appropriate given the mixed character of the surrounding area. Conditions are attached regarding the nature of the proposed use, permitted activities, and hours of use. These would ensure that the use is carried on as a religious meeting room only and not a use such as a place of worship or function space. As such, it is not considered that the development would have a detrimental impact on the local character subject to the attached conditions.

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

#### Impact on the amenities of neighbours

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

One of the Councils key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours' amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

As above, the relatively modest intensity of use and conditions restricting the use of the

site for events such as wedding receptions or parties, in addition to restricting the number of users at any one time to 30 persons, are considered to mitigate potential impacts to neighbouring amenity.

As such, there is not considered to be any adverse impact on the residential amenities of neighbouring occupiers, subject to the attached conditions.

### Highways

The site is within an area with a PTAL score of 2, which indicates a moderately poor level of accessibility by public transport. The proposals include the provision of 2no off-street parking spaces.

The application includes a transport statement providing details of a parking survey which indicates that there is a parking stress of approx. 80% in the surrounding roads, with more than 30 spaces available on street. The proposed development is anticipated to generate a parking demand of approx. 6 vehicles, given the relatively low number of users and the modal split indicated in the submitted transport information. The anticipated overspill of up to 4no spaces is considered to be comfortably accommodated on street, taking into account the capacity as above.

Highways officers have been consulted on the submitted parking stress survey, travel plan statement, and transport statement. They have confirmed that the submitted information is sufficient, and that the development is considered to be acceptable on highways grounds, subject to a condition requiring the measures detailed within the travel plan statement to be implemented.

Regarding cycle parking, there would be a requirement for a minimum of 1no long stay and 2no short stay spaces, in accordance with London Plan standards. A condition is attached to require this provision.

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

### Refuse

A condition is attached requesting further details of the storage facilities. This is considered satisfactory in this instance.

## **5.4 Response to Public Consultation**

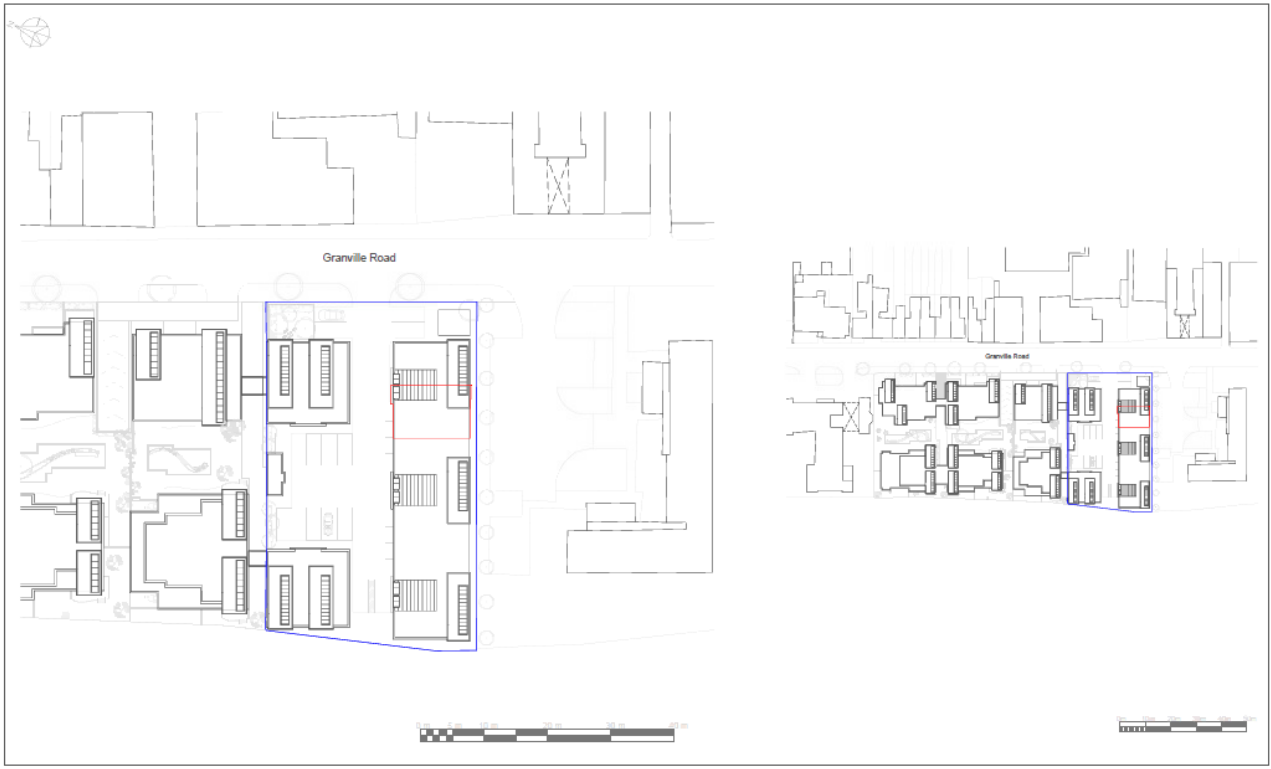
- Concern regarding access and impact on parking congestion in the surrounding area.
  - Concern regarding noise impacts from the proposed use.
- These issues are addressed in the above report.

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

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

## **7. Conclusion**

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



**Location** **Stowe House, Carpenter House, Abington House, Beaufort House, Kingsley House And Cosway House Emmott Close London NW11** **AGENDA ITEM 10**

**Reference:** **21/4794/FUL** Received: 2nd September 2021  
Accepted: 6th September 2021

Ward: Garden Suburb Expiry 1st November 2021

**Case Officer:** **John Sperling**

Applicant: Ian Cade

Proposal: Alterations to hard and soft landscaping including: Installation of areas of hardstanding to facilitate the storage of refuse: Repairs to existing paths and reinstatement of missing areas of existing hedging (AMENDED DESCRIPTION AND DRAWINGS).

### **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:

B9547-PR-AH-XX-DR-B-PL001 P2 - Existing Location and Block Plans  
B9547-PR-AH-XX-DR-B-PL101 P6 - Existing Site Plan. Abington House  
B9547-PR-AH-XX-DR-B-PL102 P6 - Proposed Site Plan, Abington House  
B9547-PR-AH-XX-DR-B-PL201 P4 - Existing Elevations, Abington House  
B9547-PR-AH-XX-DR-B-PL202 P6 - Proposed Elevations, Abington House  
B9547-PR-BH-XX-DR-B-PL101 P3 - Existing Site Plan, Beaufort House  
B9547-PR-BH-XX-DR-B-PL102 P4 - Proposed Site Plan, Beaufort House  
B9547-PR-BH-XX-DR-B-PL201 P2 - Existing Elevations, Beaufort House

B9547-PR-BH-XX-DR-B-PL202 P4 - Proposed Elevations, Beaufort House  
B9547-PR-CH-XX-DR-B-PL101 P5 - Existing and Proposed Site Plan, Carpenter House  
B9547-PR-CH-XX-DR-B-PL201 P5 - Existing and Proposed Elevations, Carpenter House  
B9547-PR-AH-XX-DR-B-PL101 P1 - Existing Site Plan, Cosway House  
B9547-PR-CH-XX-DR-B-PL102 P5 - Proposed Site Plan, Cosway House  
B9547-PR-CH-XX-DR-B-PL201 P5 - Existing and Proposed Elevations, Cosway House  
B9547-PR-AH-XX-DR-B-PL101 P4 - Existing Site Plan, Kingsley House  
B9547-PR-KH-XX-DR-B-PL102 P4 - Proposed Site Plan, Kingsley House  
B9547-PR-KH-XX-DR-B-PL201 P5 - Existing and Proposed Elevations, Kingsley House  
B9547-PR-SH-XX-DR-B-PL101 P5 - Existing and Proposed Floor Plan, Stowe House  
B9547-PR-SH-XX-DR-B-PL201 P5 - Existing and Proposed Elevations, Stowe House

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 and hedging to be used for the works of the development hereby approved shall be in accordance with the details submitted within the approved plans.

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

- 4 a) The submitted scheme of replacement privet hedging shall be carried out before the end of the first planting and seeding season following commencement of the works hereby approved.
- b) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance



with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and G5 and G7 of the London Plan 2021.

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

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

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site comprises a development off Kingsley Way, in the Hampstead Garden Suburb.

The collection of buildings in Emmott Close including Stowe House, Carpenter House, Abington House, Beaufort House, Kingsley House And Cosway House are included as part of the current application.

They are locally listed buildings and sit in Area 4 of the Hampstead Garden Suburb Conservation Area.

The Hampstead Garden Suburb Character Appraisal states:

"Emmett Close was originally built as flatlets for working women with shared bathrooms on each landing. These have been merged into full-size flats with modern amenities without any change to the external appearance. The refurbishment has widened the driveway without materially reducing the size of the green. The 1928 design is in simple brick, in

keeping with the almshouse appearance and the use of two-storey gabled protrusions sets the domestic scale. The terraces are linked by the small dormers in the roofs. Prominent chimneys reinforce the Norfolk-style appearance, clever windows being set in to the lower floors in some cases."

## 2. Site History

The relevant site history for all the relevant houses is as follows:

Stowe House:

Reference: 15/06735/FUL

Address: Stowe House, Emmott Close, London, NW11 6QA

Decision: Approved subject to conditions

Decision Date: 2 February 2016

Description: Replacement of existing windows with new timber double glazed windows

Carpenter House:

Reference: 21/3079/FUL

Address: Carpenter House, Emmott Close, London, NW11 6PX

Decision: Refused

Decision Date: 30 July 2021

Description: Repair to existing concrete path. New bin stores

Reference: 16/3819/FUL

Address: Carpenter House, Emmott Close, London, NW11 6PX

Decision: Approved subject to conditions

Decision Date: 30 August 2016

Description: Replacement of existing front and rear windows. Replacement of existing roof tiles to match existing

Abington House:

Reference: 16/6421/FUL

Address: Abington House, Emmott Close, London, NW11 6QB

Decision: Approved subject to conditions

Decision Date: 21 December 2016

Description: Replacement of all existing windows with new double glazed metal crittal style set within timber sub frames, replacement of roof tiles and lead around the roofing and dormers. [AMENDED DESCRIPTION]

Beaufort House:

Reference: 16/6423/FUL

Address: Beaufort House, Emmott Close, London, NW11 6PU

Decision: Approved subject to conditions

Decision Date: 27 October 2016

Description: Replacement of all existing windows with new double glazed metal crittal style set within timber sub frames, replacement of roof tiles and lead around the roofing and dormers. [AMENDED DESCRIPTION]

#### Kingsley House:

Reference: 17/0500/FUL

Address: Kingsley House, Emmott Close, London, NW11 6PY

Decision: Approved subject to conditions

Decision Date: 1 February 2017

Description: Proposed access ramp with handrails at rear of property

Reference: 16/6417/FUL

Address: Kingsley House, Emmott Close, London, NW11 6PY

Decision: Approved subject to conditions

Decision Date: 26 October 2016

Description: Replacement of all existing windows with new double glazed metal crittal style set within timber sub frames, replacement of roof tiles and lead around the roofing and dormers. [AMENDED DESCRIPTION]

Reference: 16/3694/FUL

Address: Flat 3, Kingsley House, Emmott Close, London, NW11 6PY

Decision: Approved subject to conditions

Decision Date: 12 August 2016

Description: Proposed access ramp with handrails at rear of property

#### Cosway House:

Reference: 16/6431/FUL

Address: Cosway House, Kingsley House, Emmott Close, London, NW11 6PY

Decision: Approved subject to conditions

Decision Date: 26 October 2016

Description: Replacement of all existing windows with new double glazed metal crittal style set within timber sub frames, replacement of roof tiles and lead around the roofing and dormers. [AMENDED DESCRIPTION]

### 3. Proposal

Planning permission is sought for 'Alterations to hard and soft landscaping including: Installation of areas of hardstanding to facilitate the storage of refuse: Repairs to existing paths and reinstatement of missing areas of existing hedging (AMENDED DESCRIPTION AND DRAWINGS).'

#### Abington House:

The proposal involves repositioning the bins from the rear of the site to the front, behind the proposed reintroduced front boundary hedging placed either side of the central concrete pathway. The 2no concrete areas would both measure a depth of 1.2 metres and the left space would measure a width of 1.5 metres and 2 metres to the right space. The concrete areas would be distanced 3.8 metres from the front elevation of Abington House. The space would accommodate 4no refuse 1150 litre bins and 3no recycling 1150 litre bins measuring 1 metre in height.

Also to Abington House is a replacement concrete pathway to the immediate rear of the application site and expand the full width of the site. To the left-hand side of Abington House, a concrete pathway would project 2 metres from the side, extend 2.3 metres deep,

then reduce to 1.3 metres and then expand across the full width of the site. The same material would be used as existing.

#### Beaufort House:

Beaufort House is situated opposite Abington House in the furthestmost portion of the Emmott Close estate.

The proposal involves repositioning the bins from the rear of the site to the front, behind the proposed reintroduced front boundary hedging. The proposed bin areas would be placed either side of a central concrete pathway. The 2no concrete areas would measure a depth of 1.2 metres and width of 1 metre on the left side and 2 metres on the right side. The concrete areas would be distanced 3.8 metres from the front elevation of Abington House. The space would accommodate up to 6no 1150 litre bins, 4no refuse on the right side and 2no recycling bins to the left, and measure 1 metre in height.

The existing side gap on the hedging frontage would be retained as existing. No further element proposed to Beaufort House.

#### Carpenter House:

The proposal involves repositioning the bins from the rear of the site to the front, behind the proposed reintroduced front boundary hedging. The proposed bin areas would be placed either side of the three concrete pathways leading to/from the premises. Each concrete area would measure a depth of 1.2 metres and width of 1 metre and accommodate for 2no bins in each space. A total of 8no 1150 litre refuse and 4no 1150 litre recycling bins are proposed. The concrete areas would be distanced 3.5 metres from the front elevation of Carpenter House.

The existing route to the rear, located to the right-hand portion of the property, would be retained as existing.

#### Cosway House:

The proposal involves repositioning the bins from the rear of the site to the front, behind the proposed reintroduced front boundary hedging. The proposed bin areas would be placed either side of the central and north-eastern (right-hand) concrete pathway. For the central pathways 2no concrete areas measuring a depth of would be placed behind the hedging and measure a depth of 1.2 metres and width of 2 metres (left space) accommodating for 4no refuse 1150 litre bins. The right space would measure 1 metre in width and accommodate for 2no recycling 1150 litre bins. The north-eastern pathway would also have 2no concrete areas and measure a depth of 1.2 metres and vary in width according to the angle of the pathway, a maximum of 3.25 metres. The central concrete areas would be distanced 3.2 metres from the closest point of principal elevation of Cosway House.

#### Kingsley House:

Kingsley House, is located adjacent to Cosway House, forming part of the initial properties when viewed from Kingsley Way. The proposal involves repositioning the bins from the rear of the site to the front and side elevations, behind the proposed reintroduced front boundary hedging placed either side of the central concrete pathway. For the central pathway 2no concrete areas would be implemented and measure a depth of 1.2 metres

and width of 2 metres on the left side and 1 metre on the right side. The left side would hold 4no 1150 litre refuse bins and the right side 2no 1150 litre recycling bins and would be distanced 3.2 metres from the front elevation of Kingsley House. To the northern-western portion of the site a larger concrete area measuring 3 metres wide, and 1.2 metres deep would be installed to accommodate 6 1150 litre bins (4no refuse and 2no recycling).

Stowe House:

The proposal involves repositioning the bins from the rear of the site to the front, behind the proposed reintroduced front boundary hedging. The repositioned bins would be placed either side of the three concrete pathways leading to/from the premises. Each concrete area would measure a depth of 1.2 metres and width of 1 metres and accommodate for 2no 1150 litre bins in each space. A total of 12 are proposed, 8no being refuse 4no being recycling. The concrete areas would be distanced 3.5 metres from the front elevation of Carpenter House.

The replaced hedging areas will exactly match the existing species, as per agent's email dated 07/10/2021. Also, it is noted that the concrete slabs placed underneath the relocated bins would be level with the existing ground level.

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

Consultation letters were sent to 111 neighbouring properties.

27no. objections were received during the original consultation.

Amendments were sought in the lifetime of the application and a reconsultation undertaken on 4th April 2022. 15no. objections were subsequently received.

The comments may be summarised as follows:

- No residents consultation was done prior to the applications submission.
- No problem with existing bin location.
- Does not suit the estates interest.
- Close bin store proximity to habitable windows.
- Noise and nuisance more problematic than existing due to location.
- Impact on mental health and quality of living for residents.
- Loss of privacy as people pass to place their rubbish and the noise of comings and goings will be intolerable and will significantly disrupt our quality of life. For some, the noise from the intercom attached to the front door/heavily weighted fire door is enough already.
- Poor smell and associated vermin and foxes will harmfully impact our quality of life.
- Likely to see an increase of fly tipping. Unwanted furniture is frequently dumped by the bins. This will incur a cost to the residents of the Emmott (which is most visible) close to get it removed.
- Existing garden space is limited, the proposed bins stores would reduce this further and detract from beautified space the residents have created. Outdoor space has been vital throughout the pandemic and will continue to be so.
- Harmful impact on the character and appearance of the houses and wider area, conflicting with DM01 and DM06 of Barnet's Development Management Policies.
- Money better spent on maintaining the buildings, such as the paths to the rear

which are hazardous and in desperate need of maintenance.

- If satellite dishes are not allowed due to the fact that they are unsightly, then having bins in the front does not make any sense.
- Over-provision of bins for residents' needs. Bins for every pathway and door is not necessary. There are 10 tenants in total in Cosway House so 12 bins is excessive and again, a complete waste of money.
- The proposal would create a positive appearance of the properties but be harmful to the outlook of the existing residents.
- In winter, residents would be obliged to step on muddy grass to put their rubbish in the bins, which is slippery, hazardous and impractical. Many disabled, infirm and elderly residents live here.
- Previous permission for cycle parking and new bins was refused by the LPA and Trust some 18 years ago, the same decision should be made in this instance.
- There is a large manhole cover to the front of one of the buildings (Beaufort House).
- As long as I've lived here, no-one has complained of where the current bins are located, including the maintenance workers.
- Residents are aware that a minority of new maintenance personnel do not like removing bins from the rear of all blocks and I'm convinced is the only reason this application has been made.
- I am delighted that the hedges are being attended to finally and think this should be done for purely aesthetic reasons and not just to hide multitudes of smelly bins.

#### **4.1 Internal Consultation**

The Hampstead Garden Suburb Trust have no objection to the proposed development.

The LPA's highways department have no objection to the proposed development.

The LPA's tree officers raises no objection to the proposed development, subject to conditions.

The LPA's heritage officer raises no objection to the proposed development.

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

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

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

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

### The Mayor's London Plan 2021

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

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

### Barnet's Local Plan (2012)

Barnet's 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 and 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 (2012)

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

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

### 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.

### Supplementary Planning Documents

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

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

#### Hampstead Garden Suburb Conservation Area Character Appraisal.

## 5.2 Main issues for consideration

Officers consider that the main planning considerations are as follows:

- Whether the alterations would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area.
- Whether harm would be caused to the living conditions of neighbouring residents.

## 5.3 Assessment of proposals

### - Whether the alterations would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the site's context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01 and DM06 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 Hampstead Garden Suburb Character Appraisal Statement notes that, with respect to the character and appearance of the buildings, the choice of individual design elements



was carefully made reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that any disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

Policy DM06 of Barnet's Local Plan (DPD 2012) seeks to ensure all heritage assets will be protected in line with their significance and have regard to the local historic context.

In terms of the impact of the proposed development on the locally listed heritage asset and Hampstead Garden Suburb Conservation Area Policy DM06 states that there is a presumption in favour of retaining all listed buildings.

According to the Barnet's Local Heritage List, January 2020, the properties along Emmott Close are characterised as 'large Arts and Crafts, two storey blocks of flats set around a central green, by Hendry & Schooling, 1928. Red brick with tiled hipped roofs, dropped eaves with dormer windows. Steel casement windows.'

The proposed concrete surfaces to place the bins to the front of the properties, by reason of being the same level as the existing ground level, the relatively small footprint of the concrete surfaces and their positioning behind the replacement front boundary hedging, are not considered to harmfully disrupt the architectural uniformity and tasteful appearance of the properties to the degree where a materially harmful impact would take place to the character and appearance of the individual properties and the grouping as a whole.

Further to this, despite the bins being moved from the rear of the properties the proposed alterations involved in the repositioning of the bins would not be visible from the streetscene by virtue of the replacement hedging blocking views of the bins. As such, no materially harmful impact to the character of the streetscene is considered to take place. A condition will be included within the decision notice to ensure the hedges are well maintained. Therefore, the impact to the character and appearance of the properties is considered to comply with the policies and expectations outlined in Policy DM01 and DM06.

With regards to the proposed hedging, it is noted that the case officer conducted a site visit on the 20th October 2021 and noted that the existing hedging along the boundary is in poor condition. The proposed replacement hedging is considered to be an improvement to the character and appearance to all the buildings situated along Emmott Close and resemble a more fitting appearance within the Conservation Area as a whole. The impact of the proposed bin store location would be minimised by the front hedging. It is noted that the Trust have confirmed no objections with the proposed development. This aspect of the development is noted to comply with Policy DM01 and DM06.

With regards to the minimal increase to proposed rear paving to Abington House, this is considered relatively minimal and would be constructed with similar materials and at the same level as existing. Therefore, the impact is not considered materially harmful and would comply with Policies DM01 and DM06.

As such, the proposed development is considered acceptable on character and appearance grounds.

### Potential impacts upon the amenities 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 LPA acknowledges that the current application is extremely contentious amongst the existing residents and highlights that the material considerations assessed in this report do not include some of the types of objections raised, such as muddy ground conditions and smell emitted from the bins. As such, the assessment of the material planning considerations is as follows:

The LPA notes that the existing arrangement of the bins being placed at the rear of the properties makes the process of transporting the household waste less conspicuous within the suburban context than the proposed arrangement. This forms a key element of the residents' concern with the development in question, who are content with the arrangement. The proposal would involve increased activity, including the associated noise and disturbance from opening and closing the bins, taking place to the front of the properties and in the public realm. The existing residents view that this would create a reduced sense of enjoyment of the outdoor amenity space and the outlook thereof.

On review of the proposed development, it is considered that the nature of the proposal, comprising of concrete slabs and the resultant repositioning of the bins to the front of the properties is not considered to result in a deleterious loss of residential amenity. This is because the height of the bins (being one metre) is considered reasonable and not likely to result in a harmful sense of enclosure or loss of outlook. The bins would also be distanced at its closest point 3.2 metres from Cosway House and Kingsley House, 3.5 metres from Carpenter House and Stowe House and 3.8 metres from Abington House and Beaufort House) which is considered acceptable to offset any harmful impact. Therefore, with the height of the bins and distance from the closest point of the respective properties it is not considered to result in a deleteriously harmful loss of outlook, enclosure or loss of visual amenity.

Further to the above, the repositioning of the bins to the front elevation, by reason of the footprint of the concrete areas, is not considered to result in a materially harmful reduction in the available outdoor amenity space. The case officer notes that the properties benefit from relatively spacious front, side and rear space to enjoy and this would not be unacceptable compromised by the position of the proposed bins spaces. Also, the number of bins and footprint of the concrete surfaces have been reduced on request to the minimum necessary to meet requirements.

Lastly, it is noted that the concrete slabs placed underneath the relocated bins would be identical to existing levels and so not contribute to the height of the bin which may lead to unnecessary amenity harm to the existing ground floor streetscene-facing residents.

No materially harmful impact to the existing residents is considered to take place as a result of the reintroduced boundary hedging.

Therefore, due to the nature of the proposed development and the impact on the existing residents not being unacceptable, officers consider the application to be acceptable.

## 5.4 Response to Public Consultation

- No residents consultation was done prior to the applications submission.
- No problem with existing bin location.
- Does not suit the estates interest.
- Close bin store proximity to habitable windows.
- Noise and nuisance more problematic than existing due to location.
- Impact on mental health and quality of living for residents.
- Loss of privacy as people pass to place their rubbish and the noise of comings and goings will be intolerable and will significantly disrupt our quality of life. For some, the noise from the intercom attached to the front door/heavily weighted fire door is enough already.
- Poor smell and associated vermin and foxes will harmfully impact our quality of life.
- Likely to see an increase of fly tipping. Unwanted furniture is frequently dumped by the bins. This will incur a cost to the residents of the Emmott (which is most visible) Close to get it removed.
- Existing garden space is limited, the proposed bins stores would reduce this further and detract from beautified space the residents have created. Outdoor space has been vital throughout the pandemic and will continue to be so.
- Harmful impact on the character and appearance of the houses and wider area, conflicting with DM01 and DM06 of Barnet's Development Management Policies.
- Money better spent on maintaining the buildings, such as the paths to the rear which are hazardous and in desperate need of maintenance.
- If satellite dishes are not allowed due to the fact that they are unsightly, then having bins in the front does not make any sense.
- Over-provision of bins for residents' needs. Bins for every pathway and door is not necessary. There are 10 tenants in total in Cosway House so 12 bins is excessive and again, a complete waste of money.
- The proposal would create a positive appearance of the properties but be harmful to the outlook of the existing residents.
- In winter, residents would be obliged to step on muddy grass to put their rubbish in the bins, which is slippery, hazardous and impractical. Many disabled, infirm and elderly residents live here.
- Previous permission for cycle parking and new bins was refused by the LPA and Trust some 18 years ago, the same decision should be made in this instance.
- There is a large manhole cover to the front of one of the buildings (Beaufort House).
- As long as I've lived here, no-one has complained of where the current bins are located, including the maintenance workers.
- Residents are aware that a minority of new maintenance personnel do not like removing bins from the rear of all blocks and I'm convinced is the only reason this application has been made.
- I am delighted that the hedges are being attended to finally and think this should be done for purely aesthetic reasons and not just to hide multitudes of smelly bins.

The material considerations noted in the objections received in the lifetime of the application have been addressed in the officer's report in full. The case officer notes that the number of bins have been reduced to the existing arrangement and the concrete space decreased accordingly.

## 6. Equality and Diversity Issues

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

## 7. Conclusion

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



<b>Location</b>	<b>Arkley Riding Stables Hedgerow Lane Barnet EN5 3DT</b>	
<b>Reference:</b>	<b>22/1514/FUL</b>	Received: 22nd March 2022 Accepted: 22nd March 2022
Ward:	High Barnet	Expiry 17th May 2022
<b>Case Officer:</b>	<b>Stephen Volley</b>	
Applicant:	C/o Agent. HUB Architects & Designers Ltd	
Proposal:	Demolition of existing buildings and construction of 3no. detached single storey dwellings with associated access, landscaping, amenity space, refuse storage, off-street parking, including the change of use from equestrian to C3 residential	

AGENDA ITEM 11

**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:

- 1293-EX-000 Rev B - SITE LOCATION PLAN
- 1293-EX-101 Rev B - BLOCK PLAN - EXISTING
- 1293-EX-102 - Rev C SITE PLAN - EXISTING
- 1293-EX-110 Rev C - EXISTING SECTION A-A
- 1293-EX-111 Rev C - EXISTING SECTION B-B
- 1293-EX-112 Rev B - EXISTING SECTION C-C
- 1293-EX-115 Rev C - EXISTING ELEVATION EASTERN BOUNDARY
- 1293-EX-116 Rev C - EXISTING ELEVATION WESTERN BOUNDARY
- 1293-PL4-201 Rev C - BLOCK PLAN PROPOSED
- 1293-PL4-202 Rev C SITE PLAN - PROPOSED
- 1293-PL4-203 Rev B - PROPOSED AREA CALCULATION DIAGRAM
- 1293-PL4-205 Rev B PROPOSED LANDSCAPE PLAN
- 1293-PL4-220 Rev A - PROPOSED SECTION A-A
- 1293-PL4-221 Rev A - PROPOSED SECTION B-B
- 1293-PL4-222 Rev A - PROPOSED SECTION C-C
- 1293-PL4-225 - PROPOSED ELEVATION EASTERN BOUNDARY
- 1293-PL4-226 - PROPOSED ELEVATION WESTERN BOUNDARY

1293-PL4-230 Rev A - HOUSE TYPE 1 DRAWINGS  
1293-PL4-232 Rev A - HOUSE TYPE 2 DRAWINGS  
TPP/ASHLAH/010B - TREE PROTECTION PLAN

ARBORICULTURAL REPORT (MARCH 2022)  
ECOLOGICAL ASSESSMENT (OCTOBER 2020)  
ECOLOGICAL BRIEFING NOTE (SEPTEMBER 2020)  
FLOOD RISK ASSESSMENT (MARCH 2022)  
LANDSCAPE AND VISUAL IMPACT ASSESSMENT AND GREEN BELT  
ASSESSMENT (MARCH 2022)  
SCHEDULE OF AREAS & VOLUMES (MARCH 2022)  
SPORTS NEEDS ASSESSMENT (FEBRAURY 2021)  
TRANSPORT NOTE (MARCH 2022)  
DESIGN AND ACCESS STATEMENT (MARCH 2022)  
PLANNING STATEMENT (MARCH 2022)

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 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) The development shall be implemented and thereafter maintained in accordance with the recommendations made within the Ecological Impact Assessment dated October 2020.

b) No site works (including any temporary enabling works, site clearance and demolition or any investigative works referred in any other conditions, or development) shall be commenced until an updated ecological survey has been undertaken which details any mitigation strategy that may be necessary and has been submitted to and approved in writing by the Local Planning Authority.

c) The site clearance and any mitigation measures shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and, Policy G6 of the London Plan 2021.

6 a) No site works or works in connection with the development hereby approved shall be commenced until details of the protective measures to be implemented for the wildlife species protected by law and details of any mitigation measures including the timing of development works and special techniques has been submitted to and approved in writing by the Local Planning Authority.

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

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.

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 7.21 of the London Plan 2016.

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

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

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

9 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on Tree Protection Plan - TPP/ASHLAH/010 B, approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

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

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

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



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

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

11 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)

12 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: The above conditions is required, pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01 & DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G6 of the London Plan 2021

13 Prior to occupation of the development the proposed parking spaces within the parking area as shown in drawings no.1293-PL4- 205, submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other

than the parking and turning of vehicles in connection with approved development.

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

- 14 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.

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

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

- 16 Prior to the occupation of the development a Waiver of liability and indemnity agreement must be signed by the developer and be submitted to and approved in writing by the Local Planning Authority. This is to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

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.

- 17 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.

- 18 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

- 19 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.

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

- 21 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).

- 22 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).

- 23 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.

- 24 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.

- 25 Before the development hereby permitted is first occupied, details of wayfinding lighting measure of low intensity offering soft, directional lighting or motion sensors so to reduce any ecological impacts shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure on site security measures and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012); CS14 and CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

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

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

#### Relief or Exemption from CIL:

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

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

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

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

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

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

for further details on exemption and relief.

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

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

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

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

- 4 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](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any

damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 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](mailto: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.

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

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

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

- 12 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale London NW9 4EW.
- 13 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below. "An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site is located at the southern end of Hedgerow Lane, a cul de sac located off Barnet Road, in the Underhill ward. To the north of the site are residential houses accessed from Hedgerow Lane. Adjacent to the east of the site are the rear gardens of the residential dwellings located on Raeburn Gardens. To the south and west of the site is open countryside.

The application site is located within the designated Green Belt.

Although the site falls outside a Site of Importance for Nature Conservation (SINC), the Arkley South Fields SINC lies to the west of the application site. The Arkley South Fields SINC conservation value lies in its breeding birds, particularly skylarks, which are a declining species, as well as meadow pipits, kestrels, reed buntings, whitethroats, willow warblers, green woodpeckers.

Stables are located on the west side of the access road with ancillary buildings and areas of hardstanding and a former mobile home located on the east side. All the buildings are in a poor state of repair. The site presently benefits from a considerable amount of shrub cover which has grown since the stable's closure, and which hides the extent of existing development across the site.

The site is in Flood Zone 1, and therefore carries a low risk of flooding. It is not located within a designated conservation area, does not contain or include any locally or statutory listed buildings or protected trees and is not immediately adjacent to any Heritage assets.

The site is subject to an Article 4 Directive preventing the conversion of Dwellinghouses (Use Class C3) to Houses of Multiple Occupation (Use Class C4) under Permitted Development.

There are no public rights of way on or adjacent to the site.

## **2. Relevant Site History**

Reference: 20/4297/FUL

Address: Arkley Riding Stables, Hedgerow Lane, Barnet, EN5 3DT

Decision: Refused

Decision Date: 4 December 2020

Description: Demolition of existing buildings. Change of use from equestrian (Sui-Generis) to Residential use (Use Class C3) and construction of 4 detached dwellings., With associated access and landscaping.

Appeal: Dismissed 2nd December 2021

The application was refused for the following reasons:

1. The proposed development would result in a net loss of sports and recreation facilities. The applicant has failed to adequately demonstrate that there is no demand for a continued sports and recreation facility, and that the site has been marketed effectively for such use.

The application is therefore considered unacceptable and contrary to the requirements of the National Planning Policy Framework (2019); London Plan Policy 3.19, Policy CS10 of Barnet's Core Strategy DPD (2012) and Policy DM13 of Barnet's Development Management Policies Document DPD (2012).

2. The proposed development would, by reason of its location within the Green Belt, represent an inappropriate form of development which is, by definition, harmful to the Green Belt. The proposed development would harm the openness of the Green Belt. It is not considered that very special circumstances have been demonstrated which would outweigh the harm caused to the Green Belt by reason of its inappropriateness.

The application is therefore considered unacceptable and contrary to the requirements of the National Planning Policy Framework (2019), London Plan Policy 7.16, Policy CSNPPF and CS7 of Barnet's Core Strategy DPD (2012) and Policy DM15 of Barnet's Development Management Policies Document DPD (2012).

3. The proposed development would, by reason of its form, design, materiality, height, massing and site coverage, fail to preserve or enhance the character and appearance of the site and surrounding area.

The application is therefore considered unacceptable and contrary to Policy CS5 of Barnet's Core Strategy DPD (2012) and Policy DM01 of Barnet's Development Management Policies Document DPD (2012).

An appeal was lodged and subsequently dismissed on 2nd December 2021 (Pins Ref: APP/N5090/W/21/3268715).

The Planning Inspector determined that the loss of the stables would not conflict with adopted policy which requires the retention of land and buildings for the purposes of sport and recreation and that the form of development proposed would not adversely impact on the character and appearance of built development in the area.

However, in dismissing the appeal the Inspector determined that the proposed scheme would have a greater impact on the openness setting of the green belt contrary to the provisions of the of the National Planning Policy Framework.

Reference: 21/8239/QCE

Address: Arkley Riding Stables, Hedgerow Lane, Barnet, EN5 3DT

Decision: Pre-application advice issued

Decision Date: 13 September 2021

Description: Demolition of existing Arkley Riding Stables and Construction of three new houses.

Reference: 21/8527/QCD

Address: Arkley Riding Stables, Hedgerow Lane, Barnet, EN5 3DT

Decision: Pre-application advice issued

Decision Date: 1 March 2022

Description: In light of the recent appeal decision this pre planning application seeks the planning authorities advice on the change of use to C3 residential for the development of three new dwellings.

Reference: N02306J/05

Address: Arkley Riding Stables, Hedgerow Lane, Barnet, EN5 3DT

Decision: Approved

Decision Date: 12 May 2005

Description: Submission of details for materials and landscaping pursuant to condition 12 and 5 of planning permission N02306G/01 dated 18-03-02.

Reference: N02306G/01

Address: Land Adjoining Arkley Riding Stables Barnet Road Arkley Herts EN5

Decision: Approved subject to conditions

Decision date: 18 March 2002

Description: Demolition of stables/office/bothy and erection of two storey detached house with attached garage.

Reference: N02306F

Address: Arkley Riding Stables Barnet Road Arkley

Decision: Approved subject to conditions

Decision date: 13 June 1973

Description: Advert

Reference: N02306B

Address: Arkley Riding Stables Barnet Road Arkley

Decision: Refused

Decision date: 10 January 1973

Description: Single-storey building

Reference: N02306A  
Address: Arkley Riding Stables Barnet Road Arkley  
Decision: Approved subject to conditions  
Decision date: 11 October 1972  
Description: erection of 55 horseboxes to replace existing

Reference: N02306  
Address: Arkley Riding Stables Barnet Road Arkley  
Decision: Approved subject to conditions  
Decision date: 16 September 1970  
Description: retention of riding paddock and floodlighting

#### Pre-application History:

Reference: 20/0261/QCM  
Address: Arkley Riding Stables, Hedgerow Lane, Barnet, EN5 3DT  
Decision: Pre-application advice issued  
Decision Date: 29 July 2020  
Description: Follow-up review in relation to 20/0106/QCE The proposal is for the change of use from an equestrian use to C3 Residential. The development will provide 4 high quality new dwellings.

Reference: 20/0106/QCE  
Address: Arkley Riding Stables, Hedgerow Lane, Barnet, EN5 3DT  
Decision: Pre-application advice issued  
Decision Date: 21 April 2020  
Description: The proposal is for the change of use from an equestrian use to C3 Residential. The development will provide 4 high quality new dwellings.

### **3. Proposal**

The proposal is a revision to a previously refused scheme (20/4297/FUL) for the provision of 4 no. dwellings. This current application proposes the demolition of the former stable buildings, menages, and mobile home and change of use from equestrian (Sui-Generis) to residential use (Use Class C3) comprising 3 no. detached dwellinghouses.

As shown on the submitted 'Proposed site plan' (Drawing No. 1293 - PL4 - 202 Rev D), the 3 no. proposed dwelling houses would be sited in a linear form between the eastern and western boundary of the application site with House 'H2' being located slightly forward of the other two dwellings due to access arrangements.

Comparing the submitted existing site plan with the proposed block plan, a new boundary would be created long the rear of the site comprising a hedgerow with orchard tree planting. The existing hedging along the eastern and western boundaries of the application site are to be retained and strengthened.

The existing access to the site will be retained and improved from Hedgerow Lane to provide vehicular and pedestrian access to all three houses. A tree lined pathway running between proposed House 'H2' and proposed House 'H3' provides access to the fields beyond.

A contemporary design has been adopted whilst retaining traditional forms. This is achieved using a combination of materials comprising grey coloured bricks, a contrasting

brickwork band along the parapet, and powder coated metal capping over the parapet. Slate roofing tiles set at a pitch of 22.5 degrees is proposed to the pitched roof areas. Dark crittall style glazing is a feature of the rear elevations.

Each dwelling is to be allocated two car parking spaces and secure and covered cycle parking spaces. A swept path analysis has been undertaken for a refuse vehicle and large car entering and existing the site without compromising highway or pedestrian safety.

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

Consultation letters were sent to 57 neighbouring properties.

A total of 30 letters of objection have been received, with 2 letters received neither objecting to nor supporting the Planning Application.

The objections received can be summarised as follows:

- Impact on openness and character of green belt land
- Overdevelopment of the site
- Visually harmful to the character and appearance of the area
- Loss of security, privacy, and tranquillity
- Loss of valuable wildlife habitat and ecosystem
- Increased Flood risk
- Increase in traffic movements
- Noise and pollution
- Loss of open space, vital for flora and fauna
- Loss of local equestrian use
- Additional pressure on utilities and water table

A representative from the Barnet Society has commented:

The Barnet Society is neutral, since the houses are fewer, less conspicuous & mainly within the footprint of existing buildings than previously. But conditions must be imposed.

The Rt. Hon Theresa Villiers MP raised the following objections by email on 30th April 2022.

*'While I note that the latest plan reduces the number and height of the units resulting in an application for three single storey bungalows, my views about any such development on this site remain the same and I am therefore writing to object to the application.*

*Looking at the council website, I note that, to date, 29 objections have been submitted, many of which set out concerns about the impact the development will have on the valuable wildlife habitat which has been enjoyed by birds such as Greenfinches or muntjac deer.*

*Another constituent has pointed out that paragraph 6.5 of Barnet Council's CA Character Appraisal highlights: "The open rural character of the grounds and views in and across the site are highly important aspects of the character of the conservation area and echo the Green Belt and the open country beyond." As my constituent points out that if the project proceeds, the area would lose its rural character and links with the green belt and open country.*

*I would be grateful if the objections lodged by my constituents could be taken on board by the planning committee before a decision is reached. Please also inform the committee that I oppose the application and believe it should be refused because I believe that it is inconsistent with the Barnet Plan policies which protect the green belt'.*

## **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: NPPF, CS1, CS4, CS5, CS7, CS9, CS10, CS13
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM10, DM13, DM15, DM16, DM17

## Supplementary Planning Documents:

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

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, 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.

### 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.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of development
- Impact on character and appearance
- Impact on the amenity of neighbouring occupiers
- Impact on the amenity of future occupiers
- Impact on Highways and Parking
- Arboricultural and Ecological Impact



- Other material planning considerations

### 5.3 Assessment of proposals

#### Principle of development:

The principle of development is assessed in two parts:

- (i) the effect of the proposal on the provision of community facilities in the borough, and:
- (ii) whether or not the proposal is inappropriate development within the green belt, including the effects of the development on openness.

(i) The effect of the proposal on the provision of community facilities in the borough

The previous application (20/4297/FUL) proposed the demolition of existing buildings and change of use from equestrian (Sui- Generis) to residential use (Use Class C3) to provide 4 No. detached dwellings. In refusing the application the Local Planning Authority considered the loss of the private livery to be contrary to both national and local planning policy. It was agreed that the site was previously in use as a private livery for the keeping and training of horses, but the use has ceased and the site is currently overgrown with dilapidated stables and other ancillary structures, including a mobile home.

It was determined in the previous application that a national marketing campaign for re-use of the site for equestrian purposes generated an 'expression of interest', but none has since been forthcoming. It was also determined that an over provision of stable facilities exist in the local area, and this is supported by Sport England. They have been reconsulted as part of this current application and continue to raise no objections on this basis. Moreover, a BEF trade National Survey (2019) demonstrating a growth in demand for horse riding was given limited weight by the Planning Inspector following their decision not to raise objections to the loss of the stables on this application site.

The adopted local plan or any emerging policy does not expressly point to the need to protect existing equestrian facilities.

For all these reasons the Planning Inspector concluded that the existing stables are surplus to requirement and that the proposal does not conflict with Policy S5 of the London Plan and Policy CS10 of Barnet's Core Strategy DPD (2012) and Policy DM13 of Barnet's Development Management Policies Document DPD (2012). Furthermore, the requirements of Paragraph 99 of the Framework have been addressed.

Since the determination of this previous planning application in December 2021, there have been no other material considerations or policy justification for refusing this current planning application on the loss of a community facility in the borough.

The loss is therefore considered by Officers to be acceptable in principle.

- (ii) whether or not the proposal is inappropriate development within the green belt, including the effects of the development on openness

Paragraph 148 of the NPPF (2021) states 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the

Green Belt. The Framework considers the construction of new buildings as 'inappropriate development' in the Green Belt unless they fall under the exceptions criteria set out at paras.149 - 150 of the NPPF.

Policy G2 of the adopted London Plan (2021) and Policy DM15 of the LB Barnet; Local Plan (Development Management Policies) DPD (2012) apply the same green belt policy objectives for the protection of green belt land.

### **Previously developed land:**

Part (g) of the exceptions criteria is relied on by the applicant. It allows for limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The boundaries of the application site reflect the extent of the stable complex with development concentrated on the west side of the site but includes land on the east part on which there are several other buildings including a mobile home and areas of hardstanding.

The permanence of these existing structures is consistent with the description of previously developed land in the NPPF Annex 2: Glossary - 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure'.

The application site falls within the NPPF definition of previously developed land, and this was the view taken by the Planning Inspector in determining the previous application.

### **Impact on Openness:**

Paragraph 137 of the NPPF states that 'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.

Paragraph 138a) and c) seek to check the sprawl of large built up areas and assist in safeguarding the countryside from development.

Paragraph 149(g) requires that 'new development should not have a greater impact on the openness of the Green Belt than the existing development.

Policy G2 of the London Plan 2021 and Policies CS7 and DM15 of the Barnet Local Plan 2012 reflect these fundamental objectives.

In the assessing the impact on openness in the previous application for 4no. dwellings the Inspector identified the key characteristics of the site, and its environs:

*'23. The appeal site lies on the northern edge of a large area of Green Belt which extends east from Barnet Way towards High Barnet and includes Totteridge Park and Whitings Hill*

*open space and agricultural land. This area of Green Belt is characterised by undulating topography, hedgerows and clusters of trees.*

*24. The site lies below the houses on Hedgerow Lane and Saddlers Close and to the west of Raeburn Gardens. The eastern section of the site is slightly higher than the west. The existing stables are located on the west side of the access road with ancillary buildings and areas of hardstanding and the former mobile home located on the east side. All of the buildings are in a poor state of repair.*

*25. The site presently benefits from a considerable amount of shrub cover which has grown since the stable's closure and which hides the extent of existing development across the site. For this reason, I accept the appellants point that if the site was fully operational, many of the existing structures would be more visible than at present'.*

These characteristics remain unchanged, save for the fact that the buildings are now dilapidated and beyond repair with further shrub cover.

There is no definition for 'openness' in the NPPF, however, Planning Practice Guidance 001 reference ID:64-001-020190722 identifies spatial and volumetric aspects as being determining factors as well as the duration of the development and degree of activity.

The case for the applicant is that this current application 'strikes the right balance' to prevent a greater impact on the openness setting of the Green Belt and this has been achieved through a total reduction in the amount of hard-standing currently on site by 49%, a total reduction in the overall footprint of the site by 14% and a total reduction in the volume of the buildings currently on site by 0.08%. These calculations have been reviewed and accepted by Officers. In addition, and in direct response to the Planning Inspectors reasoning for dismissing the previous application in 2021, the number and height of houses proposed has been reduced and are now confined to the previously developed areas of the site to minimise the incursion and impact to the openness of the Green Belt.

As shown on the submitted 'Proposed site plan' (Drawing No. 1293 - PL4 - 202 Rev D), the 3no. proposed dwellings would be sited in a linear form between the eastern and western boundary of the application site. Both House Type 1 (H1 & H2) and House Type 2 (H3) would have a total depth of 20 metres and a total width of 14.5 metres. The height of both house types is single storey only with a maximum height of 3.67 metres. The footprint of both house types is 246sqm (it is only the internal arrangement that defines the house type). The enhancement of existing landscaping features and additional tree and hedge planting is proposed. Moreover, whilst the footprint for each house is greater than that proposed in the previous scheme the spatial and volumetric calculations undertaken clearly demonstrate an overall reduction in the amount of hard-standing, footprint and volume.

For the above reasons, and as identified in the Landscape and Visual Impact Assessment submitted with this application, views into the site will be protected, particularly those from the top and lower end of Hedgerow Lane, Raeburn Gardens, St.Peters Close, Mays Lane and Barnet Gate cricket club. In more prominent views gained from the east side of the Whitings Hill open space (a contentious issues raised by the planning Inspector in dismissing the previous application) the new homes will be partially visible in the summer months only but in any event will be seen in the context of the adjoining houses in Hedgerow Lane at a much lower level.

As requested by the Landscape Officer a broadleaf hedgerow will be planted along the

southern boundary along with orchard trees to help to soften the views of the development from these vantage points.

Traffic generation and domestic paraphernalia are other aspects of 'openness' as defined by the planning guidance. These matters were fully explored in the previous application with the Inspector concluding that traffic movements would be less than the previous use and that domestic paraphernalia is comparable with the number of jumps and other equipment which are likely to have been found across the site.

In dismissing the previous application at appeal, the planning Inspector considered the impacts on openness between the existing and proposed schemes to be 'finely grained', but due to the visibility of the scheme it was concluded the new development would have a greater impact on openness than that existing. As identified above, this current application addresses this issue.

In the Officers view this current proposal does not constitute 'inappropriate development' in the Green Belt. It seeks the redevelopment of previously developed land and would not have a greater impact on the openness of the Green Belt than the existing development in accordance with Paragraph 138(a), (c) and Paragraph 149(g) of the NPPF, Policy G2 of the London Plan 2021, and Policies CS7 and DM15 of the Barnet Local Plan 2012.

### **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 application site is located at the southern end of Hedgerow Lane, a cul de sac off Barnet Road.

The housing typology on Hedgerow Lane is varied.

The three dwellings to the east of Hedgerow Lane (Ridings Lodge, Totteridge View and Stable End) feature half timbering and/or vertical hung tile walls with brickwork or render at ground floor, with the first floor set within dormers or gable ends. The two dwellings to the west of Hedgerow Lane (addressed Moro Lodge and Turnberry Grange) are brick-constructed 1960s/70s housing with limited architectural detailing.

The site is markedly rural in its character. All existing buildings and structures on site are simple in design and appearance. Much of the site has become overgrown, which results in it blending into the landscape beyond.

In dismissing the previous application at appeal for 4no. chalet style dwellings of 1.5 storeys, the Planning Inspector raised no objection to their contemporary design stating that the proposed scheme respects the existing local character of built development.

This proposal involves the demolition of existing buildings and construction of 3no. detached single storey dwellings with associated access, landscaping, amenity space, refuse storage and off-street parking. Floorspace and volume calculations show that the proposals would result in a significant reduction in hardstanding on the site and would also create a reduction in built floorspace and volume. The overall heights of the proposed development would be similar to the existing buildings.

Comparably, the scale, massing and height of development would be modest and sensitively integrated into the rural setting. The topographical quality of the site combined with the location and low-level setting screened by vegetation would alleviate visual perception from adjacent sites and be confined to the previously developed areas on the north end of the site so to avoid any further encroachment of the Green Belt. It would support much needed family housing provision in the Borough and enhance current redundant site conditions.

Chosen materials support a more contemporary approach and involve grey coloured stretcher bond with a subtle contrasting brickwork band along the parapet line with a powder coated metal capping over the parapet for weathering. Slate roofing tiles set at a pitch of 22.5 degrees is proposed to the pitched roof areas. A dark framed crittall style glazing system provides a visually attractive quality and contrast to elevations. The dark coloured rainwater goods are to be a light grey tone as opposed to black or dark grey to minimise the stark appearance and contrast.

Additionally, given the nature of development, a wayfinding lighting measure is proposed to ensure security, quality of life and support natural surveillance. Due to the Green Belt location, a low intensity offering soft, directional lighting or motion sensor so to reduce any ecological impacts is recommended. These measures can be secured by condition.

Overall, Officers are of the view that the development would assimilate appropriately with its surroundings without undue prominence, and it is suitably well-designed for a green belt location. For this reason, the proposal can be considered to accord with the NPPF and local plan design policy objectives insofar as they require well-designed places that are visually attractive and sympathetic to local character.

### **Impact on the amenities of neighbours**

Section 12 of the National Planning Policy Framework (2021) sets out guidance for 'achieving well-designed places'. 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.

Table 2.4 of Barnet's Sustainable Design and Construction SPD (2016) states that in new residential development there should be a minimum distance of 21 m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 m to a neighbouring garden.

Appropriate mitigation measures such as boundary treatment can minimise the impact of a proposal, which falls short of the minimum standards.

To the north are the properties located on Hedgerow Lane.

Proposed House 'H3' (type 2) is a single storey dwelling measuring 3.1 metres high to the flat roof. Other features of the building, including pitched roof areas and a chimney breast increase the height marginally by 0.57metres. The dwelling is to be located within the

northern most corner of the site with its side elevation facing Stable End, Hedgerow Lane.

At Stable End, on review of application reference N02306G/01, decision dated 18 March 2002, the windows in the flank elevation facing the application site are angled at an oblique view at ground and first floor level. The house at Stable End is also at a higher level, as shown on the proposed sections. The side elevation facing this property contains three windows, with only one window serving a main habitable room (Kitchen / Dining Area). Due to the single storey height of the proposed dwelling and the existing and proposed boundary treatment being proposed it is not considered that harm would arise to the neighbouring occupiers at Stable End, Hedgerow Lane.

Proposed Houses H1 and H2 (Type 1) are also single storey dwellings measuring 3.1 metres high to the flat roof. Both dwellings are to be located within the southwest corner of the site with their principle frontage facing the rear of Turnberry Grange and Morro Lodge on Hedgerow Lane. In both cases the separation distances exceed the minimum standards required in the SPD.

Furthermore, the properties at Turnberry Grange and Morro Lodge are at a higher level, as shown on the proposed sections and existing hedging is to be retained along their rear boundaries.

Thus, it is not considered that harm would arise to the neighbouring occupiers at Turnberry Grange and Morro Lodge on Hedgerow Lane.

To the east are the properties located on Raeburn Gardens.

As mentioned above, Proposed House 'H3' (type 2) is a single storey dwelling to be located within the northern most corner of the site. Its rear elevation provides a full height window serving a main habitable room, which will face the rear garden of No.16 Raeburn Gardens. Due to the single storey height of the proposed dwelling and the retention and enhancement of the existing boundary treatment, including the retention of mature trees, it is not considered that harm would arise to the neighbouring occupiers at No.16 Raeburn Gardens.

To the south and west of the application site is countryside only.

Overall, the impact of the proposal on the amenity of surrounding residential occupiers is considered by officers to be acceptable and in accordance with design policy.

### **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'.

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

Policy DM02 of Barnet's Development Management Policies Document DPD (2012) states

that where appropriate, development will be expected to demonstrate compliance with national and Londonwide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents.

#### 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 11.5m<sup>2</sup> and above is calculated as a two-person room.

Officers are satisfied that the proposed dwellinghouses meet the minimum floor space standards as set out in Table 3.3 of London Plan Policy 3.5 (and reiterated in Table 2.1 of Barnet's Sustainable Design and Construction SPD, 2016).

In addition, Officers are satisfied that the proposed dwelling houses meet the internal layout and design requirements in regard to ceiling heights, bedroom dimensions and floor areas and dual aspect, as set out in Table 2.2 of Barnet's Sustainable Design and Construction SPD (2016). All bedrooms and living rooms would have a reasonable outlook with clear glazed windows and glazing to all habitable rooms being no less than 20% of the internal floor area of the room as required by Table 2.4 of Barnet's Sustainable Design and Construction SPD (2016).

#### Outdoor amenity space:

Section 2.3 of the Sustainable Design & Construction states that for flats, 5m<sup>2</sup> of usable amenity space should be provided per habitable room. Any room at 20m<sup>2</sup> 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'.

Officers are satisfied that outdoor amenity space requirements would be met due to the low density nature of the development.

#### Privacy:

Impact on privacy between the proposed houses is deemed acceptable and no undue overlooking or loss of privacy would occur between the proposed dwelling houses. The impact on privacy of neighbours is discussed in the relevant section of this report.

In conclusion, it is considered that the proposed dwellings would have an acceptable impact on the amenities and living conditions of future occupiers.

### **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.

#### Car Parking:

The site lies within a PTAL 1a zone, which means that there is very poor public transport accessibility to and from the site. The proposed provision of 6no. car parking spaces is in line with requirements set out on Policy DM17 of the Barnet Local Plan and is therefore acceptable on highways grounds.

#### Vehicular Access:

The applicant is proposing to retain the existing vehicular access which is acceptable on highways grounds.

#### Refuse:

A swept path analysis was undertaken for refuse vehicles and large cars entering and exiting the Site (provided in Appendix F of the Transport Note) which demonstrates that refuse vehicles should be able to safely access and egress the site.

#### Cycling:

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.

The Council's Highways officer has reviewed the scheme and raises no objection subject to a suite of conditions and informatives.

### **Arboricultural and Ecological Impact**

Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment.

London Plan policy G7 states that Development proposals should ensure that, wherever possible, existing trees of value are retained. If 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.

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.

#### Trees:

A supporting arboricultural report and assessment has been provided to support the

application. The submitted report provides an acceptable assessment of the trees on the site. To implement the proposal T1, G2, G3, G5 & G6 located within the site and along the eastern boundary will be removed from site. These trees are considered by the Arboricultural Officer to be of low value and longevity.

Located on the eastern boundary is a mature/veteran oak tree T4 and an Ash tree G4. The Root protection areas have been offset out of site due to a small stream. The depth of the stream is minimal and tree roots may well enter the site. On this basis, Root protection measures must be applied fully to these trees with no RPA offset. This can be controlled by condition.

#### Landscaping:

Provision of mixed broadleaf hedgerows on the southern boundaries, with standard oak or hornbeam trees to replicate a traditional hedgerow in the area has been requested by the Landscape Officer. Orchard trees at the end of the gardens has also been sought. These additional measures will help to soften the impact of the proposal within its green belt location. Both measures are agreed with the applicant and can be secured by condition.

#### Ecology:

The Ecological Impact Assessment dated October 2020, has been reviewed and considered acceptable subject to suite of conditions including a requirement to provide an updated ecological survey prior to commencement of works and details of the protective measures to be implemented for the wildlife species protected by law.

Given the mobile nature of Badgers and their ability to rapidly excavate new sets, an updated Badger survey is to be undertaken prior to construction works commencing. In event that an active Badger set is recorded in an area to be impacted, a NE licence will be required to facilitate construction works. Prior to any construction related works commencing, areas of suitable reptile habitat will be subject to a habitat manipulation exercise to encourage reptiles to leave the Application Site of their own accord. This manipulation exercise will be undertaken in accordance with the ecologist recommendations within the report.

### **Other Material Considerations**

#### **Environmental Health**

Environmental Health Officers have been consulted and raise no objections subject to conditions and informatives, including a construction management statement to check for asbestos prior to demolition. The application site is considered far enough away from the A411 not to have air or noise issues, and it is highly unlikely to be contaminated as green fields as it was associated with Arkley house before being used for the existing use.

#### **Bin Storage**

The bin allocation for each dwelling is acceptable. The access road will not be adopted and as such the residents will need to place their bins on the boundary of Hedgerow lane and New road on the agreed day of collection for each waste stream.

#### **Flood Risk**

The site is in Flood Zone 1, and therefore carries a low risk of flooding. In any event, a sustainable drainage strategy is to be secured by condition.

## 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 overdevelopment of the site are not supported by Officers, nor were they considered objectionable reasons for refusing the previous application.

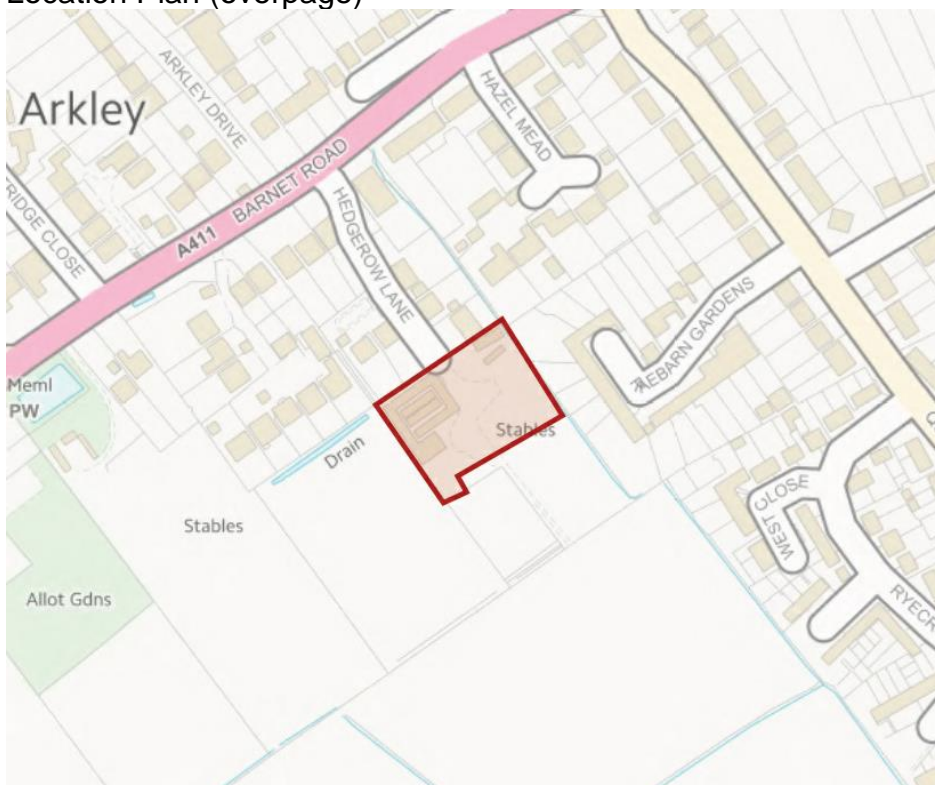
## 6. Equality and Diversity Issues

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 conditions this application is recommended for APPROVAL.

Location Plan (overpage)



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**Location** **Marston Court Mays Lane Barnet EN5 2EG**

**Reference:** **21/4548/FUL** Received: 17th August 2021  
Accepted: 18th August 2021

Ward: Underhill Expiry 13th October 2021

**Case Officer:** **Zakera Matin**

Applicant: Mr Nagle

Proposal: Additional storeys at second and third floor levels comprising 4no self-contained flats. Associated amenity space, parking space, refuse and recycling and cycle parking

AGENDA ITEM 12

**OFFICER’S RECOMMENDATION**

Approve subject to conditions

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

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

Existing

- 1859.EX. 01
- 1859.EX. 02
- 1859.EX. 03
- 1859.EX. 04
- 1859.EX. 05
- 1859.EX. 06
- 1859.EX. 07
- 1859.EX. 08
- 1859.EX. 11

Proposed

1859.0S.001 Rev A  
1859.PP.01 Rev C  
1859.PP.02 Rev B  
1859.PP.03 Rev B  
1859.PP.04 Rev C  
1859.PP.05 Rev C  
1859.PP.06 Rev C  
1859.PP.07 Rev B  
1859.PP.08 Rev B  
1859.PP.09 Rev B  
1859.PP.10 Rev B  
1859.PP.11 Rev B

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

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

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

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

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

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

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

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

- 5 Prior to occupation of the development the proposed parking spaces within the parking area as shown in drawing no.1859.OS.001 submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

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

as approved under this condition and the spaces shall be permanently retained thereafter.

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

- 7 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 2013 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 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 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).

**Informative(s):**



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

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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

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

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

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of

planning permission, please email us at: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

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

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

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

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

- 4 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway. To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

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

- 5 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.
- 6 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 7 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licences or email [highwayscorrespondence@barnet.gov.uk](mailto:highwayscorrespondence@barnet.gov.uk).
- 8 Any gates must open inwards and not out onto the public highway for health and safety reasons.

## **OFFICER'S ASSESSMENT**

This case is referred to committee because of number of objections received.

### **1. Site Description**

The application site is a purpose-built development of six self-contained residential flats on the northern side of Mays Lane, close to the junction of Barnet Lane. It is not within a conservation area nor a listed building. There are no Tree Preservation Orders on site.

### **2. Site History**

Reference: 18/6383/FUL

Address: Marston Court, Mays Lane, Barnet, EN5 2EG

Decision: Approved subject to conditions

Decision Date: 4 December 2018

Description: Additional storey to provide 3 new no. self-contained flats with balconies/terraces. New refuse and recycling area with fence and access gate and new cycle storage.

### **3. Proposal**

The application proposes two additional storeys to the second and third floor level of the host building, to provide 4nos. new self-contained flats with balconies . The pitched roof of the building would be replaced by a crown roof and 4nos. front rooflights and 2nos. rear rooflights with 2 rear dormer windows would be provided within the roof space. All flats would benefit from roof terraces.

It should be noted that since the submission of this application the additional storey with a mansard roof to provide 3 additional units under the previously approved scheme application ref 18/6383/FUL has been implemented as per agents email confirmation dated 19th May 2022. However for clarification purposes the description and assessment of this current application remains and makes reference to 4 units as originally submitted.

Amended drawings were received during the course of the application. The overall ridge height has been lowered to same height as neighbouring property no.7 and front dormers have been omitted/removed from the front roofslope.

The assessment of the application is based on the amended plans.

as confirmed by the agent it should be noted that the additional storey with a mansard roof to provide 3 flats approved under 18/6383/FUL have been implemented on site.

This application proposes an additional unit within the roof space with rear dormer windows and roof lights to front and rear.

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

Consultation letters were sent to 85 neighbouring properties. 5 responses have been received, comprising 4 letters of objection and 1 comment on original submission.

The objections received are summarised as follows:

- The additional storeys would overshadow/loss of light to nearby gardens and properties
- Increase in local traffic
- Diminished outdoor amenity space
- Whether foundation of the existing building can support 2 additional storeys
- Proposed front dormer windows overlooking the existing properties on the opposite side
- Harm the visual amenity
- Inadequate car parking
- The proposed refuse and recycling store would cause noise and odour issue and impact the views from the side windows of No. 7 Mays Lane
- The proposed rear terrace would overlook the nearby homes

6 objections received on the amended plans as below

- The plan is still for doubling the number of floors in Marston court which is detrimental to the neighbouring homes and the environment of Mays Lane.
- Probable impact on street car parking
- overshadowing impact for neighbouring properties
- No electric charging points
- Impact on privacy for 10 and 12 Mays Lane
- The building will not support extra floors nor extra flats due to the lack of spaces for car parking in the area.

-Depth of foundations not known, therefore it is not known if current structure can support extra weight of the 2 new floors and more people living in them.

## 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. 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. 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, 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:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the living conditions of future occupiers;
- Whether harm would be caused to highways network and parking;
- Whether refuse and recycling are in a suitable arrangements;
- Sustainability and Accessibility

### **5.3 Assessment of proposals**

Impact on the character and appearance of host building, street scene and wider 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.

Policy CS5 of Barnet's Core Strategy (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

National Planning Policy Framework (2021) states that amongst other things, planning policies and decisions should ensure that developments 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; are visually attractive as a result of good architecture, layout and appropriate

and effective landscaping; 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); optimise the potential of the site to accommodate and sustain an appropriate amount and mix of 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.

The application building is sited close to the junction of Underhill and Barnet Lane to the east, and Vale Drive to the north. The application building is a two-storey brick-built development. The building has a pitched roof, which due to its pitch, has a relatively large front roof plane.

To the west is Stokes House, No. 11 Mays Lane which is a two-storey building with gable end pitched roof. The eaves and ridge height of No. 11 are broadly similar to that of Marston Court. Further west along Mays Lane are modest two-storey cottages which have a lower ridge height than Stokes House.

Opposite Marston Court to the north are Nos. 6 - 16 Mays Lane, which are three pairs of two-storey semi-detached properties with pitched roofs.

To the east is Nos. 1 - 7 Mays Lane, a terrace of four three-storey dwellings. The terrace of dwellings has pitched roof and is sited at an angle in relation to Marston Court. Both the eaves and ridge height of the terrace are greater than that of Marston Court. The Potteries to the rear (on Barnet Lane) is also a three-storey building with pitched roof and gable ends.

Therefore, it is clear that there are a mix of building heights in the immediate area with Nos. 1 - 7 Mays Lane being the tallest and that pitched roof is a common feature shared by all the properties in the locality.

As noted above the proposal to add an additional storey to the host building to provide 3 nos. self-contained residential flats was previously approved under planning permission ref: 18/6383/FUL in 2018. The current proposal would add an additional unit within the mansard roof space to provide one additional new self-contained flats.

Councils design officer was consulted on the original submission which was taller than no.7 and featured 2 front dormers. The officer informed that further increase in ridge height than what was approved under 18/6383/FUL and in addition proposed two front dormers would make the proposal bulky and unsympathetic, incongruous to the street scene and would be detrimental to the character of the immediate local area and street scene. The proposal would disturb the gradual increase in building height from west to east.

Subsequently, the proposal was amended to reduce the ridge height same as neighbouring property no.7. The eaves height also reduced to match the eaves height of no.7.

Although the proposal would be greater in height than the neighbouring Stokes House, it would remain consistent with the rhythm of increasing building heights as one travels easterly along this part of Mays Lane.

Because of the established front building line along Mays Lane, and the distances between the buildings, the additional height would have a limited impact on oblique views of the street.

When viewed from directly from its front elevation (i.e. at the junction of Vale Drive and No. 10 - 16 Mays Lane opposite), the height differences between Marston Court and Stokes House would be appreciated, however the increase of height is considered not so great to appear visually dominant.

The additional stories have been designed to reflect the fenestration arrangement, design and proportions below and is therefore in keeping with the character and appearance of the main building.

Although there are no balconies in the immediate area, the ones proposed are inset balconies, recessed into the façade of the building, which will mitigate the visual impact compared to traditional hanging balconies.

Overall, it is considered that the revised proposal is sympathetic to local character, including the surrounding built environment, while increasing densities and optimising the potential of the site to accommodate and sustain an appropriate amount and mix of development, as supported by London Plan 2021 and NPPF.

Impact on amenity of neighbouring occupiers:

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 proposal would add two additional storeys to the originally built host building. It would therefore not increase the footprint of the building. The rear building line of Marston Court and Stokes House (No. 11 Mays Lane) are relatively in line. There are no side windows in No. 11 Mays Lane facing Marston Court.

According to the plans submitted, the rear projection of Marston Court is sited 8.7m from the boundary adjacent to No. 11. The proposed increased roof form would pitch away from No. 11. Considering the distance and increase in height, it is not considered the development would appear overbearing or impact outlook to an unacceptable level. Although rooflights facing No. 11 would be placed in the rear projection, due to the angle of rooflights, it would not cause an unacceptable degree of overlooking or loss of privacy. A new rear roof terrace is proposed at the western side of the rear roof slope and would be able to overlook directly onto the rear of the plot of No. 11. However, it is observed that Stokes House has little outdoor amenity space as much appears to be hardstanding and parking. As such, it is considered the overall impact on the amenities of No. 11 to be acceptable in this instance.

The rear building line of Marston Court and No. 7 Mays Lane are relatively in line despite at an angle with each other. There are side windows in No. 7 Mays Lane facing the host building. It was confirmed verbally in the previous permission ref: 18/6383/FUL by the occupier of No. 7 Mays Lane that these windows serve a staircase. It therefore does not serve a habitable room. The rear projection is sited 6.6m from the boundary adjacent to No. 7 Mays Lane. Considering the distance, the increase in height in the rear projection and the angle of proposed rooflights, it would not cause an unacceptable degree of overlooking or loss of privacy or overshadowing impact for No. 7.

Flat 7, 8 and 9 would feature inset balconies. An inset balcony is a balcony which is recessed into the façade of a building. Given that the proposal does not introduce new



windows on the east and west flank elevation of the host building, there would be limited opportunities for overlooking and loss of privacy.

Given that the distance between Marston Court and the three pairs of semi-detached properties on the opposite side of the Mays Lane (Nos. 6 - 16 Mays Lane) is over 21m, it is not considered that the proposal would cause any harm to the amenities of those properties in term overlooking, overshadowing and overbearing.

Quality of accommodation for future occupiers:

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

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

The size of the proposed flats (bedroom/bedspaces) to gross internal area are as follows:

Flat 7: 2-bedroom 3-person = 61 sqm GIA (already implemented)  
Flat 8: 2-bedroom 4-person = 66 sqm GIA (already implemented)  
Flat 9: 1-bedroom 2-person = 62 sqm GIA (already implemented)  
Flat 10: 1-bedroom 2-person = 62 sqm GIA proposed

The units would meet the floorspace standards set out in the London Plan and Table 2.1 of Barnet's SDC SPD (2016).

The agent has demonstrated on plans that all the flats would provide a minimum ceiling height of 2.5m for at least 75% of the gross internal area of the flat, as set out in London Plan 2021. Officers are satisfied the units would provide adequate ceiling heights. The bedroom sizes would meet the standards set out Table 2.2 of Barnet's SDC SPD (2016).

Table 2.1 of the SPD states that proposals should avoid single aspect dwellings that are north facing or exposed to noise exposure categories C & D or contain three or more bedrooms.

Flat 7 and 8 are dual aspect units. Flat 9 is a single aspect but benefits from a large glazed rear gable window and rooflights which provide open sky views. Furthermore, the rear glazed gable end is south facing, a 1-person unit and is not exposed to a loud noise source. Flat 10 would be single aspect but would benefit from 2 south facing terraces which would provide adequate outlook. This unit would also receive sufficient daylight and sunlight through skylights and south facing glazing.

Table 2.3 of Barnet's SDC SPD (2016) states that flats should be provided with 5 sqm of outdoor amenity space per habitable room. It states that development proposals will not normally be permitted if it compromises the minimum outdoor amenity space standards. Each new flat would be provided with private outdoor amenity space in the form of inset balconies or rear roof terraces. Each flat would fail to meet these standards, with an under-

provision. Nonetheless, Officer acknowledges there is an existing communal garden area and the existing flats do not benefit from their own balconies. It is considered that although the inset balconies do not meet standards, they would meet the expected needs of an amenity area including the day-to-day uses such as hanging washing, external storage, relaxing etc.

Table 2.4 of the SDC SPD (2016) states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. Flat 7 and 8 are dual aspect flats. Flat 9 and 10 are single aspect but benefits from a large glazed rear gable window and terraces (which is south facing) and rooflights which provide open sky views. The proposal would meet the standard.

The bedrooms and living areas would have a reasonable outlook with clear glazed windows, as stated in Table 2.4.

Table 2.4 also states that in new residential development there should be a minimum distance of 21m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5m to a neighbouring garden. No side windows are proposed (only rooflights which are at an angle). The rear glazed elevation of the unit 9 and 10 would overlook the shared garden area of the Potteries to the rear, however, would be no different to the existing windows at first floor level. A neighbour has raised the issue of overlooking to the properties opposite on Mays Lane (i.e. front windows facing front windows) however, this is no different to the existing situation and is common to overlook the properties at the front across suburban streets such as this one. Notwithstanding this, according to the Council's internal GIS system, the front windows meet the 21m standard.

It should also be noted that 3 units that have been implemented at the second floor level was considered to be acceptable under the previously approved scheme ref: 18/6383/FUL. Apart from the additional unit proposed within the roof space there are no other changes proposed to the extant permission.

Highways and parking:

Policy DM17 of Barnet's Development Management Policies Document states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

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

2. Residential development may be acceptable:

- i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.
- ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

London Plan 2021 Policy T6 states that, "Car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity." "Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking."

It further states that, "Outer London boroughs wishing to adopt minimum residential parking standards through a Development Plan Document (within the maximum standards set out in Policy T6 .1 Residential parking) must only do so for parts of London that are PTAL 0-1."

"Where sites are redeveloped, parking provision should reflect the current approach and not be re-provided at previous levels where this exceeds the standards set out in this policy."

Table 10.3 of London Plan 2021 provides maximum residential parking standard. It states that all areas with PTAL 5 to 6 should be car free. For outer London area with PTAL 4 maximum parking for 1 to 2 bed units are 0.5 to 0.75 space per dwelling.

The applicant is proposing to construct 1x further self-contained unit (1x 1bed) in addition to the existing (6x 2bed) and a further 3x units constructed as approved under application reference 18/6383/FUL. The applicant is also proposing to make provision for 1 further off-street car parking space for use by residents of the proposed unit.

It is noted that, among 4 proposed flats, 3 flats have been implemented on site, which was given permission under 18/6383/FUL without any off street parking. Parking survey submitted at that time demonstrated that there is sufficient space available on street to meet the demand for the additional 3 units.

The applicant is proposing to make provision for 1x extra off-street car parking space, as well as the existing 7x spaces. The site lies within a PTAL 4/5 zone which means that there is very good/excellent public transport accessibility to and from the site. Therefore, the proposed provision of 1x off-street car parking space for the proposed unit is in line with requirements set out on Policy DM17 of the Barnet Local Plan and is considered acceptable.

Table 10.2 of London Plan provides minimum cycle parking standard. 1 space should be provided for 1 bed and studio unit, 1.5 space for 1 bed 2 person unit and 2 spaces for all other units.

Cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport. For a proposal such as this, the required cycle parking provision is 1 space. A condition is attached for detail for cycle storage.

Bin storages are provided at the rear of the property at the rear of existing bins, which is considered acceptable.

Highway has no objection subject to attached conditions.

Sustainability and accessibility

In terms of accessibility, Barnet policy DM03 requires developments to meet the highest standards of accessible and inclusive design. Policy DM02 requires compliance with London Plan requires 90% of new housing to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. A condition is attached to address this.

In respect of carbon dioxide emission reduction, The London Plan (2021) requires 10% reduction of CO2 emission for new residential buildings. A condition is attached to address this issue.

In terms of water consumption, a condition is attached to require the dwelling is constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2021).

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

Whether the foundation of the existing building could withstand the addition of two-storeys is not a material planning consideration but a matter for building regulation and engineering. As such, this is not addressed in this report.

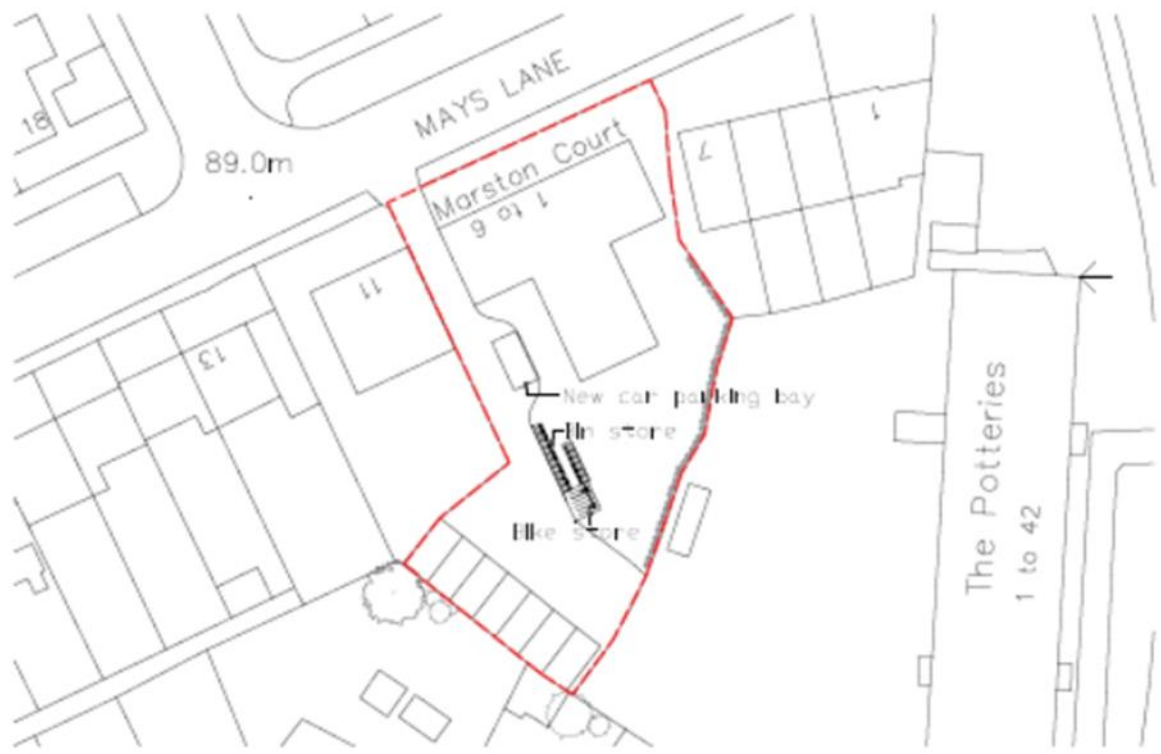
All other objections have been addressed within the main body of this report.

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

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

#### **7. Conclusion**

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



S C A L E 1:500



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**Location** Sisters Of The Sacred Heart 6 Oakleigh Park South London N20 9JU

**Reference:** 22/0804/FUL Received: 16th February 2022  
Accepted: 17th February 2022

**Ward:** Whetstone Expiry 14th April 2022

**Case Officer:** Zakera Matin

**Applicant:** Mr A Llupa

**Proposal:** Partial demolition(retrospective) of existing single storey extension and erection of a detached two storey dwelling containing 2no maisonettes and 3no self contained flats, with a basement and roof space. Associated amenity space, refuse storage, cycle store and off-street parking.

**AGENDA ITEM 13**

**OFFICER'S RECOMMENDATION**

Approve subject to conditions

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

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

SK-31, SK-32, PL-33, PL-34, PL-35, PL-36, PL-37, PL-38, PL-39, PL-40, PL-42, Bat Scoping Survey (7 March 2022), Planning Statement, Arboricultural Survey Report, Hybrid Parking Survey/Transport Statement, Sustainability and Accessibility 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 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 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevation facing no.4b and no.6 shall be glazed with obscure glass only below a height of 1.7m from finished floor level, and shall be permanently retained as such thereafter and shall be permanently fixed shut below that height.

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).

- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the flank elevation facing no.4b and no.6.

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

- 7 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) To offset the loss of large mature trees (T5 & T6 tree constraints plan) in the front garden and maintain the character of the street a minimum of x 2 trees will be planted at the front of development. These trees be a minimum of 45cm girth and 7m high and consist of x 2 walnut (*Juglans regia*) or similar species subject to LPA agreement.
- c) 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.
- d) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

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

- 8 a) 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 the London Plan 2021.

- 9
- 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).

- 10
- 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.

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

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

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

12 Prior to commencement of works on the development the applicant must submit an application under Section 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.

13 Notwithstanding the parking provision submitted with planning application, prior to construction of the development; a revised scheme showing parking provision in accordance with the Parking Policy DM17 including the access to the parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

14 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.

- 15 Development, other than demolition, shall not commence until the demolition works approved under Planning Permission Reference 21/3592/FUL have been completed.

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).

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

Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). 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 the London Plan 2021 and the 2016 Mayors Housing SPG.

- 17 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement 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 2013 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 18 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).

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

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

## **Informative(s):**

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

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

To receive a copy of our Guidelines for Developers and an application form please contact: [highway.development@Barnet.gov.uk](mailto:highway.development@Barnet.gov.uk). Traffic & Development Section Development and Regulatory Services, London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW, due to the current Covid-19 global pandemic, we have limited access to our offices, we therefore request that all new applications and requests be made via email.

- 0 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.
- 0 The applicant is advised that the site is located within close proximity of schools and therefore deliveries during the construction period should avoided between 0800 hrs to 0900hrs and 1500 hrs to 1600 hrs. Careful consideration must be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.

- 0 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed extraordinary traffic for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
  
- 0 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.
  
- 0 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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

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

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

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

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

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

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

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

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

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

- 0 In line with the National Planning Policy Framework (NPPF 2021) 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 please ensure that the Biodiversity Enhancement Recommendations recommended below are adhered to.

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.

o Artificial bird nesting boxes for swifts, house martins and house sparrows  
1 Bat Conservation Trust (August 2015) Encouraging Bats: A Guide for Bat Friendly Gardening and Living.

o Planting night-scented flowers will help attract night-flying insects, which offer food to hungry bats. Aim to plant a mixture of flowering plants, vegetables, trees and shrubs to encourage a diversity of insects, which in turn may attract different bat species.



o Flowers that bloom throughout the year, including both annuals and herbaceous perennials, are a good idea: night - flowering blossoms attract night-flying insects. Trees and shrubs provide food for insects and roosting opportunities for bats (Bat Conservation Trust)1.

lighting strategy 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/>.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site comprises side extensions to a large detached Victorian villa which is not included within the application site and was subject to planning application 21/3592/FUL. The site is located on southern side of Oakleigh Park South.

Oakleigh Park South is a predominately residential road comprised of an eclectic mix of large properties predominantly in use a single family dwelling houses. A newly built purpose built block of flats is located at the south western end of Oakleigh Park South near its junction with Oakleigh Road North. Sacred Heart primary school is also found at this junction.

The subject site was used as a convent building (C2 use class) as well as an onsite Chapel used by residents within the convent.

The site does not fall within a conservation area, nor is the building listed. A number of mature trees are found within the site, none of which are governed by Tree Preservation Order (TPO).

The site lies within a PTAL rating of 2, which means that there is low public transport accessibility.

### **2. Site History**

Reference: N00374A

Address: R/O 6/6A Oakleigh Park South Fronting Simmons Way And Russell Road London N20

Decision: Approved subject to conditions

Decision Date: 16.10.1968

Description: Erection of two storey building of four flats and garages

Reference: N00374J

Address: 6 Oakleigh Park South Whetstone, N20

Decision: Approve subject to conditions

Decision Date: 10.06.1983

Description: Single-storey side extension, single-storey rear extension and new porch at rear

Reference: N00374K

Address: 6 Oakleigh Park South Whetstone, N20

Decision: Approve subject to conditions

Decision Date: 28.03.1984

Description: Single-storey side extension

Reference: 20/3799/OUT

Address: Sisters Of The Sacred Heart, 6 Oakleigh Park South, London, N20 9JU

Decision: Approved subject to conditions

Decision Date: 14 May 2021

Description: Outline planning permission for demolition of existing convent building (Class C2) and erection of a two storey detached building with rooms in the roofspace incorporating 7no. dormers to provide 6 dwellings and erection of a two storey 5-bedroom house (Class C3). Landscaping a reserved matter. (AMENDED PLANS AND DESCRIPTION)

Reference: 21/3592/FUL

Address: Sisters Of The Sacred Heart, 6 Oakleigh Park South, London, N20 9JU

Decision: Approved subject to conditions

Decision Date: 01.09.2021

Description: Partial demolition of existing single storey extension and erection of a two storey

detached single family dwellinghouse with rooms in the roofspace and basement.

Associated amenity space, refuse storage, cycle store and off-street parking

Reference: 21/3594/FUL

Address: Sisters Of The Sacred Heart, 6 Oakleigh Park South, London, N20 9JU

Decision: Approved subject to conditions

Decision Date: 01.09.2021

Description: Partial demolition of existing single storey extension and erection of a two storey detached single family dwellinghouse with rooms in the roofspace and basement. Associated amenity space, refuse storage, cycle store and off-street parking.

### **3. Proposal**

The application seeks planning permission for partial demolition(retrospective) of existing single storey extension and erection of a detached two storey dwelling containing 2no maisonettes and 3no self contained flats, with a basement and roof space. Associated amenity space, refuse storage, cycle store and off-street parking.

Planning permission has been granted under 21/3594/FUL for partial demolition of existing single storey extension and erection of a two storey detached single family dwellinghouse with rooms in the roofspace and basement. Associated amenity space, refuse storage, cycle store and off-street parking. The purpose of this application is to split that development into flats and maisonettes.

The existing curtilage of the site would be subdivided into two separate sites/curtilages similar to approved scheme under 21/3594/FUL.

The proposed detached building would be sited 13 m from the front boundary line. The front building line would be set back 5.6m from the front building line of neighbouring property no.4b. In terms of footprint and scale, the dwelling would measure a maximum depth of 17.5m, a width of 10.7m, an eaves height of 6m and maximum height of 9.3m similar to the previous approved scheme under 21/3594/FUL. It would feature a crown roof. The rear elevation would feature 2 dormers. It would be sited 1m from both side boundaries.

Ground floor and basement would provide 2no maisonettes, first floor would provide 2 flats and there would be another flat at loft space.

2 car parking spaces would be provided at the forecourt. Private amenity space is provided at the rear for the 2 maisonettes and communal amenity space is provided for the flats in the rear garden.

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

Consultation letters were sent to 49 neighbouring properties.10 objections have been received.The objections received can be summarised as follows:

- Flatted development of this type would alter the character of this area
- It would increase traffic, pollution and noise.
- Probable impact on parking
- The submitted Parking Survey is wrong
- The additional vehicles parked in the street because of this development will have a significant detrimental impact on road safety.
- Impact on N0.4A in terms of overlooking, loss of daylight and sunlight.
- The proposed flats exceed a reasonable density.
- The road is particularly busy during the working week with the coming and going of parents and children to the two nearby schools. There is already insufficient legal parking spaces available on the road.

#### **4.1 Other Consultees**

Highways - Parking provision acceptable subject to conditions.

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

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

### The Mayor's London Plan 2021

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

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

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

### Barnet's Local Plan (2012)

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

Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS13.

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM13, DM16, DM17.

### 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

- o Sustainable Design and Construction SPD (adopted October 2016)
- o Provides detailed guidance that supplements policies in the adopted Local Plan and

sets out how sustainable development will be delivered in Barnet.

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

## 5.2 Main issues for consideration

The main issues for consideration in this case are:

- o The principle of the development;
- o The quality of the design and its impact on the character and appearance of the area and streetscene
- o Impact on neighbouring amenity
- o Quality of residential proposed accommodation
- o Impact on the local highway
- o Impact on Ecology, trees and biodiversity
- o Accessibility

## 5.3 Assessment of proposals

### Principle of the development

Policy DM08 of the Development Management Policies (2012) states 'Development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough', the proposed dwellings would provide a suitable mix of accommodation, including priority housing, which would contribute towards the growing housing shortage in the borough.

The character of Oakleigh Park South is predominately made up of substantial detached single family dwelling houses set in wide plots allowing a spacious green setting. The houses are of a varying design such as of an Arts and Craft style and Victorian Villas. A number of properties have been converted to flats along the road such as nos. 18 and 20 Oakleigh Park South. Therefore, introduction of maisonettes and flats would not be out of character in this area.

The principle for development on this site has been established by outline planning permission 20/3799/OUT and previous approved scheme under 21/3594/FUL.

Taking all of the above into consideration, officers consider that the principle of a replacement building in part with a new building containing maisonettes and flats would be acceptable subject to matters detailed further in the report.

### The quality of the design and its impact on the character and appearance the area and street scene

High quality design underpins the sustainable development imperative of the NPPF, as well as New London Plan (2021) chapter 3 'Design'. 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.

As detailed above, the application site contains the side extensions from a large detached house of a Victorian Villa style. The extensions on the site are part of an attractive building providing a good example of a Victorian Villa, it has no statutory or local protection and as such the principle of demolition is not contested. This however is subject to its replacement demonstrating high quality design which seamlessly assimilates into the street scene.

The character and appearance of the dwelling has already been considered to be acceptable via outline planning permission 20/3799/OUT and 21/3594/FUL. This application makes no significant changes to the footprint, height or design of the building that was previously approved. While the previously approved schemes did not feature a basement, the current proposal features a basement.

Whilst the proposal does not mark an overall increase in footprint, mass and height from the previous approved scheme, the resultant development would sit comfortably within the plot and would be representative in scale and size of neighbouring buildings, in particular those to the south west of the application site. The detached property has been designed to resemble the form and appearance of the adjacent neighbouring dwelling house which provide a cohesive appearance and an appropriate continuation of the built form it resides against.

The proposed parking arrangement to the front forecourt would be accompanied by soft landscaping to soften its visual appearance. A condition is attached to ensure this.

Taking the above into consideration and the previous planning history for this site, the proposal will have an acceptable impact on the character and appearance of the area and accords with Policy DM01.

#### Impact on neighbouring residential amenity

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

ON the side of no.4B Oakleigh Park South, the proposed detached dwelling house would be set off 1m from the common boundary with a further 1m to the flank wall of the neighbouring property in accordance with Residential Design guidance which stipulates a minimum of 2m between flank walls should be retained at first floor level.

In terms of footprint, it is noted that the rearwards projection would extend beyond the adjacent rear building line of the neighbouring property no.4b by 5.6 m at two storey level. However, a relevant material consideration is the substantial drop in land levels between the application site and the no.4b. The submitted drawings demonstrates that the ridge of detached property would be situated approximately 1.9m lower than no.4b and two storey eaves would be 2m lower than eaves of no.4b . As such the two storey rearward projection of the development would appear at a height of 4 m to its eaves when viewed from the neighbouring garden. This aspect would adequately reduce any adverse impact to the residential amenities of no.4b in terms of overbearing impact, overshadowing or loss of daylight. Furthermore the proposed building would be sited to north east in relation to no.4b and because of orientation together with siting at lower level it is not considered to have overshadowing or loss of light of no.4b.

It is noted that flank wall facing bo.4b and 6 Oakleigh Park contains habitable rooms. A condition is attached require them to be obscured glazed and non-openable below a

height of 1.7 m from finished floor level to address any overlooking and privacy issue.

### Quality of accommodation

#### Floor space standards:

The Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Table 3.1 within Policy D6 of The London Plan 2021 provides minimum space standards for new dwellings.

Maisonettes Unit G01 and G01 would be 3 bed 5 person unit with Gross Internal Floor area of 147.8 sqm which would meet the minimum GIA requirement of 93 sqm. There would be sufficient storage space.

First floor flats 101 and 102 would be 2 bed 3 person units with Gross Internal Floor area of 67.39 sqm which would meet the minimum GIA requirement of 61 sqm. There would be sufficient storage space.

Loft flat 201 would be 2 bed 4 person unit with Gross Internal Floor area of 86.4 sqm which would meet the minimum GIA requirement of 70 sqm. There would be sufficient storage space.

The proposed units would comply and considerably exceed the minimum space standards as set out above.

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 provides reasonable stacking throughout the property.

#### Outlook, daylight and privacy:

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

The maisonettes and the first floor flats would be dual aspect and would provide a good level of outlook, light and ventilation for future occupiers.

Glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. The ground floor and the first floor units would meet the requirement.

The loft unit would be single aspect. However, it would benefit from 2 large rear dormer windows and rooflights and would provide adequate level of outlook, daylight and

ventilation. The bedrooms of loft unit would not benefit from traditional windows, however it would receive sufficient daylight through the large rooflights which would account for 27% of the internal floor area of the rooms and would comply with the standard.

A minimum ceiling height of 2.5m for at least 75% of the dwelling area is required by London Plan. The units would meet the requirement.

Overall, the units would provide a good level of living accommodation in these respect.

Outdoor amenity space:

Barnet's Local Plan expects that sufficient and functional outdoor space should be provided for all new homes and flats wherever possible. Barnet's Sustainable Design and Construction SPD advises that 5m<sup>2</sup> should be provided per habitable room for flats .

The maisonette units would benefit from 17.6m private amenity space and 12 sqm sunken terrace and considered to meet the requirement.

Communal garden space covering an area of 369.7 m<sup>2</sup> would serve the first floor and loft flats and is considered to meet the requirement.

The proposed units would therefore provide an appropriate level of amenity space.

#### Impacts on the highway

Policy CS9 of the Barnet Core strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, requiring that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

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

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

The site fronts onto Oakleigh Park South which is a residential road. The site lies in an area with a PTAL rating of 2 (low) and 3 bus routes (125, 251, 34) can be accessed from stops within 4 minutes walking distance of the site. The site is not in a CPZ and there are no restrictions in front of the property but there is a single yellow line on the opposite side of the road. Also, there are single and double yellow lines as well as school keep clear markings elsewhere in the road.

Highways have reviewed the submitted documents; their comments have been incorporated below:

The site lies within a PTAL 2 zone, which means that there is poor public transport accessibility to and from the site. The required off-street car parking provision for a proposal such as this is 7x spaces. Therefore, the proposed means an under-provision of 5x off-street car parking spaces.

The applicant has provided the results of a Car Parking Survey conducted in line with the



Lambeth Methodology. The survey was carried out on the Tuesday 8th and Wednesday 9th at 2:30am and the results demonstrate that there is a current parking stress of 11.5% on-street. This means that there is expected to be sufficient availability on street to accommodate the potential overspill of 5x spaces. The officer has no objection regarding parking provisions.

The applicant is proposing to construct a new vehicular access. The applicant is advised that vehicular accesses must be between 2.4 and 4.2m wide with a gap of 2.4m between accesses. An application must be made to the Highways Development Control Team prior to the commencement of any works on the public footway and the access must be completed prior to the occupation of the proposed units.

The proposed refuse storage is proposed within 10m of the public highway, which is considered acceptable. Councils Waste team informed that, the bin placement and provision of 1 x 1100lit residual waste and 1 x 1100lit recycling waste bins are acceptable. However, the plan shows for the placement of 1 x 1100lit garden waste bin. Barnet Council only collects garden waste in 240lit bins. An informative is attached to address this.

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 and enclosed compound. Also, the type of stands used must allow both wheels and the frame of the bicycle to be locked. A condition is attached to address this.

#### Ecology, Trees and Landscaping

National policy states that "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

Core Strategy Policy CS7: Protecting and Enhancing Barnet's Open Spaces, aims to protect and enhance biodiversity across the borough. The network of green spaces, places and features that thread through and surround urban areas and connect town to country are known as Green Infrastructure. Barnet's Green Infrastructure includes: Green Belt and MOL, parks and gardens, natural and semi-natural green spaces, trees, hedgerows and green corridors, playing pitches and outdoor sports facilities, amenity green space, landscape, children's play facilities, allotments, community gardens and urban farms, cemeteries and churchyards, rivers, streams (including the Blue Ribbon Network) and open water areas as well as green roofs and walls.

DM16 states that, "When considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity."

The applicant has provided an Ecology Report which was assessed by councils Ecologist. Ecologist informed that, the report states that 'The dwelling is assessed to have negligible suitability for roosting bats'. Therefore, no further surveys are required.

If at any time following the start of demolition works, a bat roost or evidence of a bat roost is observed, all work would need to cease until a suitably licensed bat ecologist has been consulted and advice sought on how best to proceed under current laws and legislation. Where a bat roost is identified, destruction of the roost would usually need to be covered by a European Protected Species (EPS) Licence obtained from Natural England. The planning authority would need to have sight of any mitigation strategy developed for a licence application in order to address their obligations under The Habitats and Species Conservation Regulations 2018 (as amended).

If demolition is delayed for more than one-year after the date of the bat survey (March 2022), repeat bat surveys should be undertaken.

The Ecologist has no objection to the proposal.

The Councils Arboriculturist was consulted on a similar recent approval on site ref: 21/3594/FUL; Officers report mention that, trees in the rear garden will not be affected by the proposal, however, construction activities may cause harm. This can be controlled via a suitable tree protection plan which can be conditioned. Furthermore, there are no trees on site which merit special protection, although the proposal would result in the loss of some trees to the front forecourt, they are of poor condition and their loss subject to replacement planting would be acceptable. This replacement planting and further landscaping details will be secured via suitably worded conditions.

Whilst there may be a net loss of soft landscaped area, it is considered that the plans as submitted would contribute and maintain the character of the streetscene and overall soften the visual appearance of the buildings. The tree officer raised no objections to the proposal subject to conditions and informative.

#### Access and Sustainability

The application scheme is required by Policy D7 of the London Plan (2021) to meet Building Regulation requirement M4(2). The submitted drawings show that the proposed development can be adopted to meet this requirement, and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the proposed scheme has to designed to achieve 10% CO2 reduction to comply with the requirements of Policy SI 2 of the London Plan 2021 and a condition is attached to ensure compliance with the Policy.

In terms of water consumption, a condition is attached to require the dwellinghouse 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 (20 21).

#### 5.4 Response to Public Consultation

Mainly addressed in the body of the report. All planning-based representations have been taken into consideration in assessment of the application.

- inadequate provision of parking - The highways officer has no objections to the proposal and the parking survey demonstrates there is adequate off street parking within the vicinity of the site.
- impact on highway safety - the highways officer has no objections to the proposal.
- impact on privacy and light to neighbouring properties - the application will not lead to a loss of privacy to neighbouring properties as discussed in the amenity section in full detail.

#### 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 host property and locality and would not adversely impact the residential amenities of neighbouring and future occupiers. The application is therefore recommended for approval.



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