

MEETING

PLANNING COMMITTEE A

DATE AND TIME

WEDNESDAY 21ST SEPTEMBER, 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

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

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is Thursday 15 September 2022 at 10AM. Requests must be submitted to planning.committees@barnet.gov.uk

Andrew Charlwood – Head of Governance

ASSURANCE GROUP

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

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Decisions of the Planning Committee A

1 September 2022

Members Present:-

AGENDA ITEM 1

Councillor Nagus Narenthira (Chair)

Councillor Tim Roberts (Vice-Chair)

Councillor Lachhya Gurung
Councillor Claire Farrier
(Substitute for Councillor
Danny Rich)

Councillor Elliot Simberg
Councillor Tony Vourou (Substitute for
Councillor Richard Barnes)

Apologies for Absence

Councillor Richard Barnes

Councillor Danny Rich

1. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 07 July 2022 be agreed as a correct record.

2. ABSENCE OF MEMBERS

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

Apologies were received from Councillor Richard Barnes who was substituted for by Councillor Tony Vourou

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

Councillor Claire Farrier declared an interest in relation to Item 9 due to having considered the application at a previous Committee and in her capacity as Ward Councillor. Councillor Farrier declared that she would not be taking part in the discussion or voting on the item.

4. REPORT OF THE MONITORING OFFICE (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

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

6. DEFERRED - DEVELOPMENT SITE NORTH OF PARK HOUSE AT FORMER 12 - 18 HIGH ROAD LONDON N2 9PJ - 21/6385/S73

The Planning Officer explained that the item had been deferred by the Planning Committee on 08 June 2022 to enable residents to carry out an independent survey on disputed measurements. However, as no evidence had been provided to substantiate their dispute in respect of the accuracy on the submitted plans, the Officer's recommendation to approve the application remained the same.

The Chair moved a motion, seconded by Councillor Roberts, to defer the application to allow residents more time to submit their measurements and for the required information to be brought to Committee. The motion was carried.

The Committee voted to defer the application which was recorded as follows:

For: (deferral) 4

Against: (deferral) 1

Councillor Tony Vourou did not take part in the vote as the Councillor was not present when this application was previously considered.

RESOLVED that the Committee DEFER the application to the next Planning A Committee on 21 September 2022.

7. JEANETTES LAND NORTH OF THE RIDGEWAY BARNET NW7 1EL - 22/0650/FUL (MILL HILL)

The Planning Officer presented the report.

Peter Jeffery, the agent for the applicant, addressed the Committee.

The Committee voted on the officer's recommendation for refusal.

For: (refusal) 0

Against: (refusal) 6

Further to discussion of the item, the Chair moved a motion seconded by Councillor Simberg, to approve the application for the following reasons and delegating conditions to the Service Director:

That the proposed scheme would not have a substantial adverse impact on the green belt and rural landscape and it would provide affordable housing for nursery staff.

The provision for much needed social housing in the particular area outweighed minor effects to the green belt.

Therefore, the motion was carried and the Committee unanimously approved the application.

RESOLVED that the Committee APPROVE the application and grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the reasons and to add the necessary conditions in consultation with the Chair.

8. LAND REAR OF 36 PARK ROAD BARNET EN5 5SQ - 21/6677/FUL (HIGH

BARNET)

The Planning Officer presented the report.

Robert Sale addressed the Committee and spoke against the application.

The agent, Stuart Minty, addressed the Committee.

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

The votes were recorded as follows:

For: 4

Against: 2

RESOLVED that the Committee APPROVE the application following legal agreement AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the 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. LAND REAR OF THE BOBATH CENTRE 250 EAST END ROAD LONDON N2 8AU - 21/2602/FUL (EAST FINCHLEY)

The Planning Officer presented the report.

Joe Henry addressed the Committee and spoke on behalf of Richard Forshaw against the application.

Rachel Crick, the agent for the applicant, addressed the Committee and confirmed that the application had been amended based on recommendations at a prior Committee.

Councillor Claire Farrier addressed the Committee and spoke against the application.

The Chair moved to a vote on the Officers' recommendation to approve the application.

The votes were recorded as follows:

For (approval): 0

Against: 4

Abstained: 1

There was discussion regarding whether the amendment made a material change to the development which the Committee previously resolved to approve, so as to justify a reason for refusal.

The Committee were informed that they could make a contrary decision to the previous committee but should give reasons why they took a contrary view and that their reasons should not be perverse.

The Chair moved to revote on the Officer's recommendation as follows:

For(approval): 1

Against: 0
Abstained: 4

Councillor Farrier did not take part in the votes due to a declaration of interest.

RESOLVED that the Committee APPROVE the application 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 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. 9 BURROUGHS GARDENS LONDON NW4 4AU - 22/1692/FUL (HENDON)

The Planning Officer presented the report.

David Pixner and Gabbie Asher addressed the Committee and spoke against the application.

Joe Henry, the agent for the applicant, addressed the Committee.

Further to discussion of the item, the Chair moved to vote on the Officer's recommendation to approve the application.

The votes were recorded as follows:

For: 6

Against: 0

RESOLVED that the Committee APPROVE the application 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)

11. 130 HENDON LANE LONDON N3 3SJ - 21/6308/FUL (FINCHLEY CHURCH END)

The Planning Officer presented the report.

Ian Amdur addressed the Committee and spoke against the application.

Alberto Cohen addressed the Committee and spoke in support of the application.

Joe Henry, the agent for the applicant addressed the Committee.

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

The votes were recorded as follows:

For: 6

Against: 0

RESOLVED that the Committee APPROVE the application 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

12. 15 CHEYNE WALK LONDON NW4 3QH - 22/2291/FUL (HENDON)

The Planning Officer presented the report.

Joel Gray, agent for the applicant, addressed the Committee.

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

The votes were recorded as follows:

For: 6

Against: 0

RESOLVED that the Committee APPROVE the application 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)

The Chair exercised her discretion to continue the meeting until 10:30pm. The Committee was in agreement.

13. 12 HIGHVIEW AVENUE EDGWARE HA8 9TZ - 22/1953/HSE (EDGWARE)

The Planning Officer presented the report.

The agent and the applicant submitted their apologies for not being able to attend the meeting.

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

The votes were recorded as follows:

For: 6

Against: 0

RESOLVED that the Committee APPROVE the application 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

14. 3 SHIREHALL LANE LONDON NW4 2PE - 22/2067/HSE (HENDON)

The Planning Officer presented the report.

Mr Grossnass, the applicant, addressed the Committee.

Councillor Joshua Conway address the Committee in support of the application.

The Officer's recommendation for refusal was put to the vote which was recorded as follows:

For: (refusal) 0

Against: (refusal) 6

Further to discussion of the item, the Chair moved a motion seconded by Councillor Roberts, to approve the application for the following reasons:

-That the proposed scheme would keep in character of neighbouring houses.

-That no harm would be caused to the living conditions of neighbouring residents.

The motion was carried. The Committee then voted in favour of the application which was unanimous.

RESOLVED that the Committee APPROVE the application 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

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

None.

The meeting finished at 10.25 pm

LOCATION: 1 Alexandra Grove
London
N12 8NU

AGENDA ITEM 6

REFERENCE: 22/3600/FUL Validated: 11.07.2022

WARD: West Finchley Expiry: 05.09.2022

APPLICANT: Barnet Homes

PROPOSAL:

Change of use from a C3 hostel comprising 6 self-contained units to supported accommodation for 16/17 year old children within the Youth Justice System, use class Sui Generis

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:
 - 670101-WSP-YF-01 P01
 - 670101-WSP-YF-02 Rev A

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

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

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

3. Prior to first occupation of the property for the hereby approved secure accommodation unit (C2A) use, a final management plan document shall be submitted to, and agreed in writing by the Local Planning Authority, in consultation with Council's Community Safety Unit and the Metropolitan Police Service. The plan shall include, but not be limited to, details of:
 - Staffing provision, including hierarchy and level of qualification and training of those on site;
 - Service management hierarchy and contact details of those parties;
 - Risk assessments and monitoring and review procedures;
 - Process flow diagrams for how non-compliant tenants will be managed (including intervention measures, exit strategies and termination clauses for children that do not comply);
 - Activity and services information with respect to tenants' daily programmes;
 - Neighbour issue logs and methods for escalation;
 - CCTV surveillancing plan (including illustrated area of coverage)

The use shall thereafter be operated in full accordance with the details approved under this condition, unless otherwise agreed in writing by the Local Planning Authority, in consultation with the Council's Community Safety Unit and the Metropolitan Police Service.

Reason: To ensure the safe and effective operation of the use, in the interest of the amenities and safety of the public and occupiers of the development, in accordance with Policies DM01 and DM04 of Barnet's adopted Local Plan Development Management Plan Policies DPD (2012).

4. The garden shall only be used between the hours of 08:00 and 20:00, Monday to Saturday; and 09:00 to 20:00 on Sundays. Use of the garden during these times are to be supervised by suitably qualified and competent staff.

Reason: To ensure that the amenities of neighbouring occupiers are protected in accordance with Policies DM01 and DM04 of Barnet's Local Plan Development Management Policies DPD (2012).

5. The secure accommodation unit hereby approved must be inhabited by no more than 5 tenants at anytime.

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

6. Prior to the first use of the development hereby permitted, information shall be submitted to and approved in writing by the Local Planning Authority detailing how the development would adhere to the principles of Secure by Design. The development shall be carried out and retained in accordance with the agreed details.

Reason: To ensure that the development meets Secure By Design principles, protecting the safety of the property and adjacent neighbours in accordance with Metropolitan Police recommendations, and Policy DM01 of Barnet's adopted Local Plan Development Management Policies DPD (2012).

Relevant Planning Policy

Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan and the development plan documents in the Barnet Local Plan. These statutory development plans are the main policy basis for the consideration of this planning application.

Barnet's Local Plan is made up of a suite of documents, including the Core Strategy and Development Management Policies development plan documents. The Core Strategy and Development Management Policies documents were both adopted by the Council in September 2012.

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

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan policies

of most relevance to the application is set out in subsequent sections of this report dealing with specific policy and topic areas. This is not repeated here.

The London Plan

The London Plan (2021) published 2nd March 2021 sets out the Mayor's overarching strategic planning framework from 2019 up to 2041. This document replaced the London Plan 2016.

Barnet Local Plan

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy and Development Management Policies documents, which were both adopted in September 2012.

Barnet's Local Plan (Reg 22) 2021

The Council is in the process of reviewing and updating the Borough's planning policies in a document, known as the Local Plan. It forms a 15-year strategy which emphasises Barnet's many strengths as a place to live, work and visit. The Local Plan sets out a vision for how the Borough will change as a place over the next 15 years.

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.

National Planning Guidance:

National planning policies are set out in the National Planning Policy Framework (NPPF) (2021).

The NPPF is a key part of reforms to make the planning system less complex and more accessible. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications which are considered to accord with the development plan.

The Community Infrastructure Levy Regulations 2010:

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Were permission to be granted, obligations would be attached to mitigate the impact of development which are set out in Section 10 of this report.

PLANNING ASSESSMENT

1.0 Site Description

- 1.1 The application site comprises of a two storey semi detached property located on Alexandra Grove. The property is currently subdivided into 6 self-contained residential units which are currently being used as temporary accommodation by the London Borough of Barnet for vulnerable adults with mental health problems in which some have been involved in the criminal justice system.
- 1.2 The building is a semi-detached, double fronted residential property with a driveway providing parking spaces for three cars. The immediate context is residential in nature however there are retail and commercial uses in the wider context on Ballards Lane.
- 1.3 The application site is a locally listed building and adjoins the designated Moss Hall Crescent Conservation Area. There are no other planning constraints associated with this site.

2.0 Proposed Development

- 2.1 Permission is sought for a change of use from a C3 hostel comprising 6 self-contained units to supported accommodation for 16/17 year old children within the Youth Justice System, use class Sui Generis
- 2.2 The development would involve minor internal alterations to provide 6 bedrooms, washroom facilities and communal areas. These works would result in 5 bedrooms, 2 bathrooms and a day room on the First floor and a self-contained suite (existing) for

the use of the manager on the Ground floor. The remaining ground floor areas would provide shared amenities for the boys comprising kitchen, dining room/lounge, laundry, 2 WC's and a therapeutic room to support the children. There would be no external works to the building itself however the rear garden fencing would be replaced with a 2m high timber fence panels set within concrete posts.

2.3 In terms of the nature of the use itself, residents of the supported accommodation for children in the justice system would:

- Be in custody (arrested and awaiting trial) or convicted and sentenced to reside in residential community setting or those leaving a prison service and being resettled after serving a sentence.
- Receive a level of care equivalent to Centrepoin't's specialist approach which offers wraparound provision to residents by providing them psychologically informed framework.
- Receive Employability and Skills offer alongside wider opportunities for self-development.
- Access to some physical activity, group workshops concentrating on their interests, career aspirations and talents. · Access to mental health services, life skills and legal support.

2.4 There would be an on-site management and the property would be staffed by a minimum of two staff at one time 24 hours a day, 365 days a year. Core support services would occur between 0900-1900 on weekdays where staffing numbers would be higher, but a minimum of two staff, including waking night staff, would be present outside of these hours.

3.0 Relevant Planning History

3.1 The following planning history is considered to be relevant to the consideration of the application.

3.2 C10537 – Permission was granted for 6 self-contained flats with 3 car parking spaces at the front (4 January 1990). This forms the current lawful use of the property. The property is currently being used as temporary accommodation by the London Borough of Barnet for vulnerable adults with mental health problems however there is no element of care provided on site so the use aligns with the lawful C3 use.

4.0 Consultations

- 4.1 As part of the consultation exercise, 94 letters were sent to neighbouring residents, site notices were erected adjacent to the site and a notice was published in the Barnet Press. As a result of the initial consultation exercise, a total of 71 responses were received comprising of 69 objections, 1 letter of support and 1 representation.

Summary of Neighbour Objections

- 4.2 The material planning considerations contained within the representations received from neighbouring residents can be summarised as follows:

- Would increase crime in area
- Anti social behaviour risk
- There are several other nurseries, care homes and a hospice in the local area, very near to Alexandra Grove with vulnerable residents.
- Safety and security concerns related to proposed use
- Development would harm locally listed building
- Inappropriate for a residential area
- Already enough similar facilities in the area
- Lack of prior consultation
- Security arrangements for facility inadequate
- The proposed boiler room and sprinkler outbuilding will result in loss of accommodation and garden space accordingly. The proposed facilities, part of the £2 million conversion proposal as per the application form, are of such a scale that they would be appropriate for an industrial plant or a high-rise block, not a small old Victorian semi
- Potential noise disturbance
- Risk of reoffending not assessed
- Privacy and amenity loss
- Loss of residential accommodation
- Incorrect class of use (should be C4A) and lack of pre-application consultation
- Errors and omissions in application

- 4.3 These matters are addressed in the main body of the report.

Responses from External Consultees

Metropolitan Police

- 4.4 With the use of properties such as Houses of Multiple Occupation (HMO's) and residential care accommodation, it is extremely important to have a robust, relevant and proportionate management plan. It is notable that a plan was submitted with the application that includes a 'restorative' and 'proportionate' response to "challenging or concerning behaviours". It is vital that the relevant agencies have the ability to enforce, relocate or evict a resident, because of incident(s) of ASB, crime or disorder (whereby this type of action is agreed as a necessary measure).

- 4.5 With 'short-term' properties such as HMO's, children's care homes and so on, it is recommended that a formal written agreement is understood and signed by a future resident (and parent/legal guardian etc) prior to occupation, accepting the terms of the management strategy and matters such as acceptable behaviour, times of use of outdoor garden, no overnight visitors and so on. This is important, as clear rule setting from the outset will provide the standards that the facility and its residents will operate within, and a resident can then be under no illusion that any deviation from these rules could lead to disciplinary and enforcement matters.
- 4.6 The planning application refers to the provision of staff at the facility on a 24hr basis, 365 days a year. This is important to ensure that there are 'capable guardians' on site to help to assist with any incidents that may occur. It is recommended that this be made a formal planning condition upon any approval, to help ensure that an appropriate level of supervision for the premises is maintained for the duration of this facility.
- 4.7 It is positive that the applicant wishes to introduce access control and CCTV for the premises. It is recommended the applicant installs an 'audio and visual' access control system that allows staff to fully identify whom is requesting access and can remotely release the door-set from the safety of their office if satisfied. This can allow staff to remain in the office for their own personal safety in case of any immediate change in circumstances such as an aggressive or unwanted visitor. The system must also be capable of two-way communication between staff and any visitor/resident. There must be no 'trades button' upon the access control panel, as these are grossly misused throughout London and beyond.
- 4.8 By using SBD guidance and crime prevention methodology, I would recommend the following for the premises:
- Providing a secure external door-set (front, rear) tested and certificated to security rating PAS24:2016. This will help to provide a secure line of physical security at access/egress points. This can also help to protect the facility and its staff/residents in the event of an emergency. It can also help to protect against incidents of intrusion/burglary. To be compliant with fire strategy.
 - Ensuring that 'easily accessible' windows (i.e. ground and those deemed as 'easily accessible') are tested and certificated to security rating PAS24:2016. Rationale as above. To be compliant with fire strategy.
 - Staff office/room – in case of panic/emergency and to incorporate a secure layer where CCTV, safe etc might be present: incorporating a door tested and certificated to PAS24:2016. Any glazing between this room and communal areas to be laminated to BS EN 356:2000 P2A. Staff to be issued with 'panic alarm' to alert others in an emergency.
 - Individual dwelling rooms – it is noted that a number of fire doors (FD30, FD60) have been incorporated within the plans. Recommendations for these should include hinge bolts, spy-hole, London & Birmingham bars (if room permits), two points of locking 1/3 from top and 1/3 from bottom (BS 8621 thumb turn night latch lock and BS 8621 thumb turn mortice deadlock). Staff to also possess keys

to enable external access to individual's room (if locked from within). This level of security can help to protect the resident when inside their room but would still allow access by staff if necessary. This must remain compliant with fire strategy.

- If lightweight framed partition walls, then area between bedrooms and communal areas and 600mm either side of bedroom doors to be reinforced with expanded metal mesh or 9mm plywood panelling to help to protect against potential intrusion from another dwelling or from corridor/landing into room. This must remain compliant with fire strategy.
- Secure external boundary at rear of premises of at least 1.8m+. This can help to protect the premises against intrusion/burglary. Further advice can be provided regarding type etc.
- Electrical cupboard at rear to be locked and secured at all times, with staff only possessing keys.
- CCTV at front and rear of premises and staff office. It is recommended that this be
- installed by a member company of either the National Security Inspectorate (NSI) or Security Systems and Alarms Inspection Board (SSAIB) whom can provide a certificate of compliance ensuring that the system is fit for purpose. CCTV footage to be retained for an acceptable period e.g. 31 days in case of an incident on site.
- Clear management strategy within the premises to help to deter/remove potential future incidents of ASB, crime and disorder. Incidents such as conflict arising from one resident using another's items without permission, another resident's food disappearing from fridge, securing communal items that could potentially be used as weapons e.g. sharp knives etc should be addressed by staff/management of the facility.
- A clear 'signing in/out' policy capturing relevant details to help to ensure that staff are aware of whom is present within the facility, visitors, resident movements and so on. This can also help staff/other agencies if dealing with an incident on site, any missing person enquiries and so on.

- 4.9 I do not have an objection to this application but would recommend that Secured by Design accreditation is achieved by the applicant for the premises, in order to help to protect the premises and staff/residents against potential future issues of crime and disorder.

Responses from Internal Consultees

- 4.10 Environmental Health and Children's Services were consulted on the application however no comments were made.

PLANNING ASSESSMENT

5.0 Land Use / Principle of Development

- 5.1 The proposed use falls outside of the existing C3 or Hostel use as the level of care and support provided falls outside the scope for C3 accommodation and is more

suitable for classification under Sui-Generis as a specialist type of accommodation, in accordance with Part 3 of the Town and Country Planning (Use Classes) Order 1987.

5.2 The NPPF states at paragraph 59 that “to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.

5.3 There is no specific policy for supported housing at a local level however Core Strategy Policy CS4 supports the delivery of a variety of housing related support options including provision for young people.

5.4 The emerging Local Plan does however have a specific policy, HOU4, which addresses specialist housing. The policy states the following in relation to ‘Housing Choice for People with social care and health support needs’:

Proposals for people with social care and health support needs should:

- (a) In meeting an identified need help people to live independently;
- (b) Deliver older persons housing as guided by the London Plan indicative benchmark of 275 new specialist older persons homes per annum and the tenure priorities set out in Table 8;
- (c) Demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area;
- (d) Be within 400m walking distance of local shops and easily accessible by public transport;
- (e) Provide adequate communal facilities including accommodation for essential staff on site;
- (f) Deliver affordable and accessible accommodation in accordance with London Plan policies H4, H5 and D7 Support the remodelling of residential care homes to other forms of special accommodation in order to widen housing choice, support healthy and independent lives and to reduce over supply; and
- (g) ensure that vulnerable residents benefit from housing choice and that additional residential care home provision is only supported when evidence of local need can be demonstrated.

5.5 Given the nature of the proposals, aimed at vulnerable children, and the scale of the development, at 6 bedrooms, criteria (b) and (f) are not directly applicable to the assessment of the scheme.

- 5.6 In respect of criterion (a), the submitted Planning Statement sets out that “in April 2020, London had 211 children, up to and including children aged 18, in custody, out of a total of 749 in England and Wales. There is therefore an overrepresentation of children from London in custody.” The statement goes on to set out that “In the year ending March 2020, the number of children held in youth custody on remand accounted for 31% of all children in youth custody, the largest proportion in the last ten years (Ministry of Justice et al., 2021). This is particularly concerning given two thirds (66%) of children given a remand to youth detention accommodation did not subsequently receive a custodial sentence.”
- 5.7 The purpose of the application is therefore to provide a better alternative to children being accommodated in secure custody while on remand and to address the need for such accommodation. As is set out in the Planning Statement, the form of accommodation proposed in this application would provide deliver health, welfare, social and educational benefits to a vulnerable group and would promote better outcomes for such children. On this basis and cognisant of the identified need, it is considered that the application is in accordance with criterion (a) of HOU4.
- 5.8 Criterion (c) requires that specialist housing does not have a harmful impact on the character and amenities of the local area. In terms of visual character, the application does not propose any external alterations other than a new fence to enclose the rear garden and as such there would be negligible impact on local character.
- 5.9 In terms of amenities, in the absence of any external works with the exception of the new fence, it is considered that there would be no material impact on the amenity of adjacent residents. In terms of impact on wider local amenity in terms of noise and disturbance, and crime; these matters are addressed in subsequent sections of this report. As set out in the relevant section of this report, it is considered that there would not be any significant harm to local amenity as a result of the development. It is therefore considered that the scheme is in compliance with criterion (c).
- 5.10 Criterion (d) requires that such a development be within 400m walking distance of local shops and easily accessible by public transport. In this case the application site is located within 400 metres of local amenities on Ballards Lane, including access the bus routes in accordance with the criterion.
- 5.11 Criterion (e) states that communal facilities including accommodation for essential staff on site should be provided. In accordance with this requirement, appropriate communal and staff facilities would be provided on site to allow for 24 hour a day, 365 days a year staff presence.

- 5.12 Criterion (g) requires that vulnerable residents benefit from housing choice and that additional residential care home provision is only supported when evidence of local need can be demonstrated. It is considered that the scheme accords with the requirements in line with the local need identified in paragraphs 5.6 and 5.7 of this report.
- 5.13 Having regard to the above, it is considered that the scheme accords with emerging Policy HOU4 when taken as a whole. Despite the specificity of the policy and its direct applicability to the scheme, HOU4 is an emerging policy and only limited weight can be afforded. Nevertheless, there is broad, if not specific, support for the scheme provided by current Local Plan Policy CS10 and DM13 which support the provision of community facilities for Barnet's communities, including those that provide health welfare, social, educational, spiritual, recreational and cultural needs of the community. Taking a holistic view of the policy context, it is considered that the principle of development is acceptable.

6.0 Design and Appearance

- 6.1 The application site is a locally listed building and adjoins the Moss Hall Crescent Conservation Area. The local listing is on the basis of architectural interest which is as part of a group of properties from 1-7 (odd) Alexandra Grove. The local listing states the following:

“Late Victorian Villas. Slated pitched roofs, hipped gables, chimney stacks at ends, deep eaves and soffits, terracotta cresting. Sash windows with shallow arches at first floor. Roofed bay windows at ground floor with masonry pilasters. Flemish brick bond, London stock.”

- 6.2 All of the works to the property to facilitate the change of use would be internal and there would be no impact on the architectural quality of the building or the group value. Likewise the lack of external alterations to the property would ensure that there would be no resulting harm to the character and appearance of the conservation area. It is therefore considered that the application is in accordance with Policy DM06 of the Local Plan.

7.0 Amenity Impact

- 7.1 There would be no external alterations to the property which would ensure that there would be no resulting harm to neighbouring residents in terms of sunlight, daylight, privacy or outlook.

7.2 In terms of noise impact, the intensity of the residential use would be broadly similar to that of the existing use of the property as 6 self-contained units. Whilst concerns have been raised in consultation responses that the particular user group may generate additional noise and disturbance, there is no empirical basis for officers to consider as such. There would also be robust management of the premises, including an on-site presence 24 hours a day, 365 days a year and mechanisms and processes to control any excessive noise. A management plan would be secured through condition and the use of the premises would thereafter be subject to the details of the plan.

8.0 Crime Prevention / Community Safety

8.1 Development plan policies require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime.

8.2 To this end, the Metropolitan Police were consulted on the application and their response is set out fully in Section 4 of this report. The key conclusion of the Metropolitan Police is that they have no objection to the application, subject to an extensive list of security measures being incorporated under Secured by Design. A condition requiring SBD accreditation would therefore be attached accordingly. Given the support of the Metropolitan Police, and subject to the relevant condition, officers must conclude that the proposed development would not result in an unsafe environment for local people.

9.0 Equality and Diversity Issues

9.1 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. The scheme would support a vulnerable group within society.

10.0 Conclusion

10.1 The principle of development is acceptable and the application is acceptable from a conservation, amenity and community safety perspective. It is considered that the scheme is in compliance with the development plan when taken as a whole.

10.2 Based on all of the above, it is considered that the application should be approved subject to conditions listed.

11.0 RECOMMENDATION: TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS.

Appendix: Site Location Plan



Location **Thatcham Court High Road London N20 9QU**

Reference: **22/3458/FUL** Received: 4th July 2022
Accepted: 4th July 2022

Ward: Barnet Vale Expiry 29th August 2022

Case Officer: **Mansoor Cohen**

Applicant: Mr Jeremy, James and Julian Margolin

Proposal: Erection of a 3 storey building to provide 2no self-contained flats following demolition of the existing bin and general store. Associated parking, cycle store, refuse and recycling store

AGENDA ITEM 7

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the 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:

Site Location & Block Plan - 20003-GRA-ZZ-ZZ-DR-A-PL001 Rev 5
Existing Site Plan - 20003- GRA-ZZ-ZZ-DR-A-PL002 Rev 4
Existing Ground Floor/Roof Plan - 20003-GRA-ZZ-ZZ-DR-A-PL003 Rev 4
Existing Front/Side Elevations - 20003-GRA-ZZ-ZZ-DR-A-PL004 Rev 4
Existing Rear/Party Wall Elevations - 20003-GRA-ZZ-ZZ-DR-A-PL005 Rev 4
Existing Sections - 20003-GRA-ZZ-ZZ-DR-A-PL006 Rev 4
Existing 3D Views - 20003-GRA-ZZ-ZZ-DR-A-PL007 Rev 4
Proposed Site Plan - 20003- GRA-ZZ-ZZ-DR-A-PL008 Rev 4
Proposed Floor Plans - 20003-GRA-ZZ-ZZ-DR-A-PL009 Rev 4
Proposed Front/Side Elevations - 20003-GRA-ZZ-ZZ-DR-A-PL010 Rev 4
Proposed Rear/Party Wall Elevations - 20003-GRA-ZZ-ZZ-DR-A-PL011 Rev 4
Proposed Sections - 20003-GRA-ZZ-ZZ-DR-A-PL012 Rev 4
Proposed 3D Views - 20003-GRA-ZZ-ZZ-DR-A-PL013 Rev 4
Swept Analysis Plan - 20095 TR001 Rev A
Design & Access Statement and Planning Statement (Greco and Rabin July 2022)

Tree Protection Plan dwg no 20_5837_09_27

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

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

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

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

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

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

- 4 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the Tree Protection Plan (ROAVR Environmental 20_5837_09_27 Site: Thatcham Court, 10 High Road, London, N20 9QU report and Tree Protection Plan dwg no 20_5837_09_27) approved 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.

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

- 5 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning

Authority prior to the occupation of the hereby approved development.

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

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

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

- 6 Prior to occupation of the development the proposed parking spaces within the parking area as shown in Drawing No. 20003-GRA-ZZ-ZZ-DR-A-PL008 - Rev. 4 submitted with the planning application and the access to the parking area from public highway shall be provided. The access to the parking spaces shall be maintained at all times. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012 and policy T6 of the London Plan 2021.

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

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

- 8 a) No development or site works shall take place on site until a 'Demolition and

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

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

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.

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

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

2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

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

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

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

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

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

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

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

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

- 15 The residential units hereby approved shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and 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).

Informative(s):

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

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

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

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

on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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

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

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

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

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

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

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

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

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

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

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

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

- 5 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 6 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licences or email highwayscorrespondence@barnet.gov.uk.

OFFICER'S ASSESSMENT

1. Site Description

The application site is located on the eastern side of the High Road, between the junctions with Buckingham Avenue and Thatcham Gardens, and is occupied by a three/four storey block of 31 residential flats. The flats are set on a landscaped plot which includes some mature trees, and a row of lock up garages and an amenity area are located to the rear. These ancillary facilities are accessed from Buckingham Avenue.

The immediate area is residential in character and the rear of the site abuts dwellings on Thatcham Gardens and Buckingham Avenue. The blocks are finished in brick with white uPVC windows. There are blocks of flats opposite the site, and the wider areas also contains flat complexes. Thatcham Court is approximately 200m to the north of Whetstone Town Centre, and a parade of shops is located opposite, across the road entrance to Buckingham Avenue.

2. Site History

Reference: 20/4703/FUL

Address: Thatcham Court, High Road, London, N20 9QU

Decision: Refused

Decision Date: 02.12.2020

Description: Demolition of existing bin and general store and construction of a four storey building providing 3no self-contained flats. Associated parking, cycle store and refuse and recycling store

Reason: The proposed development, by reason of the contrasting material finish, colour and visual appearance would have a discordant and would not relate sympathetically with the host building, resulting in a scheme which would be visually jarring, causing harm to the character and appearance of the existing building which would be out of keeping and detrimental to the character and appearance of the site and the wider locality. As such would be contrary to policies CS1, CS5 and CS NPPF of the Adopted Core Strategy (2012) and policy DM01 of the Local Plan Development Management Policies DPD (2012).

Reference: 21/0730/FUL

Address: Thatcham Court, High Road, London, N20 9QU

Decision: Refused

Decision Date: 22 July 2021

Appeal Decision: Dismissed on 21 February 2022, ref: APP/N5090/W/21/3282190

Description: Demolition of existing bin and general store and construction of a four storey building providing 3no self-contained flats. Associated parking, cycle store, refuse and recycling store

Reason 1: The proposed development would fail to provide an appropriate mix of units, which would fail to contribute towards the identified shortfall of family units within the Borough or create inclusive and sustainable communities contrary to policy CS10 of Barnet Council's Core Strategy (adopted) 2012; policy DM08 of Barnet Council's

Development Management Policies (adopted) 2012; and policy H.10 of the London Plan (2021).

Reason 2: The proposed development by reason of its height, bulk and scale would have a discordant appearance and would not relate sympathetically to the host building and would detrimentally harm the character and appearance of the site, the street scene and the wider surrounding area. As such the proposal is contrary to policies CS1, CS5 and CS NPPF of the Adopted Core Strategy (2012) and policy DM01 of the Local Plan Development Management Policies DPD (2012).

3. Proposal

The application seeks planning permission for the 'Erection of a 3 storey building to provide 2no self-contained flats following demolition of the existing bin and general store. Associated parking, cycle store, refuse and recycling store'.

This is a revised application following the refusal of consent for application 20/4703/FUL (as above) and subsequent to this refusal of 21/0730/FUL. The latter being subject to an appeal decision (referenced above) in which the appeal was dismissed on 21 February 2022.

This application seeks to overcome the reason of refusal considered by the Inspector and differs in the following manner:

- A reduction in height to three storeys (previously four storeys)
- Recessed front elevation to align with the adjacent existing building line
- Variations in architectural detailing, fenestration and projecting balconies

The new build would measure 7m in width, 10m in depth and a height of 8.75m to its flat roof. Rooftop mounted solar panel which produce an overall height of 9m.

The material finish would largely resemble those proposed in the previous application being of a red blend facing bricks with a running bond pattern and featurette green glazed bricks to all elevations. White aluminium framed windows and doors are proposed to the previously proposed grey colour.

The proposal would provide 2no. one bedroom units to the first and second floor with ancillary facilities on the ground floor, and 2 parking spaces within the green landscaped area fronting the building. Projecting balcony areas would feature to the front elevation.

4. Public Consultation

Consultation letters were sent to 120 neighbouring properties. a total of 37 responses were received comprising 37 letters of objection. The responses received can be summarised as follows:

- Concern about disruption and disturbance particularly during the construction phase
- Increase in housing when there are lots of new builds in the locality
- Against the maximisation of revenue when current buildings are not maintained
- Concerns of over-development of the site.
- Concerns of overshadowing to garden area
- Concern about loss of open space and trees. Green space around the building for the benefit of residents will be lost.
- Concern about loss of area to dry linen area and leaseholder rights to this area

- Breach of leaseholder rights to plots of garden areas and rights of access
- Concerns regarding level of refuse/recycling bins
- The space for the current bins and additional bins will cause further congestion, increase traffic and make it very difficult for refuse collecting.
- Concern about increased parking, which will lead to increased parking stress in the wider area, congestion and pollution with no provision of electric charging points.
- Concern about loss of daylight/sunlight to adjoining residents and its importance to health and well-being.
- Concerns of loss of privacy and overlooking for adjoining flats.
- Concern that the proposal does not address refused schemes and only makes minor amendments.
- Repetitive applications for similar development
- Proposal will undermine local character and not match the existing building
- Out of keeping with the existing building, particularly projecting balconies, differing colour facing brick and overall design
- Building would be higher than the existing building
- One bedroom units would not contribute towards family housing
- Increased pressure on local services.
- Concerns of subsidence/structural integrity
- Concerns over loss of tenants and thereby income due to construction works
- Concern the design will be out of place amongst 20th Century development
- Concern the proposal would impact on the rights of leaseholders by building over gardens and demolishing the bin store/drying area.
- The dwellings will be too close to an electrical sub-station and has the potential to cause serious health issues for any residents.
- Concern about impacts on the health of residents, particularly elderly residents.
- Concern about highway safety and vehicles being able to safely enter the site.
- The proposal will lead to a loss of trees and greenery.
- Inaccuracies noted within the submission relating to the central courtyard as opposed to individual gardens/patios.

A letter of objection received by the Rt. Hon. Theresa Villiers M.P for Chipping Barnet making the following summarised comments;

I note that, to date, there are 26 objections to the application. Many of these mention the fact that the proposed building is not in keeping with Thatcham Court or the surrounding area; and is an over-development of the site.

Although the developer has reduced the height of the building from that which was refused on appeal, the same issues of concern remain, including the reduction in the area of green space available to the residents of Thatcham Court; lack of parking being provided which will add to the difficulties in the surrounding area; and the loss of the clothes-drying area because many residents of Thatcham Court do not have access to clothes drying facilities and that there are no launderettes nearby.

There are also comments relating to being overlooked causing a loss of privacy and also obstructing their light.

I note that the reasons for refusal of the 2021 application, I believe that this latest application fails to address these reasons for refusal. I would therefore be grateful if the planning committee would take the views of local residents into consideration before reaching a decision. Please also inform them that I share my constituents' concerns about the application and believe it should be refused.

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 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, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

Barnet's Draft Local Plan (Reg 22) 2021

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

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

Supplementary Planning Documents

- Residential Design Guidance SPD (adopted October 2016)
- Sustainable Design and Construction SPD (adopted October 2016)
- Planning Obligation SPD (adopted April 2013)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Planning History;
- Principle of development;
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Provision of refuse storage.

5.3 Assessment of Proposals

Planning History

As detailed above this application follows the refusal of consent for a similar style scheme under application 21/0730/FUL. This application was subject to the scrutiny of the Planning Inspectorate, in which the appeal was dismissed primarily on mass, size and scale. The Inspectors decision forms a material consideration in the assessment of this application. Any new submission would need to adequately address the previous concerns which will be discussed in greater detail under the character and appearance section below.

Principle of development

Flats/Previously Developed Land

Under the previous application the following was stated within the officers delegated report:

"The site is occupied by Thatcham Court, an existing flat complex and the wider area also includes purpose built flat developments. As a result, flatted developments are considered to form part of the character of the area. The National Planning Policy Framework promotes a presumption in favour of sustainable development requiring local authorities to permit development which accords with the development plan. The reuse of a previously developed site more efficiently, in close proximity to a town centre, which provides a range of services and access to public transport links, are characteristics of a proposed development with many sustainable attributes".

It is considered that the principle of flats, and any attempt to use the site more efficiently can still be accepted. It is acknowledged that some neighbours have concern this amounts to an over-development, but officers consider the general principle to develop flats within the existing site to be acceptable.

Density

Under the previous application the following was stated;

The London Plan 2021 has now been adopted and density ranges no longer apply. As previously discussed design, amenity, parking provision and how a proposal can successfully assimilate within a setting are often better indicators of appropriateness with new development.

Policy GG2 states that to create successful sustainable mixed-use places that make the best use of land, those involved in planning and development must:

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

and;

"apply a design-led approach to determine the optimum development capacity of sites "

The site is close to the town centre and the range of goods and services on offer and there are public transport links which make the site sustainable, and suitable to explore the potential to increase density. Whilst it is accepted local residents and occupants of the existing complex have raised a number of concerns, it is considered the principle of increasing the density can be accepted and tested against other policy requirements, to ascertain if a suitable development could be accommodated, taken into account the comments received.

In accordance with London Plan policies, higher density development in this location is therefore deemed acceptable subject to the considerations further detailed.

Unit Mix

The LPA considered the previous scheme would fail to provide an appropriate mix of units by only providing one bedroom units and therefore not meeting the identified shortfall of family homes. This aspect was subject to review by the Planning Inspectorate, relevant extracts are provided below:

Paragraph 5: "Policy CS4 of the CS sets out that successful communities shall be created by, amongst other provisions, seeking to ensure the delivery of a range of dwelling sizes and types of housing including family and lifetime homes, that meets identified housing priorities. Policy DM08 of Barnet's Local Plan Development Management Policies (September 2012) (the DMP) indicates homes with four bedrooms to be of highest priority and homes with three bedrooms to be of medium priority."

Paragraph 6: "The proposal that is before me would exclusively deliver one-bedroomed flats, which does not align with Council priorities that are centred upon the provision of family-sized units of accommodation. Nevertheless, the site under consideration is of limited size and its constraints do not readily lend it to accommodating multiple units of larger accommodation. When also factoring in the modest number of additional units to be provided, I find that the intended housing mix would not undermine the Council's delivery priorities. Indeed, the 3 additional flats proposed would make valid contributions in the senses of promoting market choice and meeting housing need."

In this context, the proposal differs by providing 2no. one bedroom units as a result of the reduction in scale. Taking into consideration the Inspectors comments and the site

constraints it is considered that the proposal would contribute to the boroughs housing mix and needs.

Conclusion

Taking all of the above matters into consideration, and as previously considered, the principal of this development is considered acceptable subject to further considerations as set out below.

Character and appearance

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

The differences between this application and the previously refused application are as follows:

- A reduction in height to three storeys (previously four storeys)
- Recessed front elevation to align with the adjacent existing building line
- Variations in architectural detailing, fenestration and projecting balconies

The Inspector stated the following in respect of the refused scheme:

Paragraph 10: "The stepped building heights that can currently be observed to Thatcham Court are sympathetic to the makeup of the site's surroundings and ensure that the central section is set away from low-rise residential development. In contrast, the four-storey building that is proposed, which would exceed the overall height of the central section, would fail to respect the transitions in building height that can currently be observed. Furthermore, being stepped closer to the highway when compared to the three-storey part of Thatcham Court that it would sit alongside, the new building would occupy a particularly prominent position in the streetscene."

The Inspector therefore concluded:

Paragraph 11: "Therefore, whilst a relatively limited extent of new hardstanding is proposed and the intended architectural style, fenestration and external-facing materials of the new building would be suitably sympathetic to the current composition of Thatcham Court and its immediate surroundings, the height, scale and visual prominence of the proposal would be excessive and lead to an unduly bulky, discordant and over-dominant form of development materialising."

To this end, this application has sought to overcome these concerns by reducing the overall scale of the building by one storey, and setting back the front elevation to align with the adjacent front building line of Thatcham Court.

The effect of these amendments result in a more streamlined development that would be more akin to a continuation of the existing building and conforming to the adjacent building height whilst allowing a degree of variation articulated through projecting balconies and fenestration detailing. It is noted that due to the parapet top the height would marginally protrude (0.3m) beyond the flat roof of the existing building, however, this is considered to be modest in scale and the overall proportions, mass, bulk and scale would respect the existing building and acceptably integrate into street scene.

The Inspector considered the architectural style and facing materials would be 'suitably sympathetic' to the existing building. This scheme does not differ in this respect and officers consider, the use of materials to include the red blend facing brick, green glazed bricks, white framed windows and balconies all to be characteristic of the existing building and draw sufficient reference from the materiality of the existing building to assimilate acceptably. Further details of materials to ensure a high quality finish can be secured by way of a condition.

With regards to the new hardstanding within the green verge fronting Buckingham Avenue, the Inspector considered this to be relatively limited. The hardstanding in this application has been further reduced as result of the reduced parking provision to suit the number of units. This facilitates an area fronting the car parking spaces to provide replacement tree planting and therefore soften the visual impact of the development as a whole. This aspect is therefore considered acceptable.

The council's Trees Officer comments within the previous scheme are wholly relevant given the footprint of the building has not increased but rather reduced. The tree officer stated that 'no trees will be directly impacted by the building. The car parking spaces at the front of the building remove a small section of amenity grass and a large established privet thicket. This feature, being a shrub cannot be protected by way of TPO, however the loss of visual amenity and wildlife habitat must be compensated for with new tree and shrub planting. The submitted arboricultural report provides enough information to ensure the existing trees will not be harmed, if fully implemented. Landscaping to the front of the building can provide replacement planting to help soften the visual massing of the proposal and offset the loss of the shrubs, and this could include new tree planting. There is no objection subject to tree protection condition and a condition agreeing details of hard and soft landscaping.'

The proposal does include a replacement tree fronting the parking spaces and details of this and the surrounding hard and soft landscaping can be secured by way of a condition.

In summary, it is considered that reduced scale and alignment with the existing building (front and back) aptly overcome the previous reason for refusal and ensure the new building respects the proportions and scale of Thatcham Court.

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

The previous schemes were not considered to result in adverse impact to neighbouring occupiers. The current scheme is reduced in scale and depth and therefore, it is not considered that the previous assessment would differ in this respect. Nonetheless, this assessment is outlined below.

The new building would align with the front and rear elevation of the building it adjoins, as such it is not considered that any harm would arise to the existing adjoining neighbours by way of overshadowing, loss of light or creating a sense of enclosure.

Whilst some loss of sunlight would be had to the rear garden areas, this would be to a limited extent and not so adverse so as to render these spaces as deficient and unusable.

The northern wing of Thatcham Court would be set in excess of 25m from the rear elevation of the new building thereby complying with the 21m minimum separation distance required.

To the east lies no.2 Buckingham Avenue, a two storey detached dwelling house. Its flank elevation abuts a row of garages associated with Thatcham Court. The flank elevation of the new build would be set some 15m from the neighbouring flank and therefore would not result in an adverse impact in terms of overshadowing or loss of light.

In terms of privacy and overlooking, the proposal features front projecting balconies, which are set approximately 2.7m from the adjoining residents. Given this separation distance, it is not envisaged that any demonstrable harm could arise in this regard. In addition, a condition can be imposed to apply privacy screening that would suitably mitigate any contended impact.

It is noted that no.2 Buckingham Avenue does not feature any upper floor windows in its flank elevation facing the development therefore the narrow style flank windows facing this neighbour do not pose any concerns of overlooking or loss of privacy. It is also highlighted that these serve as secondary windows for either a kitchen or hallway thereby limiting any impact.

Living standards for future occupiers

Floor Area:

The London Plan (2021) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum internal space requirements for residential units.

Each of the proposed 1bed/1 person units would need to meet the highlighted minimum internal space standards as demonstrated below:

1 Bed/1 person: London Plan requirement = 39m² - 47m² provided.

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

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

Each bedroom measures 11m² in floor area and measures in excess of 2.15m in width, therefore exceeds the requirements for a 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.

A floor to ceiling height of 2.4m is provided throughout each of the flats which falls short of the required standard. The submitted Design & Access Statement states this is to maintain floor to floor heights that are closely aligned to that of Thatcham Court, and to not exceed the adjacent roof level. It is noted that the floor to ceiling height achieved would exceed that of the nationally prescribed space standards which requires 2.3m. Taking this into consideration along with any increase in height which would likely compromise the scale and design of the building and fail to integrate with the existing building, in this instance, this aspect is considered acceptable.

Light/outlook:

Barnet's Sustainable Design & Construction SPD (2016) section 2.4 states that glazing to all habitable rooms should provide reasonable levels of outlook and daylight / sunlight to all habitable rooms.

Both units would be dual/triple aspect with ample glazed areas to ensure an acceptable level of outlook and daylight / sunlight.

Amenity Space:

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

The proposed two units are served by an individual balcony area providing 5m² of private amenity space per unit. The required provision is 15m² per unit (30m² in total). In previous applications, it was considered that the shortfall of outdoor amenity space was considered acceptable due to the existence of access to public amenity spaces such as Brook Farm Open Space and the proximity to the town centre and public transport links to other areas of public amenity provision. Furthermore, Thatcham Court is set in a landscaped plot, which in itself could act as ancillary communal open space for all residents.

Officers note in addition, that London Plan Standards set a minimum of 5m² of private outdoor amenity space for 1-2 person dwellings which this proposal would comply with.

Taking into consideration all of the above and the single occupancy of each unit, it is considered that the amenity provision is acceptable.

Accessibility:

The proposed development will have to be designed to comply with M4(2) standards. This could be secured via condition.

Highways

Buckingham Avenue, N20 is a predominantly residential road comprising up to two-storey detached and semi-detached residential properties, whilst there is a mix of residential, commercial, retail and business office units on the A1000 heading south. The site lies on the edge of Whetstone Town Centre and in close proximity to local amenities and shops.

The Public Transport Accessibility Level (PTAL) for the site is assessed as 2 which is regarded as poor accessibility. There are two Transport for London (TfL) Bus stops adjacent to and opposite the site (Buckingham Avenue and Friern Mount Drive) that are accessed by 7 bus routes (34, 234, 263, 326, 626, 634, N20). Totteridge and Whetstone London Underground station facilitating Northern Line services is located within walking distance from the site to the south.

The proposal is for the demolition of the existing single storey bin storage building and to erect a three-storey building consisting of 2 x 1 bedroom 1 person residential flats. A total of provision of 2 off-street car parking spaces will be provided to the southern side of the building footprint in proximity to the private driveway entry, equating to one space per unit.

No changes are being proposed to the existing vehicular access. The grass verge proposed to be used as the new car parking area appears to be maintained privately. The applicant has provided a swept path analysis which shows that both spaces can be safely accessed and egressed.

Highways have reviewed the provision and confirmed this to be acceptable and in accordance with Policy DM17.

Despite neighbouring objections, given a parking space per unit is provided, it is not considered that there would be any additional demand for on street parking spaces from these units, that would result in unacceptable highway impact or congestion.

Cycle Parking and Storage:

A dedicated cycle storage area would be located within the ground floor of the new building and accessed from the front elevation. In accordance with London Plan standards, a provision of two cycle spaces would be required which could be adequately accommodated within the proposed store.

Refuse/recycling Storage:

A dedicated bin store would be located within the ground floor of the new building and accessed from the rear elevation. This somewhat resembles the existing provision arrangement. The submission has been reviewed by the street scenes team who have confirmed the new store would be capable of accommodating the refuse/recycling bins for Thatcham Court and the proposed development and therefore acceptable. Further details of the refuse strategy and collection arrangement will be sought out through a condition.

Third Party Representations

Mainly addressed in the report. Other matters are addressed as follows:

- The dwellings will be too close to an electrical sub-station and has the potential to cause serious health issues for any residents.

As previously noted, Environmental Health have advised that the main concern is from live electricity, but in this case the sub-station is enclosed within a locked ancillary store building. The electro-magnetic fields at a distance of 4.0m would have no serious impact.

- Concern about loss of area to dry linen area and leaseholder rights to this area
- Breach of leaseholder rights to plots of garden areas and rights of access

A continued concern of residents relates to the loss of the clothes drying area. Whilst acknowledging the concern, Officers previously concluded that this would be a civil, leasehold matter. Anything that relates to the development or use of land is capable of being a material planning consideration, but ordinarily disputes around property rights, covenant or leasehold agreements are not material planning considerations. The Planning System generally takes the view that these issues are capable of resolution outside the planning process, and it is difficult to envisage how a reason for refusal on this issue could be sustained. It is also difficult to conclude that a condition agreeing a replacement would meet the tests of a planning condition in terms of reasonableness, necessity and relevance to planning, when in terms of necessity the council would have to entertain refusal on this

issue, should a condition not be used.

- Inaccuracies noted within the submission relating to the central courtyard as opposed to individual gardens/patios.

This is duly noted and acknowledged. It is however noted that both the existing and proposed block plans annotate this area as 'Existing courtyard with individual gardens / patios', thereby acknowledging these private areas. The proposal does not incorporate any delineated changes to this area.

- Concern about loss of open space and trees
- The proposal will lead to a loss of trees and greenery.

As per the tree survey, the proposal does not require the loss of any on site trees and will provide a new tree fronting the proposed two car parking spaces. The loss of green space is very modest and reduced from the previous scheme in which the Inspector considered was acceptable. Details of the proposed new tree to soften the visual impact can be agreed by condition.

- Concern about disruption and disturbance particularly during the construction phase
- Concern about access along pavements with increased parking and congestion.
- Concern about highway safety and vehicles being able to safely enter the site.

Conditions can be used which can to some degree alleviate disturbance during the construction phase of the development. The council's Highways Officer advises that the level of parking provision associated with the development is acceptable, and it is not considered that this scheme would increase local parking stress or lead to hazardous parking.

- Concern about impacts on the health of residents, particularly elderly residents.

It is acknowledged that a number of elderly residents have raised concern with this proposal. Officers have judged the scheme on its planning merits and conclude that an acceptable development could be provided, subject to conditions. This will include conditions to manage disturbance during demolition and construction phases.

- Concern about loss of daylight/sunlight to adjoining residents and its importance to health and well-being.
- The proposal will lead to a loss of privacy for adjoining flats.
- Overshadowing of adjoining garden areas.

The concerns relating to amenity are noted, but it is considered this scheme can be accommodated without impacting excessively on existing amenity levels, as considered above.

- Increased pressure on local services.

The small scale nature of the proposal would not unduly impact local services. Any approval would be subject to a Community Infrastructure Levy (CIL).

- Against the maximisation of revenue when current buildings are not maintained
- Concerns of subsidence/structural integrity
- Concerns over loss of tenants and thereby income due to construction works

These are not a material planning consideration.

- Concern that the proposal does not address refused schemes and only makes minor amendments.
- Repetitive applications for similar development

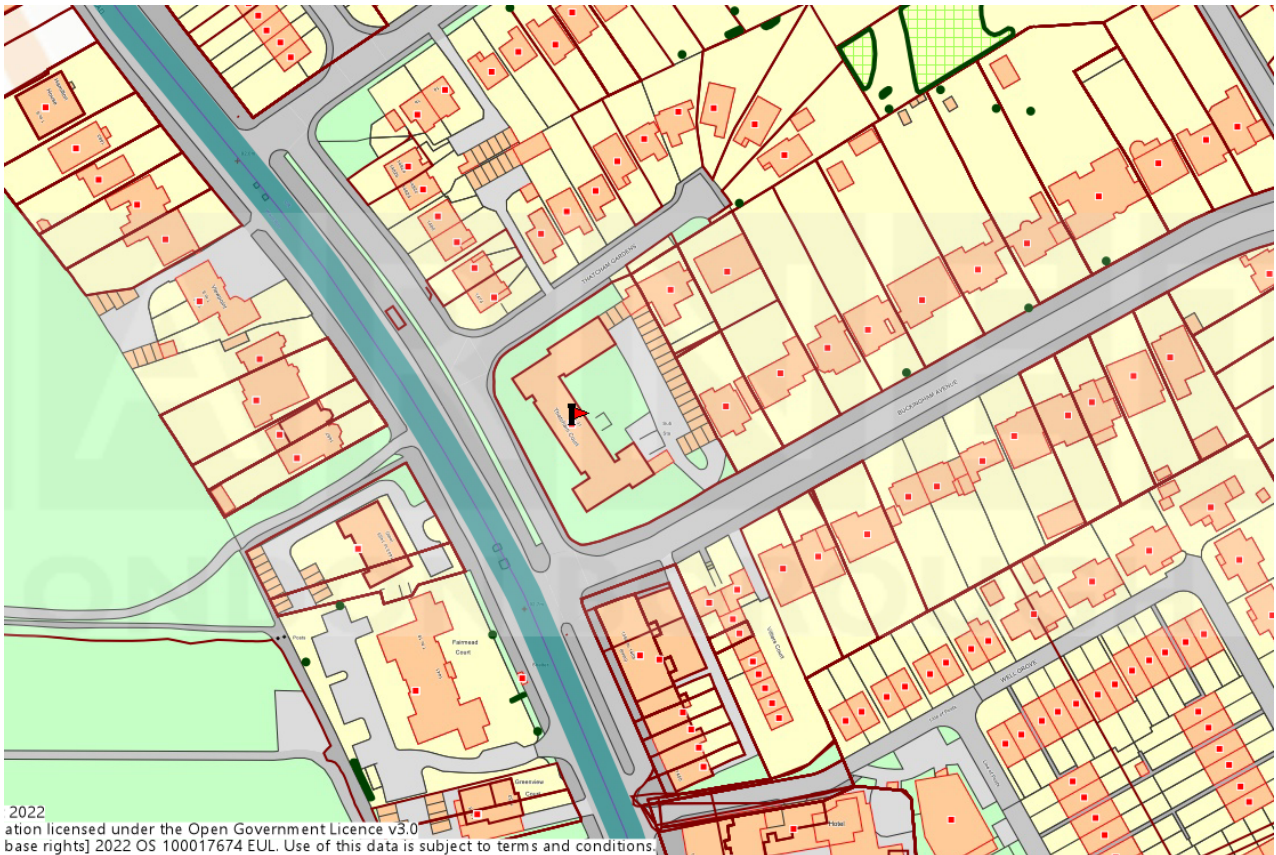
The amendments suitably overcome previously raised concerns. It is the applicants prerogative to submit applications so long as these are materially different, as is the case for this scheme.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed size, scale and design of the development has overcome previous concerns, and as there are no new issues to determine otherwise, it is recommended the application be approved subject to conditions.



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Location**11 Gruneisen Road, London, N3 1LS****AGENDA ITEM 8****Reference:**

Received: 15.11.2021
21/6029/FUL Accepted: 15.11.2021
Ward: West Finchley Expiry: 14.02.2022

Applicant:

Woolbro Morris Ltd

Proposal:

Demolition of existing buildings and redevelopment of the site to provide two buildings ranging from 3-4 storeys in height, to provide 460sqm of commercial (use Class E) floorspace and 20 residential units (Use Class C3), comprising of 6 x studios; 6 x 1 bed ; 4 x 2 bed (3 bed) and 4 x 3 bed units; 14 x no car parking spaces; cycle storage; communal and private amenity space; refuse and recycling storage.

Recommendation 1:

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. Affordable Housing (3 x no shared ownership units) 1 x 1 bed unit at Block A; 1 x 2 bed unit & 1 x 3 bed unit at Block B. The development would be subject to a late stage review mechanism, which will require a re-rerunning of the viability appraisal , once 75% of the units are sold or let.
4. Travel Plan- a financial contribution of £5,000 towards travel plan monitoring in addition to a contribution of £3150 for travel plan incentives.
5. Carbon offsite contributions: This payment would be £54, 750 (£44,726 towards residential element of the development & £10,024 towards the commercial element of the development
6. £15,000 towards a Controlled Parking Zone (CPZ) review
7. £5,000 towards CPZ permit restrictions.

8. "A car free" agreements which restricts future occupiers of both the commercial and residential development from applying for on street car parking permits

9. 20% Local Labour in construction

10. All financial contributions listed above to be subject to indexation.

RECOMMENDATION 2:

That subject to Recommendation 1, the Committee grants delegated authority to the Service Director Planning & Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

Conditions:

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

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

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

- Site Plan: WHO-GRU-HTA-A_0002;
- Proposed Ground Floor Plan WHO-GRU_HTA-A_0100 Rev A
- Proposed 1st Floor Plan WHO-GRU_HTA-A_0101 Rev D
- Proposed 2nd Floor Plan WHO-GRU_HTA-A_0102 Rev C
- Proposed 3rd Floor Plan WHO-GRU_HTA-A_0103 Rev C
- Proposed Roof Plan WHO-GRU_HTA-A_0104 Rev A
- Proposed Elevation WHO-GRU_HTA-A_0200 A-A and B-B Rev A
- Proposed Elevation WHO-GRU_HTA-A_0201 C-C and D-D and E-E Rev A
- Proposed Elevation WHO-GRU_HTA-A_0202 F-F and G-G Rev A
- Proposed Section WHO-GRU_HTA-A_0300 H-H_I-I_J-J Rev A
- Design and Access Statement by HTA Design Limited
- Transport Statement (prepared by Motion Consultants dated 8 November 2021
- Travel Plan (prepared by Motion dated 10 November
- Daylight and Sunlight Assessment (October 2021, Issue 1) by L16 Consultants
- Archaeological Desk Based Assessment dated October 2021 (project number: 07509A) by HCUK Group.

- Employment Land Report prepared on behalf of Woolbro Morris Limited (November 2021)
- Air Quality Assessment by eb7 dated 26 October 2001
- Noise Impact Assessment Report (23514.nia.01) by KP Acoustics
- Phase 1 - Geo Environmental Assessment Report CMG/C4892/10518) dated October 2021 by Brownfield Solutions Limited
- Energy & Sustainability Statement dated August 2022 by JAW Sustainability
- Utilities Statement Report prepared by X CO2 for Woolbro Morris dated November 2021
- Flood Risk Assessment by Lustre Consulting dated November 2021
- Tree Survey and Impact Assessment dated October 2021 by Keen Consultants
- Tree Constraints Plan dated October 2021 by Keen Consultants
- Fire Statement dated 30/1/2021 by London Bridge Association Limited by Iba
- Viability Assessment (Viability response to Viability update March 2022) carried out by Carter Jonas by May 2022
- Archaeological Desk Based Assessment by HUCK Group

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

3. a) No development 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 contractor's compound and car parking arrangements;

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

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.

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

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

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

5. a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of:

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

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

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

6. a) 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), and policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012).

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 3 of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 11 of the proposed 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 of the London Plan 2021.

8. 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).

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

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.

- 10.**(a) Prior to occupation of the development, full details of the Service and Delivery Management Plan for the commercial and residential elements of the development shall be submitted to and approved by the Local Planning Authority.

(b) The Delivery and Servicing Management Plan hereby approved shall be implemented and retained in accordance with the details thereby approved.

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

- 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 T6 of the London Plan (2021) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 12.**(a) Prior to occupation of the development, full details of the lighting strategy shall be submitted to and approved by the 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/>. Local Planning Authority, in consultation with the Councils Ecology Team.

(b) The details hereby approved under part a, shall be implemented, and retained in perpetuity.

Reason: To minimise the impacts on bats and 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.

13.a) 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 ecological survey and proposed biodiversity gains 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.

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

Reason: To ensure biodiversity gain onsite, and in 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.

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

Reason: To ensure that the development is safe and secure for future occupiers in accordance with policies 7.3 of the London Plan (2016); CS5 of the Core Strategy (2012) and DM02 of the Development Management Document (2012).

15.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).

16. Part 1

The recommendation for intrusive Phase II investigations in the Phase 1 - Geo Environmental Assessment Report CMG/C4892/10518 dated October 2021 by Brownfield Solutions Limited shall be implemented in accordance with the details hereby approved.

Part 2

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

Part 3

Remediation shall be carried out in accordance with the approved detailed remedial method statement and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

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

- 17.** The development hereby approved shall be carried out in accordance with the Noise Impact Assessment Report (23514. NIA.01) by KP Acoustics Consultants. The details can be implemented and retained thereafter.

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

- 18.** 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 D4, D5, D8 and G7 of the London Plan 2021; 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).

- 19.** The mitigation measures hereby approved as set in the Air Quality Assessment Report by eb7 Consultants dated 26th October shall be implemented in their entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

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

- 20.** 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).

- 21. a)** The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments to the front of block A facing Gruneisen Road, 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).

- 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 of not less than 30% in carbon dioxide emissions for the residential development; and not less than 38% for the commercial unit 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).

- 23.** The commercial use (use Class E to ground floor at Block B) hereby permitted shall not be open to members of the public before 7am or after 10pm Monday to Saturday; and before 11am or after 6pm on Sundays; bank holiday and Public Holidays.

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

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

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

- 25.** 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).

26. (a) Prior to the commencement of development onsite, a Piling Method Statement, detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) shall be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water.

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

Reason: To ensure that the development does not adequately impact or cause failures to local underground sewage utility infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), DMO4 of the Development Management Document 2012) the Sustainable Design and Construction SPD (adopted October 2016).

27. a) Prior to Commencement excluding demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives.. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

b. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To enable archaeological investigation and safeguard the archaeological interest on the site in accordance to with paragraph 199 of the National Planning Policy Framework (Revised 2019) policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy HC1 of the London Plan 2021.

28. 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).

29. The development hereby approved shall be implemented in accordance with the Tree Protection Plan (drawing ref: KC-XX-YTREE-TPP01 Rev 0) and retained thereafter.

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

30.a) Prior to the first occupation of the hereby approved development, details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

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

31 All future occupiers and residents of the 20 hereby approved self-contained flats at Blocks A & B shall have access at all times to all the shared amenity open spaces within the site boundary.

Reason: To ensure all residents onsite have access to adequate and good quality open space onsite, in accordance with policies D6 of the London Plan (2021); DM02 of the Development Management Document (2012) ; and SPD- Residential Design Guidance (2016)

32. (a) Prior to commencement of development, full details of emergency access arrangements for the commercial element of the development shall be submitted to and approved by the Local Planning Authority, in consultation with the London Fire Brigade Authority. The approved details shall be retained thereafter.

(b) Both the commercial and the residential Building shall be installed with water sprinklers, and smoke ventilation to be installed for the stair cores, to be retained thereafter.

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

Informatives

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

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

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

infrastructure-levy) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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

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

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

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

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

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

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

5. Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.

6. The applicant is advised that written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines. They must be approved by the Local Planning Authority before any on-site development related activity occurs.

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

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

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

9. Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.

10. The submitted Construction Method Statement shall include as a minimum details of:

- Site hoarding
- Wheel washing
- Dust suppression methods and kit to be used
- Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
- Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.
- For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

11. The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be

separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.

12. Various trees, shrubs and hedging are protected as they are shown to be retained or planted as part of the landscaping condition of the planning permission granted for the development of the site. This landscaping condition specifies that any trees or shrubs removed, dying, becoming severely damaged or becoming diseased within five years of the completion of the development are to be replaced with trees or plants of appropriate size and species.

13. 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.

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

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

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost

of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

14. The Applicant is advised to ensure that the proposed plans conform to Part B of approved document of the Building Regulations and that the application is submitted to Building Control/Approved Inspector who in some circumstances may be obliged to consult the Fire Authority.

15. The applicant is advised to consult Fire Safety Guidance Note (dated 29 January 2019) on Fire Brigade Access similar to that in B5 of the Building Regulations.

16. 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.

17. 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 Biosecurity, 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."

RECOMMENDATION II1

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 17 December 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 fails to provide a legal undertaking to secure affordable housing; obligations towards carbon reductions; travel plan; sustainable modes of transport; Controlled Parking Zone restrictions and review, and a "car free" agreement which restricts future occupiers from applying for car parking permits. The proposal would therefore not address the impacts of the development, contrary to policies E11; SI2; H4; H6; & T4 of the London Plan (2021); policies DM04; DM10; DM14; DM17 of the Development Management Document (2012); and the Planning Obligations SPD (adopted April 2013).

Officer's Assessment

Site Description

The site is currently occupied by a garage/MOT service and includes a number of industrial style buildings, and the street fronting building is a double-height single storey shed with a pitched roof.

The site is accessed off Gruneisen Road, a cul-de-sac entered from Ballard's Lane to the east and two separate access points from Gruneisen Road. The surrounding area is characterised by commercial and residential development, with buildings ranging from 2 to 4 storeys in height. The southern boundary abuts the rear gardens of houses along Wentworth Park. The western boundary runs along the access road between Victoria House and One Way Motors. Directly to the east, is the former Finchley Police Station, which secured planning consent in 2019 for 41 residential units. Planning consent for this development has been implemented onsite.

The site has very good access to Public Transport (PTAL rating of 4) on a scale of 1 -6, where 1 is extremely poor and 6 is excellent.

The site is not located within a Conservation Area, nor is it a listed building.

The site lies in an Area of Special Archaeological Interest.

Site History

11 Gruneisen Road, London, N3 1LS

Ref: CC12207

Description: Use of one service bay of vehicular repair garage for M.O.T testing of cars

Lawful – (17.10.1995)

Site adjacent to the proposal site at former Finchley Police Station, 193 Ballard's Lane, N3 1LZ

Ref no: 19/2079/FUL

Description of development: Redevelopment of the site comprising the erection of two residential buildings of up to four storeys providing 41 no. self-contained flats and 161 sqm of A1 floorspace, including on site car parking for 20 vehicles and 66 cycle spaces, recycling and refuse areas, associated amenity space, landscaping and associated development

Decision date: 12 August 2019

Decision: Approved subject to conditions and a legal agreement

Proposal

The proposal is for the demolition of the existing buildings, including MOT service garages, to redevelop the site to provide two buildings (referred to as blocks A & B on

the proposed drawings, and within this report) ranging from 3-4 storeys in height to provide 20 self-contained residential units (comprising of 6 x studios; 6 x 1 bed; 4 x 2 bed & 4 x 3 bed) and 460sqm of commercial floorspace use class E.

Block A ranges from 3-4 storeys comprising 6 x studios & 6 x 1 bed (2 person)

Block B is a three-storey building, comprising of 460sqm of class E (commercial floorspace) at ground floor level; and 4 x 2 bed (3 person) and 4 x 3 bed units on the upper floors.

The proposal is for 8 x no car parking spaces onsite.

There is a bicycle storage area for 7 cycle spaces (14 stacked) to Block A; and 7 spaces or 14 stacked at Block B.

The proposal makes provision for private amenity space and communal amenity space onsite.

Public Consultation

Consultation letters were sent to 278 neighbouring properties on 22 November 2021.

19 responses have been received, comprising 19 letters in objection, including representation from The Finchley Society.

The objections received can be summarised as follows:

- The height, scale, mass, and design of the proposed development is excessive and out of context with the streetscene and local area;
- The proposal would result in overlooking and loss of privacy to the surrounding residential properties;
- The proposal would result in loss of daylight and sunlight to neighbouring properties;
- Increased pressure on local physical and social infrastructure such as GP Surgeries; schools & on street car parking in the immediate and local area.
- Gruneisen road is very narrow, refuse collection vehicles could damage cars parked on street; Access for emergency vehicle could be a challenge onsite
- Dust; noise; air pollution; and traffic congestion during demolition and construction;
- Further pressure on on-street parking in the immediate area;
- Excessive density and overdevelopment of the site;
- The proposal provides limited public benefit to the community;
- Exacerbate congestion on Gruneisen Road and the local area;
- Lack of affordable housing;
- The quality of life for future occupiers could be compromised;
- Under provision of family units and affordable housing accommodation; and
- Loss of employment- The MOT garage has provided a great service & employment for many years

Support comment from resident opposite the site

- The proposed demolition of the existing building onsite, is welcomed, as they are unsightly, and do not contribute positively to the character and appearance of the area.

All planning matters raised within the representations received from local residents are available to view on the Councils website. These objections have been considered and addressed as part of the decision-making process. All representations have been summarised in the Officers report.

Statutory Consultees

Transport for London (TfL)}

The site has good access to both West Finchley and Finchley Central Underground Stations. There are also frequent bus services on Ballard's Lane. As such, TfL considers that parking ration should be reduced to 0.5 space per unit for the residential, including disabled space, instead of the proposed 0.65 to reflect the site good PTAL rating. The car parking spaces should be allocated to units with 2 beds or above only.

TfL do not raise objections to the proposal subject to the following conditions:

1. Electric vehicle charging points should be provided accordance with the London Plan standards.
2. Details of secure cycle storage provision for the proposed residential amen commercial uses should be secured by way of a planning condition.
3. Future occupiers/residents should be exempted eligibility for local parking permits.
4. A Delivery Service Plan and Construction Logistics Plan should be secured by condition.

Section 106 Agreement

Travel Plan should be secured by s106 agreement.

Historic England- archaeology

No comments were received from Historic England.

Notwithstanding, given that the site lies in an Area of Special Archaeological Interest, a condition would be required which requires no demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and a programme and methodology of site investigation and recordings. This is to enable archaeological investigation and safeguard the archaeological interest on the site

Metropolitan Police

Metropolitan Police support the planning application, subject to a planning condition which requires the applicant shall be awarded Secure by Design accreditation, within 3 months of completion of the development in consultation with the Metropolitan Police. This is to ensure that the development is safe and secure for future occupiers.

London Fire Brigade

The applicant submitted a Fire Statement, which includes a plan showing an indicative location for fire appliance access and an indicative layout for the rising main inlets for both Blocks A and B. The rising main inlets would be no more than 18 metres from the fire appliance access point. The entrance to Block A is approximately 18 metres from this assumed point. The entrance to the stair core for Block B is approximately 36 metres.

London Fire Brigade were consulted on this application. However, no comments were received.

Notwithstanding, a condition would be attached which requires that both the commercial and the residential Building shall be installed with water sprinklers, and smoke ventilation to be installed for the stair cores, to be retained thereafter. This is to reduce the damage caused by fire and the consequential cost to businesses and housing providers whilst also ensuring that the health and safety of future occupiers are not unduly compromised.

Thames Water

Thames Water do not object to the planning application, subject to a planning condition, which requires that no piling works shall take place until a Piling Method Statement (detailing the depth and type of piling and the methodology by which such piling would be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.

This is to ensure that the development does not adversely impact or cause failures to local underground sewage utility infrastructure and in the interest in protecting public health and safety.

The Local Lead Flooding Authority

Prior to commencement of development works, other than demolition works, 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 must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Lead Flooding Authority. The

development 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. This is to ensure that the development provides appropriate drainage infrastructure and in the interest of public health and safety.

LBB Highways team

Should planning permission be granted, LBB Highways team recommend the following conditions are attached:

- Emergency access arrangements for commercial element is requested and approval from the Fire Brigade may be required.
- Demolition, Construction and Logistics Management Plan
- Refuse and recycling storage details
- Cycle storage details
- Delivery and Service Management Plan

The following planning obligations should be secured within a Section 106 Agreement

- A travel plan- a financial contribution of £5,000 towards travel plan monitoring in addition to a contribution of £3150 for travel plan incentives.
- 15k towards a CPZ review and
- 5K towards CPZ permit restrictions.
- A car free” agreements which restricts future occupiers of both the commercial and residential development from applying for on street car parking permits

Section 278 Agreement

- The new access layout will require reinstating redundant crossovers to footway and introducing new crossovers and changing the layout of the CPZ in front of the site. This would involve works on the public highway for which a s184/278 Agreement which the Council would need to be entered into with the applicant.

This requirement is covered under Highways legislation, and not planning legislation.

LBB Environmental Health

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

Noise and vibration

- The Noise Assessment submitted should be implemented and retained thereafter. This is to ensure that the amenities of occupiers are not prejudiced by road traffic and/or mixed use noise in the immediate surroundings.

Air Quality

- The proposed air quality mitigation measures are acceptable.

Contamination

- Part 1- The Phase 1 - Geo Environmental Assessment Report (CMG/C4892/10518) dated October 2021 by Brownfield Solutions Limited shall be implemented in accordance with the details hereby approved. Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied. This is to ensure that the development can be implemented and occupied with adequate regard for environmental and public safety.

LBB Ecology team

LBB Ecology team raise not objections to the proposal, subject to the following conditions:

1. 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 Ecological Survey and proposed biodiversity gains 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.
2. Prior to occupation of the development, full details of the lighting strategy shall be submitted to and approved by the 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/>. Local Planning Authority, in consultation with the Councils Ecology Team.

The above conditions are sought to minimise the impacts on bats and to ensure that nature conservation interests are not prejudiced by the development

LBB Arboricultural Team

Should planning permission be approved, LBB Arboricultural Team do not raise any formal objections, subject to the following planning applications:

1. Full details of hard and soft landscaping
2. Landscape Management Plan
3. Details of green roof
4. Adherence to the submitted Tree Root Protection Plan (compliance condition).
5. Details of improvements to biodiversity onsite

Planning Considerations

Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

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

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

The relevant London Plan policies are as follows:

- E1 Offices
- E2 Providing suitable business space
- E4 Land for industry, logistics and services to support London's economic function

- E6 Locally significant industrial sites
- E11 Skills and Opportunities for all
- D3 Optimising site capacity through the design led approach
- D4 Delivering good design
- D5 Inclusive Design
- D6 Housing quality and standards
- D7 Accessible housing
- D8 Public realm
- D10 Basement development
- D11 Safety and resilience to emergency
- D12 Fire Safety
- D14 Noise
- H1 Increasing housing supply
- H4 Delivery affordable housing
- H6 Affordable housing tenure
- H7 Monitoring of affordable housing
- H8 Loss of existing housing and estate redevelopment
- H10 Housing size mix.
- S1 1 Improving air quality
- S1 3 Energy Infrastructure
- S1 4 Managing heat risk
- S1 5 Water Infrastructure
- S1 7 Reducing waste and supporting the circular economy
- S1 13 Sustainable drainage
- S1 17 Protecting and enhancing London's waterways.
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential Parking
- HC1 Heritage conservation and growth

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.

Core Strategy (2012) CS NPPF; CS1; CS3; CS4; CS9; CS14

Development Management Document (2012) DM01; DM02; DM03; DM04; DM07; DM08; DM10; DM14 and DM17

Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging 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 emerging policies and draft site proposals.

Supplementary Planning Documents

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

Main issues for consideration

The main issues for consideration in this case are:

- The principle of demolition of the existing industrial style buildings onsite to provide a mix use commercial and residential development;
- Whether harm would be caused to the character and appearance of the site; the streetscene; and the local area;
- The impact on the amenity of neighbouring properties;
- The proposed quality of accommodation;
- Dwelling mix and affordable housing;
- Impacts on the local highway;
- Energy and Sustainability;
- Trees and Ecology

Assessment of proposals

The principle of demolition of the existing industrial style buildings onsite to provide a mix use commercial and residential development;

Policy E2 of the London Plan (2021); policy CS8 (Promoting a Strong and Prosperous Barnet) aims to support the growth Barnet's businesses in appropriate locations within the borough. Policy DM14 states that: "*Proposals to redevelop or reuse an existing employment space which reduces the levels of employment use and impacts negatively on the local economy will be resisted.*" Further, this policy stipulates that the loss of a B Class use would 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. Where this can be demonstrated the priority for re-use will be a mixture of small business units with residential use.

With regard to industrial land such as the site, the London Mayor splits this into three categories:

- 1) Strategic Industrial Locations (SIL);
- 2) Locally Significant Industrial Sites (LSIS); and,
- 3) Other Industrial Sites

The site is not locally designated for an Industrial or employment use. Notwithstanding, the existing site currently provides a total of approximately 926 sqm (GIA) of employment space in the form of automotive repair shop (MOT service), with 16 employees, which is considered to be a low-density employment generator. The loss of the existing MOT business onsite would not have an adverse impact on the area in land use terms. At present, there are approximately 12 alternative M.O.T businesses within a 1.4-mile drive of no 11 Gruneisen Road, and thus the customers of the Road Runner Service Centre have numerous local options as to where they can get their vehicles checked and served.

The proposal would provide approximately 460 sqm (GIA) of flexible commercial employment space (use class E) onsite. As such, the proposal would result in the loss of 466sqm of industrial floorspace onsite. However, the proposed new commercial unit is likely to provide a total of 36 new jobs which could result in an uplift of 20 employees on the site.

This is a significant increase and supported by Officer, particularly as the proposed commercial unit would generate a higher employment density yield onsite. The flexible employment space aims to meet the needs of modern creative businesses, in particular, SME's through offering smaller and flexible workspaces.

The development and its associated uplift in jobs would also have a subsequent increase in spending in the local area. This aligns with London Plan policy CG5 'Growing a good economy' and Policy CS8 'Promoting a strong and prosperous Barnet' as it is providing jobs in the right locations whilst also supporting economic development and regeneration. Further aligning with Policy DM14 which states that proposals to redevelop existing employment uses should not negatively impact on the local economy.

Moreover, should planning permission be granted, the applicant is committed to enter into a Section 106 to secure 20% local labour during construction, sourced within the borough.

Principle of Residential development

Policy D6 of the London Plan (2021) states the density of a development should result from a design-led approach to determine the capacity of the site. This should consider site context, its connectivity and accessibility by walking and cycling, existing and planned public transport (including PTAL) and the capacity of surrounding infrastructure. Policy D6 stipulates that development that does not demonstrably

optimise the housing density of the site in accordance with this policy should be refused.

The NPPF states that: Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.

The London Plan and Barnet Local Plan documents also recognise the need to increase housing supply. Policies CS1 and CS3 of the Barnet Core Strategy expect developments proposing new housing to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

The Council recognises that flatted developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land. The proposed introduction of new dwellings is considered to be appropriate given the residential context of the site. Moreover, the residential density is considered acceptable, as the proposal would not present symptoms of overdevelopment of the site, as discussed further within this report.

The site would also make a significant contribution toward the housing need in the Borough and would make the most efficient use of the land, in accordance the London Plan and Local Plan policy.

Design and its' impact on the character and appearance of the existing building; the streetscene and the wider locality

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

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

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

Any scheme for the site is required 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.

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

Officers have pro-actively engaged with the applicant throughout the planning process and there have been various amendments made to the proposal following the submitted of the planning application.

Height; scale; bulk and massing

The proposed height of block A ranges from 3 storeys fronting Gruneisen Road (which matches the height of the neighbouring building) and steps up to 4 storeys in height to the rear, with a pedestrian link features on the upper floor which adjoins both elements of block A. This detailing adds complimentary visual articulation to the proposed building mass and would not result in overlooking to neighbouring properties.

The scale, and mass of Block B is similar with the footprint and height of the block to the north of the site. Given the siting of the proposal and the distances with the two-storey properties, and the setback on the upper floors ensures that the proposal would provide visual interest and visual relief, whilst ensuring it would not present any overbearing and overlooking concerns. The proposed height at 3 storeys is modest; site appropriate; and responds positively to its context.

The proposed footprint; height; bulk; massing; and appearance would respect the relationship between itself and nearby buildings; and would have a positive impact on the character and appearance of the streetscene, and the local area. Moreover, the proposal would not have an overbearing or harmful impact on the character and appearance of the property and area.

Elevation treatment/materials

Block A adjoins Park Place development which features a distinctive warehouse appearance with grey/brown brickwork and black metal window frames. The terraced housing on the northern side of Gruneisen Road features red and brown brickwork close to Ballard's Lane transitioning to lighter brickwork and render towards the west. Many of the existing buildings located within the site to the rear of the main car garage are expressed in red brickwork. Similarly, and immediately adjacent to the site, Victoria House and the warehouse buildings to the rear are also expressed in red brick with white rendered section at first floor.

In terms of material and elevational treatment, block B articulates itself on the upper part of the facade using the precedents from Ballard's Lane as reference points. These

included both vertical and horizontal expressions utilising banding to create datum points across the facade and infill panels to group elements together.

The appearance and finishing to the commercial use and residential uses on the upper floors are expressed differently, which creating a clear distinction between the class E and residential uses at block B, which are supported by Officers.

The proposed materials include a mix of yellow and red brickwork; aluminium window frames, in keeping with the character and appearance of the area. The applicant would be required to submit detailed samples of the proposed materials to the Local Planning Authority prior to the commencement of works onsite. This would be secured by way of condition.

The proposed development would ensure the commercial use is re- provided; suitable dwelling mix; including 4 x no 3-bedroom units, which would address the need for family housing within the borough and makes provision for 3 x no affordable units.

Overall, it is considered that the development is of high design quality. The proposed footprint; height; bulk; massing; and appearance would respect the relationship between itself and nearby buildings; and would have a positive impact on the character and appearance of the streetscene, and the local area. Moreover, the proposal would not have an overbearing or harmful impact on the character and appearance of the property and area.

Impacts on amenity of neighbouring residential amenity

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

Daylight, sunlight and overshadowing on neighbouring properties

The applicant has submitted a Daylight; Sunlight and Overshadowing report which has been reviewed by Officers, which assesses the proposal in respect of daylight, sunlight and overshadowing matters, having regard to industry standard guidance.

The daylight and sunlight assessment has been undertaken to windows at the following properties:

- Nos 10-18 Gruneisen Road
- Wentworth Lodge
- 43-51 Wentworth Park (Rear)
- Marwood Court

The report sets out in detail the various daylight and sunlight tests and demonstrates that the proposal is in accordance with BRE Guideline standards, which Officers

considered to be acceptable, in accordance with planning policy requirements in relation to daylight and sunlight and overshadowing.

Privacy

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

The Mayor of London's Housing Design Quality Standards SPD stipulates that "guidance for privacy has been concerned with achieving visual separation between dwellings by setting minimum distances between back-to-back homes (typically 18-21m). However, this is a crude measure, and adhering rigidly to these distances can limit the variety of urban spaces and housing types in the city, and unnecessarily lowers density".

A contextual drawings which show the separation distance between the proposed development and surrounding residential development has been submitted to the Local Planning Authority. This drawing demonstrates that the proposal would not result in undue loss of privacy or overlooking to neighbouring properties.

The upper floors have already been set back away from the site boundary to provide visual relief and to avoid any sense of overbearing or overdominance.

With respect to the west facing windows at block B, there is a separation distance of approximately 55.5m from the property directly west at no 20 Wentworth Avenue, and approximately 55.3m from the property at no 22 Wentworth Avenue.

The distance between the western shared boundary wall closest to block B is approximately 6.3 metres. The distance between the southern elevation of block B and boundary shared with no 49 Wentworth Park is approximately 4.3m. However, the distance between windows at block B to the rear habitable rooms at no 49 Wentworth Park is approximately 23 metres, and therefore in accordance with the London Plan and Local Plan policy.

There is no direct intervisibility between the proposed east facing windows at block B and existing properties. Directly south/east of block B is a flatted development at no 1-14 Westworth Lodge. There would be no direct intervisibility between habitable rooms, and the separation distance is approximately 26.5sqm.

The proposed building line of Block A does not exceed that of the neighbouring 3 storey flatted development and is sufficiently set back from the road. The proposed windows and balconies at Block A fronting Gruneisen Road would not result in undue loss of daylight; sunlight; or privacy to occupiers directly across the street.

Design measures have also been adopted to ensure privacy is safeguarded within the development through the use of privacy screens and obscured glazing were required.

Overall, the proposed development would not adversely impact the existing amenity to surrounding resident occupiers and would accord with the relevant policies.

Standard and quality of accommodation proposed

Dwelling mix

Policy H10 of the London Plan (2021) stipulates that developments should generally consist of a range of unit sizes. Policy DM08 relates to dwelling mix and requires all new residential development to provide a mix of dwelling sizes and types to cater for a range of housing needs in the area. LBB set a dwelling size mix requirement for new development in the borough with homes of 3 bedroom or more the priority.

The proposed dwelling mix is for 6 x studios (30% of total); 6 x 1 bed (2 persons) (30% of total); 4 x 2 bed (3 persons) (20% of total) & 4 no x 3 bed units (20% of total).

The proposal provision for 4 x no 3 bed units would assist in delivery much need family housing in the Borough. The overall dwelling mix is considered to be satisfactory, and importantly would ensure the delivery of the development onsite, which also makes provision for 3 x no affordable homes.

Affordable Housing

Policy H4 & H5 of the London Plan (2021) requires all major developments which trigger affordable housing (10 units or above) requirements to provide affordable housing units onsite. A cash in lieu contribution towards off site affordable housing must only be considered in exceptional circumstances.

Policy H6 of the London Plan (2021) addresses affordable housing tenure. The following split of affordable products should be applied to residential development:

- 1) a minimum of 30 per cent low-cost rented homes, as either London Affordable Rent or Social Rent, allocated according to need and for Londoners on low incomes
- 2) a minimum of 30 per cent intermediate products which meet the definition of genuinely affordable housing, including London Living Rent and London Shared ownership.

Policies CS4 & DM10 of the Local Plan (2012) stipulates that LPA's should have regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability. The overall tenure split should be 60% social rented and 40% shared ownership units.

The emergency Local Plan Policy HOU01 "Affordable Housing" will seek a minimum of 35% affordable housing from all developments of 10 or more dwellings. For all schemes, the basis of calculations for the affordable housing requirement will relate to the number of habitable rooms or the habitable floorspace of the residential development. Barnet's affordable housing tenure split will expect:

- a) 60% Low Cost Rent products including Affordable Rent

- b) 40% Intermediate including London Living Rent and London Shared Ownership. The Council will:
- c) Assess the capacity of sites under the threshold to ensure development is at an optimum capacity;
- d) Expect affordable housing to be delivered on the application site. Off-site provision will only be accepted in exceptional circumstances

The proposal makes provision for the onsite provision of 3 affordable units, comprising of 1 x no 1 bed on first floor at Block A, and 1 x no 2 bed; and 1 x no 3 bed units on first floor at block B. This equates to 19.5% of the total number habitable rooms; and 15% of the total number of units proposed. The applicants Viability Report has been independently appraised by the Council's appointed professional advisors, who have concluded the affordable housing offer has been optimised with the proposed affordable housing onsite. On this basis officers consider that it is maximum level of affordable housing which can be delivered onsite, so as to ensure continued viability and deliverability of the proposal onsite. The scheme would also be subject to a late stage review mechanism, which will require a re-rerunning of the viability appraisal, once 75% of the units are sold or let, to establish whether further provision of affordable housing can be secured onsite. This review mechanism would be secured in a Section 106 Agreement, in accordance with policy H5 of the London Plan (2021).

Room size standards and layouts

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

Housing standards are set out in the Nationally Described Space Standards (NDSS), the London Plan and London Housing SPG and Barnet's Sustainable Design and Construction SPD. Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling, as set out in the below table, which shows the areas relevant to the unit types in this proposal.

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

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

Daylight and Sunlight

The applicant has also undertaken a daylight and sunlight assessment to determine the impacts the development would have on itself. The result show that all habitable rooms proposed would receive daylight and sunlight levels in accordance with BRE Guidelines.

Private amenity space

The Council's adopted Supplementary Planning Document entitled Residential Design Guidance requires the provision of 5 sqm of amenity space for each habitable room for flats.

Block A

- 1 bed (2 person) Policy Requirement: 10sqm Proposed 5sqm
- 1 bed (2 person) Policy Requirement: 10sqm Proposed 5sqm
- 1 bed (2 person) Policy Requirement 10sqm Proposed 5sqm
- 1 bed (2 person) Policy requirement 10sqm Proposed 5sqm
- 1 bed (1 person) Policy Requirement) 10sqm Proposed 6.6sqm
- 1bed (1 person) Policy Requirement 10sqm Proposed 7.2sqm
- 1 bed (2 person) Policy Requirement 10sqm Proposed 5sqm
- 1 bed (2 person) Policy Requirement 10sqm Proposed 5sqm
- 1 bed (1 person) Policy Requirement 10sqm Proposed 6.6sqm
- 1 bed (1 person) Policy Requirement 10sqm Proposed 7.2 sqm
- 1 bed (1 person) Policy Requirement 10sqm Proposed 6.6sqm
- 1 bed (1 person) Policy Requirement 10sqm Proposed 7.2sqm

Based on the above figures, the total policy requirement would be 120sqm. The total proposed private amenity space is 91.2sqm.

Block A has a shortfall of 29.8 sqm of private amenity space. The proposed communal amenity space at ground floor is 27sqm, which would offset the lack of private amenity space onsite, and therefore the overall provision for open space is considered to be acceptable.

Block B

- 3 bed (4 person) Policy Requirement 20sqm Proposed 29.2sqm
- 3 bed (5 person) Policy Requirement 20sqm Proposed 16.1sqm
- 2 bed (3 person) Policy Requirement 15sqm Proposed 11.6sqm
- 2 bed (3 person) Policy Requirement 15sqm Proposed 8sqm
- 3 bed (5 person) Policy Requirement 20sqm Proposed 8sqm
- 3 bed (5 person) Policy Requirement 20sqm Proposed 8sqm
- 2 bed (3 person) Policy Requirement 15sqm Proposed 8sqm
- 2 bed (3 person) Policy Requirement 15sqm Proposed 8sqm

As set out above, the total policy requirement for private amenity space for block B would amount to 140sqm. The proposal makes proposed 96.8sqm. As such, there would be a shortfall of 43.2sqm.

The overall communal amenity space proposed on first floor level is 128sqm, which would meet and exceed the shortfall, thus mitigating against the under provision of private amenity space.

Blocks A & B combined

The overall policy requirement for private amenity space is 260sqm, and the overall proposed is 188sqm. As such, the overall shortfall of private amenity space proposed onsite would be 72sqm. The proposed combined communal open space across blocks A & B equates to 155 sqm, which would offset the private amenity space provision. Therefore, the proposal would provide adequate open space onsite for future occupiers in accordance with policy.

A planning condition would be attached which requires that All future occupiers and residents of the 20 hereby approved self-contained flats at Blocks A & B shall have access at all times to all the shared amenity open spaces within the site boundary. This is to ensure all residents onsite have access to adequate and good quality open space onsite, in accordance with policies D6 of the London Plan (2021); DM02 of the Development Management Document (2012); and SPD- Residential Design Guidance (2016)

Impact on Local Highway

The site is on Gruneisen Road, a two-way narrow no-through road with parking on one-side and yellow lines on the other. The road joins Ballards Lane at its southern end. Ballards Lane continues as A1000 to the north and joins Regents Park Road which connects onto the A406 to the south. The road is mainly residential in nature but there are some commercial properties.

The site lies in an area with a PTAL rating of 4, on a scale of 1 to 6, where 1 is poor and 6 is excellent. This indicates that there is good access to public transport. The site is in a CPZ which operates on Mondays -Fridays between 2-3pm. Five bus routes (143, 382, 125, 460, 82) can be accessed from stops within 2-4 minutes walking distance. West Finchley and Finchley Central tube stations are located within 8 and 11 minutes walking distance respectively.

The proposed development consists of demolition of the existing car repair/MOT garage to make way for construction of 20 residential flats and alongside 500 sqm of Class E floorspace.

The site has a good access to Public Transport Accessibility Level (PTAL) rating of 4 (on a scale of 1 -6, where 1 is extremely poor and 6 is excellent). This site is considered to have very good access to public transport.

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

Car parking

GLA car parking standards

Policy T6.1 of the London Plan 2021 Residential Parking standards requires that new residential development should not exceed the maximum parking standards. These standards are a hierarchy with the more restrictive standard applying when a site falls into more than one category. Parking spaces within communal car parking facilities (including basements) should be leased rather than sold. All residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. At least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces.

Given that the site has good access to both West Finchley and Finchley Central Underground Station, plus frequent bus services on Ballards Lane, TfL considers *“that parking ration should be reduced to 0.5 space per unit for the residential, including disabled space, instead of the proposed 0.65 to reflect the site good PTAL rating. The car parking spaces should be allocated to units with 2 beds or above only”*.

As such, based on TfL comments, the proposal should make provision for 4 x no car parking spaces onsite.

LPA car parking standards

The LPA parking standards differ from the London Plan standards. Policy DM17 states that the council would expect development to provide parking , 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).

According to the Council’s Local Plan Development Management Policy DM17, the proposed development comprising a 20 flats (6 x studios, 6 x 1 bed; 4 x 2bed and 4 x 3 bed) would need to provide between 8 and 24 off-street parking spaces for the residential element of the scheme. Based on London Plan standards for outer London areas, up to 1 space per 100sqm office floorspace is required. The proposed 460 qm of office space should provide a maximum of 5 car parking space. In total, approximately between 13 and 29 spaces should car parking policy standards be rigidly applied, in isolation of the specific site constraints.

Notwithstanding, LBB Highways advice that the provision of 14 spaces for the development would be acceptable given that the site has very good access to public transport. Given the good PTAL score (4) of the site of B1 and the fact that it is in a CPZ and the over 50% of the dwellings are 1 bed units which tend to attract a lower car ownership ration, LBB Highways team accept the provision of 14 car parking spaces of which 2 disabled spaces; (one accessible space for the residential development; and 1 accessible space for the non-residential element) subject to a s106 CPZ permit restriction and a contribution of £15,000 towards Controlled Parking Zone (CPZ) review, and £5,000 towards CPZ permit restrictions.

Electric vehicle charging points must be provided in accordance with new London Plan standards (20 active and 80% passive) which equates to 3 active and 11 passive spaces for the 14 car parking spaces proposed. The ground floor plan does not show details of any charging points. However, this can be secured by way of a planning condition.

Subject to conditions, the proposed provision for car parking spaces onsite is acceptable.

Sustainable modes of Transport

To encourage sustainable and environmentally friendly modes of transport to and from the date, the applicant would be required to submit a Strategic Level Travel Plan and a £5,000 Travel Plan Monitoring Contribution and a £3150 for travel plan incentive would be required to be secured via Section 106 agreement.

Prior to the occupation of the development the owner/developer shall appoint a Travel Plan Coordinator and notify LBB in writing of the name, address, telephone number and email address of the person appointed. Details of any future Travel Plan Co-Ordinator to be provided to LBB by email within 5 working days

The above would be secured a Section 106 (legal agreement).

Cycling Parking

Policy T5 Cycling of the London Plan (2021) requires that "cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards.182 Development proposals should demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people".

Table 10.2 of the London Plan (2021) sets out the Minimum cycle parking standards for residential uses. the following cycle storage provision would be required:

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

The applicant proposes 31 cycles in two internal stores accessed via the residential car park. This meets London Plan standards which require a minimum of 31 spaces and 2 short stay spaces for the residential element of the scheme. For the non-residential element, a minimum of 4 long stay and 1 short stay space is required based on London Plan for B1 office use. Hence, a total of 35 long stay and 3 short stay spaces are needed retail. However, the ground floor plan does not show the any cycle parking for the non-residential element and the location of the short stay spaces.

The applicant would be required to submit an updated plans of the scheme. Internal dimensions of the proposed cycle store and spacing between bicycles must meet London Cycle Design Standards and provision for larger bicycles allowed for. Access to the internal cycle store for the residential is acceptable.

Notwithstanding, 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. The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter. This would be secured by way of a planning condition.

Refuse and Recycling

Policy S1 8 of the London Plan (2021) and policies DM01; DM02 and DM17 of the Development Management Document seek to ensure that all new development makes adequate provision for refuse and recycling facilities in appropriate locations.

The proposal makes provision for the

- Bin store for no 4 x no 23 litre food and waste bins
- Bin store for 1 x no 240 litre mixed recycling bin and 1 x no 240 litre garden waste
- Bin store for 2 no 240 litre mixed recycling bins

The refuse collection areas would be located within 10 meters of the Public Highway on collection days, which is acceptable in highways terms.

Energy and Sustainability

Policy SI 2 of the London Plan (2021) stipulates that major development should be net zero carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy: 1) be lean: use less energy and manage demand during operation 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site 4) be seen: monitor, verify and report on energy performance. Further, A minimum on-site reduction of at least 35 per cent beyond Building Regulations 152 is required for major development

Local Policy (2012) policy DM04 requires all major developments to demonstrate through the submission of an Energy Statement that the scheme complies with the Mayor's targets for reductions in carbon dioxide emissions with the framework of the Mayor's energy hierarchy. London Plan (2021) policy requires major new developments to be net zero-carbon and should reduce greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the Mayor's energy hierarchy. A minimum on-site reduction of at least 35% beyond Building Regulations is required with 10% achieved through energy efficiency measures.

The applicant has submitted An Energy and Sustainability Statement to the Local Planning Authority. The Energy Strategy follows the London Plan Energy Hierarchy: Be Lean, Be Clean and Be Green. The overriding objective in the formulation of the strategy is to maximise the reductions in total CO₂ emissions through the application of the hierarchy with a technically appropriate and cost-effective approach, and to minimise the emission of other pollutants.

The proposed development seeks to redevelop the site at 11 Gruneisen Road, London and provide 20 residential units across 2 buildings and 460 sqm (GIA) of commercial floorspace at ground floor. The requirement is to follow the energy hierarchy and incorporate sustainable design and construction measures.

The development follows the energy hierarchy, incorporating passive design measures and energy efficient equipment. The development employs an efficient building fabric, including new insulation and highly efficient glazing, efficient gas heating and heat recovery ventilation to maximise carbon savings for the site, resulting in a 29% saving for the residential aspect and 38% saving for the commercial unit over Building Regulations Part L. Measures are also incorporated to minimise pollution and reduce water use. The development complies with sustainability policy of the London Borough of Barnet Development Policies.

A one-off payment is required into the Carbon Offset Fund in order to satisfy the 100% requirement. This payment would be £54,750 (£44,726 towards residential element of the development & £10,024 towards the commercial element of the

development) for a shortfall in accordance with GLA guidance on preparing energy assessments.

Trees/Landscaping/Biodiversity/Ecology

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

Sites being considered for development must retain valuable, and protected habitats such as bat roosts or badger setts deliver net bio-diversity gains. Guidance set out within BS 42020 – a code of practice for biodiversity in planning and development. This will inform the level of information required for the authority to evaluate supporting information for example Preliminary ecological assessments and Preliminary Bat roost assessments.

The proposal does not result in the removal of trees onsite, as all trees are outside the boundary. The submitted Tree Protection Plan 1766-KC-XX-YTREE-TPP01 Rev0 indicates that there would be minimal impact on trees growing on adjoining land. Adherence to this plan should be a condition for any approval granted. New tree planting in hard surfaced areas must have cellular systems to provide large rooting volume below the proposed carriageways.

Ecology

LBB Ecologist advice that the proposed developments impacts on the bat roost potential, would be negligible, and therefore no further information on this matter is required. There is a requirement at all policy levels to deliver bio-diversity net gains, which has not yet been demonstrated within the application documents. Details of this can be secured via a planning condition but should include bat and bird bricks appropriately located around the buildings and complement the soft and hard landscape scheme required by specifying 'bee friendly' plants within the landscape scheme.

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.

Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a planning charge that Local Authorities and the Mayor of London can set on new development to help pay for community infrastructure.

The CIL will apply to all 'chargeable development' defined as: Consisting of buildings usually used by people; Delivering 100sqm or more of gross internal floorspace or the creation of one additional dwelling, even if the gross internal floorspace is <100sqm; or Floorspace that is not exempted under the Act, the Regulations or for a locally defined reason.

In Barnet, as of 1st April 2022, an adopted CIL charge of £300 per sqm (index linked) is applied to residential, including C2, C3, C4 use classes and Sui Generis HMOs and other sui generis residential uses. All other uses and ancillary car parking are set at a rate of £0 per sqm for Barnet CIL.

Employment (including former B use classes and / or B2 and B8 uses). . Proposed amount is £20 per sqm (index linked). A CIL charge of £200.09 per sqm (index linked) is applied to Retail uses (including former A1 to A5 uses).

From 1 April 2012, the Mayor of London started charging CIL on development to help provide £300m towards the cost of delivering the Crossrail project, a strategic priority to support the growth and development in London. From 1 April 2012 to 1 April 2019 all chargeable development in Barnet paid a flat rate of £35 per square metre - *Nil rate for Health and Education uses. The Mayor increased the rate to £60 a square metre for planning permissions granted from 1st April 2019.

As the proposal would result in the creation of new residential units Community Infrastructure Levy (CIL) would be payable.

Response to Public Consultation

The objections and concerns raised from residents has been considered within the evaluation above, and all representations received from residents were fully considered in the assessment of the application during the decision-making process.

The key matters raised with the objections relate to the footprint, scale, and mass, particularly with regards to how the building would be integrated in the surrounding area, as well as, overlooking into amenity space and the impact on neighbouring amenity.

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

The proposal would not result in overdevelopment of the over intensification of the use onsite. The proposal would have an acceptable impact on the local character of the area; would not unduly compromise the amenity of local residential properties and would not have a detrimental impact on highway safety.

It is not considered that the proposal would set an unwanted precedent for similar scale residential developments within the area. One of the fundamental principles underpinning the planning system is that each planning application must be considered on its individual merits.

With reference to concerns relating to noise, traffic, dust nuisance and disturbance specifically relating to the structure of the building, these relate to the demolition and construction stages of the process, which are therefore temporary in nature.

Concern was expressed that the proposal would increase the pressure on local services such as the local schools and medical centres. The Community Infrastructure Levy (CIL) is a planning charge that the Local Authority and the Mayor of London will set to help pay for community infrastructure, in order to mitigate against the development.

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

The proposal is acceptable on highway safety grounds subject to conditions set out within the report. The applicant would be required to submit a Travel Plan to be approved in writing by the Local Planning Authority and monitored thereafter. This is to encourage both staff and clients to use sustainable modes of transport (i.e walking and cycling) to and from the site.

Moreover, the applicant would also be required to enter into a legal agreement to secure a "car free" development, which would restrict further staff from applying for on street parking on Gruneisen Road and the immediate area.

The proposal is considered acceptable on highway and amenity (noise) grounds subject to conditions as recommended by LBB Highways and Environmental Health teams and set out within this report.

The applicant would be required to undertake a detailed written scheme of archaeological and historic building investigations prior to the commencement of works onsite. These works can be submitted to and approved by the Local Planning Authority in writing (in consultation with Historic England, archaeology) prior to the commencement of works onsite. Any further works must be carried out or mitigation measures implemented. This would be secured by way of condition.

The proposal would provide 4 x 3 bed units, which assists in the Boroughs requirement for much needed family accommodation onsite. Further, the proposal

makes provision for 3 x no affordable units, including one 3 bed affordable unit, which assists in the delivery of affordable housing in the borough. Moreover, the proposed commercial unit is expected to employ approximately 36 full time staff. These proposed public benefits of the proposal would outweigh any concerns residents may have with the proposed development.

Given that there will be no adverse impacts from the proposed development that would outweigh the benefits, there is no conflict with the general presumption in favour of sustainable development.

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.

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, subject to conditions, and completion of legal agreement.

Site Location Plan



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COMMITTEE REPORT

| | | | |
|--------------------------|--|------------------|------------|
| LOCATION: | King Alfred Phoenix Theatre, Ivy House, 94 - 96 North End Road London, NW11 7SX | | |
| REFERENCE: | TPP/0969/21 | Received: | 07.12.2021 |
| WARD: | Childs Hill | Expiry: | 01.02.2022 |
| CONSERVATION AREA | N/A | | |

| | |
|------------------|--|
| AGENT: | JCA Ltd Unit 80 Bowers Mill, Barkisland, Halifax, HX4 0AD |
| PROPOSAL: | T6 (T64): Sycamore - Cut the entire tree to ground level T7 (T65): Horse Chestnut - Cut the entire tree to ground level T8 (T66): Sycamore - Cut the entire tree to ground level |

RECOMMENDATION:

That Members of the Planning Committee determine the appropriate action in respect of the proposed felling of T6 sycamore, T7 horse chestnut, & T8 sycamore— Standing in group A25 of the Tree Preservation Order TRE/HE/3 made 11.07.1957, either:

REFUSE CONSENT for the following reason:

The loss of these trees of special amenity value is not justified as a remedy for the alleged subsidence damage on the basis of the information provided.

Or:

APPROVE SUBJECT TO CONDITIONS

1. The species, cultivar, size and siting of three replacement trees shall be agreed in writing with the Local Planning Authority and these replacement trees shall be planted before the end of the next planting season following the commencement of the approved treatment (either wholly or in part). If within a period of five years from the date of any planting, the trees is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), further planting of appropriate size and species shall be planted at the same place in the next planting season.

Reason: To maintain the visual amenities of the area.

2. Within 3 months of the commencement of the approved treatment (either wholly or in part) the applicant shall inform the Local Planning Authority in

writing that the work has / is being undertaken.

Reason: To maintain the visual amenities of the area.

Consultations

Consultation was undertaken in accordance with adopted procedures which exceed statutory requirements:

Date of Site Notice: 20.01.2022

Consultees:

Neighbours consulted: 3
151 North End Road, London, NW11 7HT
King Alfred School 149 North End Road London
Ivy House, 94 - 96 North End Road London

Replies:

None

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

There are no recent applications to prune the trees applied for under this application. A repeat tree works application has been submitted by Custom Cutters Tree Specialists Ltd on behalf of the tree owners King Alfred School reference TPP/0944/21 received on 07.12.2021. This application was withdrawn on 5th July 2022.

If the application is refused (or deemed refused due to non-determination) such that the trees cannot be removed, then it is expected that either a root barrier solution will be required, or alternatively underpinning. Whilst neither scheme has been fully priced at this stage, current estimates are approximately £40,000 for the root barrier solution, and £75,000 for underpinning. These estimates are of course subject to change as further information comes to light.

In the event that the trees can be removed, then it is expected that superstructure only works (i.e. crack repairs and redecoration) would be achievable for approximately £20,000.

If the application is refused the applicants may seek compensation for any losses associated with this decision.

PLANNING APPRAISAL

1 Introduction

An application form proposing felling of 2 x sycamore (T6 & T8 Applicants reference) and x 1 horse chestnut tree (applicant's ref. T7) standing in the King Alfred Phoenix Theatre Ivy House, 94 - 96 North End Road London NW11 7SX.

The application was registered on the 22nd December 2021 but there were various discrepancies and shortcomings in the information - clarification and additional information was thus requested. Following the receipt of further information and correspondence from the agent,

The application has been submitted by JCA Ltd acting as agent on behalf of 360 Globalnet who are dealing with a claim of alleged subsidence damage at 90 North End Road, London, NW11 7SX

2 Appraisal

Trees and Amenity Value

The subject trees stand within the grounds of King Alfred Phoenix Theatre, Ivy House, 94 - 96 North End Road London, NW11 7SX. Ivy House is a Listed Building and the grounds are an integral part of the setting of this building which includes these trees. These mature trees are standing in area A25 of the Tree Preservation Order TRE/HE/3 made on 11.07.1957.

The trees positioned on the north east corner of the gardens are highly prominent to the North End Road (A502) a major road that runs north south through the borough. They stand above the level of highway and can be seen for a considerable distance both north and southwards. The gardens is part The King Alfred School and the eastern campus also has mature trees along the road side boundary.

Together these trees provide significant visual softening around the school entrance. They provide a backdrop to Hamstead Heath and Golders Green open spaces. As such these trees have very high public amenity values and are very important in the urban setting.

The trees implicated in causing structural damage to 90 North End Road are located on land raised above the property. Located to the south of the property the trees have been estimated at T6; 5.5m, T7; 11m and T8; 13m from the side elevation of the house.

3 The application

The application submitted by JCA Ltd and arboricultural consultancy, was registered on the 22nd December 2021 . The reasons for the proposed felling of the x 2 sycamore and x 1 horse chestnut. cited in section 5 of the application form are:

“Please see the JCA Arboricultural Report (Ref; 15776/AJB Arboricultural Report). The application is for the removal of T6, T7 and T8 as they are implicated in subsidence related damage to the adjacent property of 90 North End Road.”

4 The supporting documentation comprises:

JCA Ltd Arboricultural Consultancy for 360 Globalnet ref: DLG-SN-19-001152
Drainage Repair Company for 360 Globalnet ref: DLG-SN-19-001152 including
Drainage report, tree root identification,
Soil analysis,
Engineers report for 360 Globalnet ref: DLG-SN-19-001152
Tree root identification 360 Globalnet ref: DLG-SN-19-001152
Subsidence monitoring service ref:-ZBM06556GLOB for 360 Globalnet ref: DLG-SN-19-001152
Photographs of damage

The Engineers report states that damage was first notified in October in 2019 and an onsite assessment of the building was undertaken. The report shows the hair line cracking that was observed during my site visit on 8th February 2022. These fine cracks were evident around the building.

The report recommended a drainage survey, which was commissioned and found 4 sections of drains defective and leaking. In March 2020 repairs to these defects were completed.

Tree root analysis

No tree roots were identified within the Trial pit 1 at the rear of the property.

Tree roots were found in Trial Pit 2 located at the front of the house close to the trees implicated in causing the alleged subsidence growing within the grounds of King Alfred Phoenix Theatre, Ivy House, 94 - 96 North End Road London, NW11 7SX. The tree roots were identified as Acer (sycamore) and Aesculus (horse chestnut).

Soil analysis

The submitted soil analysis (Professional Soil Laboratory) ref: PSL-19/7269 found clay soil in both trial pits with a plasticity index of between 33% & 37%. This means the clay soil has a moderate capacity for shrinkage and expansion when wet or dry. The moisture content of the soil is 31% in trial pit 1 and 29% in trial pit at 2m which demonstrates there is a slight amount of desiccation.

Level monitoring

The council's structural engineers have observed that monitoring results for Feb 20 to May 21 are consistent with enhanced seasonal movement to the foundations with a focal point at the front LHS corner (as viewed from front) of the building. However future readings and the results are not consistent. Clarification has been sought from the applicant but no response has been received.

No crack monitoring has been provided, however the pictures provided and those observed during the site visit showed only hair line cracks.

In the absence of the applicants commentary on the extent of cracking, the following assessment has been made based on the images by the Council's engineer as damage falls into Category 2 (BRE Digest 251 *Assessment of damage*).

BRE Digest 251 *Assessment of damage in low-rise buildings* includes a 'Classification of visible damage to walls with particular reference to ease of repair of plaster and brickwork or masonry'. It describes category 2 - Cracks easily filled. Recurrent cracks can be masked by suitable linings. Cracks not necessarily visible externally; some external repointing maybe required to ensure weather-tightness. Doors and windows may stick slightly and require adjusting and easing. Typical crack widths up to 1 mm.

BRE Digest 251 notes that *"For most cases, Categories 0, 1 and 2 can be taken to represent 'aesthetic' damage, Categories 3 and 4 'serviceability' damage and Category 5 'stability' damage. However, these relationships will not always exist since localised effects, such as the instability of an arch over a doorway, may influence the categorisation. Judgement is always required in ascribing an appropriate category to a given situation."*

The foundation level monitoring (Feb 20 to May 21) shows seasonal movement of the front left hand side of the property. This is consistent with the location of the trees implicated in the application.

DNA sampling of the sycamore tree roots was requested to see if it was the roots from T6 or T8 beneath the foundations, unfortunately this information has not been supplied.

The Council's Structural Engineers, having assessed all the submitted information, note:

- The damage to the building appears to be relatively slight, the category of damage in not noted in the engineers report but from the photos I would estimate it to be category 2, in accordance with BRE Digest 251.
- The boreholes are only 2.4m deep with two soil samples tested in each and no soil suction tests carried out. This does make the assessment of soil desiccation more difficult. However, there is some evidence of soil desiccation in TP2 at 2m depth.
- Roots were found to a depth of 2.1m below the front LHS foundation and were identified as Sycamore and Horse Chestnut.
- No DNA was carried out to confirm both Sycamore trees have roots extending to below the foundations. T6 Sycamore is the most likely source of the roots being 5.5m from the building. T8 is much further from the building at 13m distance.

- See below for comments on the level monitoring.

It appears the building has suffered a relatively minor episode of foundation subsidence and on the balance of probability the T7 Horse Chestnut and T6 Sycamore trees are the most likely to be implicated in the damage.

To implicate the T8 sycamore I think DNA evidence would be required, particularly as the NHBC guidance for building near trees would specify a 1.3m deep foundation where a Sycamore tree is 13m from the building which is only marginally deeper than the existing foundation of 1.1m.

DNA testing was requested but not provided.

The impact of removing these trees the subject trees would be of significant detriment to public tree amenity and impact on the character and appearance of the area by removing three large mature trees growing on an elevated area above the main road.

Replacement trees could be a condition of any approval granted; however, these trees would take many decades to re-establish a similar level of public tree amenity.

5 Legislative background

As the trees are included in a Tree Preservation Order, formal consent is required for their treatment from the Council (as Local Planning Authority) in accordance with the provisions of the tree preservation legislation.

Government guidance advises that when determining the application the Council should (1) assess the amenity value of the tree(s) and the likely impact of the proposal on the amenity of the area, and (2) in the light of that assessment, consider whether or not the proposal is justified, having regard to the reasons put forward in support of it. It should also consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions.

The Town and Country Planning (Tree Preservation) (England) Regulations 2012 provide that compensation is payable for loss or damage in consequence of refusal of consent or grant subject to conditions. The provisions include that compensation shall be payable to a person for loss or damage which, having regard to the application and the documents and particulars accompanying it, was reasonably foreseeable when consent was refused or was granted subject to conditions. In accordance with the 2012 Regulations, it is not possible to issue an Article 5 Certificate confirming that the trees are considered to have 'outstanding' or 'special' amenity value which would remove the Council's liability under the Order to pay compensation for loss or damage incurred as a result of its decision.

Estimates for the costs of repair were not provided within the original submission. This was requested and following provided as a response:

In the event that the trees can be removed, then it is expected that superstructure only works (i.e. crack repairs and redecoration) would be achievable for approximately £20,000.

Likely costs implications if the application is refused.

If the application is refused (or deemed refused due to non-determination) such that the trees cannot be removed, then it is expected that either a root barrier solution will be required, or alternatively underpinning. Whilst neither scheme has been fully priced at this stage, current estimates are approximately £40,000 for the root barrier solution, and £75,000 for underpinning. These estimates are of course subject to change as further information comes to light

When considering this application, the higher figure should be used. The suggestion that a root barrier may be installed has not been fully explored by the applicants nor have they applied to do this work. To install a root barrier would impact significantly on the sycamore T6 and would likely result in its loss.

The Court has held that the proper test in claims for alleged tree-related property damage was whether the tree roots were the 'effective and substantial' cause of the damage or alternatively whether they 'materially contributed to the damage'. The standard is 'on the balance of probabilities' rather than the criminal test of 'beyond all reasonable doubt'.

In accordance with the Tree Preservation legislation, the Council must either approve or refuse the application i.e. proposed felling. The Council as Local Planning Authority has no powers to require lesser works or a programme of cyclical pruning management to the privately owned TPO trees that may reduce the risk of alleged tree-related property damage. If it is considered that the amenity value of the T6, T7 & T8 is so high that the proposed felling is not justified on the basis of the reasons put forward together with the supporting documentary evidence, such that TPO consent is refused, they may be liable to pay compensation. It is to be noted that the Council's Structural Engineers have noted that the "trees would be implicated in the subsidence damage to the property"; and there is uncertainty about the risk of heave.

The statutory compensation liability arises for loss or damage in consequence of a refusal of consent or grant subject to conditions - a direct causal link has to be established between the decision giving rise to the claim and the loss or damage claimed for (having regard to the application and the documents and particulars accompanying it). Thus, the cost of rectifying any damage that occurs before the date of the decision, or rectifying damage which is not attributable to the subject trees, would not be subject of a compensation payment.

If it is concluded on the balance of probabilities that the roots of the trees are the 'effective and substantial' cause of damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the felling of these trees, there may be a compensation liability if consent for the proposed felling is refused – in the application submissions it is indicated that the repair works for 90 North End Road, London, NW11 7SX may be in excess of an extra £75,000 for underpinning if the subject poplar tree is retained.

6 COMMENTS ON THE GROUNDS OF OBJECTION

No objections made

7 EQUALITIES AND DIVERSITY ISSUES

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies requires the Council to have due regard to the need to eliminate discrimination and promote equality in relation to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

The Council have considered the Act but do not believe that the application would have a significant impact on any of the groups as noted in the Act.

8 CONCLUSION

The agent, JCA Ltd proposes to fell three trees standing in the grounds of King Alfred Phoenix Theatre, Ivy House, 94 - 96 North End Road London, NW11 7SX because of its alleged implication in subsidence damage to the 90 North End Road.

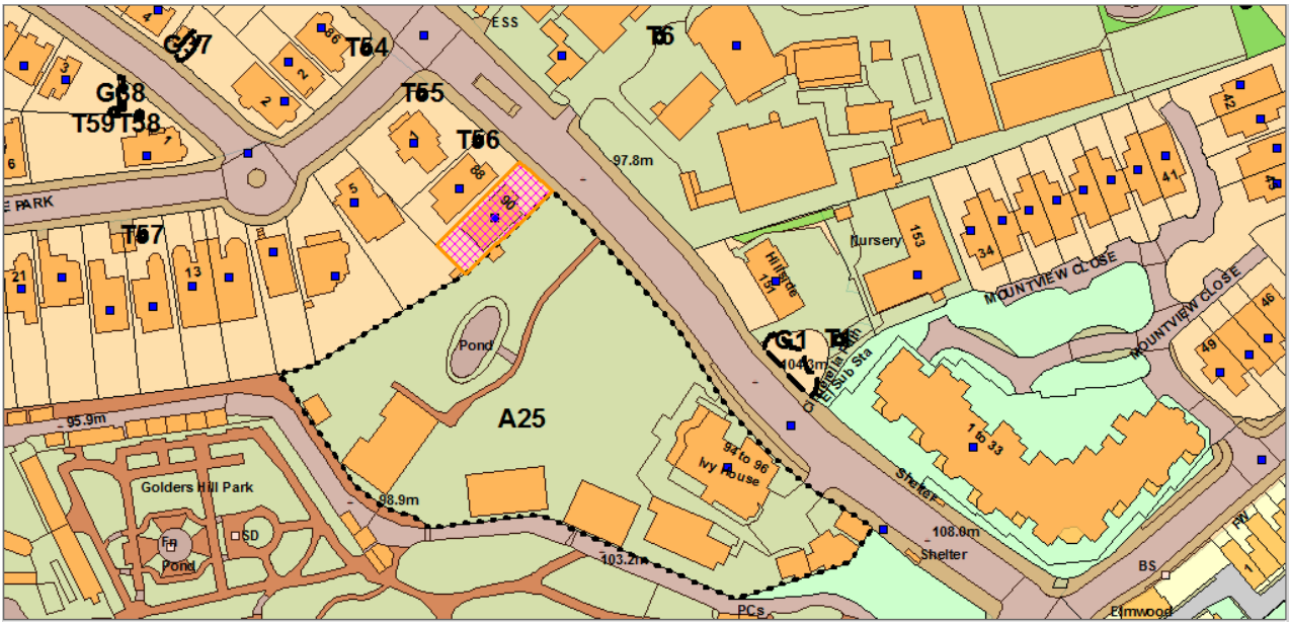
The subject trees have high public amenity value and is visible from publicly accessible locations. It is part of a tree group which is important for wildlife as well as in preserving the character of the area and softening the adjacent built forms. The loss of these trees will reduce the sylvan character of the area.

The Council's Structural Engineers have assessed the supporting documentary evidence and have noted that the subject trees are implicated in the subsidence damage to the property. However, the trees are not the only causative factor in the alleged subsidence damage, the primary reason is deficient foundations. It is uncertain if there is a risk of heave damage as a consequence of felling the trees.

The financial implications for the public purse, and public amenity value/benefits of the subject poplar tree need to be weighed.

If it is concluded on the balance of probabilities that the two sycamore and 1 horse chestnut trees' roots are the 'effective and substantial' cause of damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the felling of this tree, there may be a compensation liability (in the application submissions it is indicated that the repair works for 90 North End Road may be in excess of an extra £75,000 if the subject trees are retained) if consent for the proposed tree felling is refused.

Members need to decide whether or not the proposal is justified, having regard to the reasons put forward in support of it, given the likely impact of the proposal on the amenity of the area; bearing in mind the potential implications for the public purse that may arise from the Decision for this application.



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Location 10 Manorside Barnet EN5 2LD

Reference: 22/3258/HSE

Received: 21st June 2022

Accepted: 21st June 2022

Ward: Underhill

Expiry: 16th August 2022

AGENDA ITEM 10

Case Officer: Rish Mehan

Applicant: Grover

Proposal: Single storey rear extension and replacement of double glazed windows

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:

2207/01-0

2207/01-1

2207/01-2

2207/01-3

2207/01-4

2207/02-1E Rev E

2207/02-2C Rev C

2207/02-3D Rev D

2207/02-4D Rev D

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

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

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

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

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

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

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

Informative(s):

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

OFFICER'S ASSESSMENT

1. Site Description

The application site contains a two storey, detached dwellinghouse at the end of a cul-de-sac off Manor Road. The surrounding area is residential in character, comprising of predominantly semi-detached and detached properties.

The subject site is not located within a Conservation Area, is not a listed building or subject to any other relevant planning restrictions.

2. Site History

N/A

3. Proposal

The proposal relates to the construction of a single storey extension to the rear (west) elevation and replacement of double-glazed windows. The proposal would feature materials that would match the existing property.

4. Public Consultation

5 consultation letters were sent to neighbouring properties. One letter neither in support nor refusal of the proposal has been received.

The comment is summarised below:

The proposed footprint extends the house *much* closer to our exposed fence line and the proposed dining room and lounge sliding windows would overlook our garden and the rear of our property. It would also mean that we're able to see directly into the proposed dining room and lounge area from both our garden and house.

Previous screening plants along the fence line (within the 10 Manorside boundary) have been removed by the current owners (and not replaced), but most of the line of sight has been screened by the existing laurels on the 9 Pinecroft side. This would no longer be the case with the proposed extension.

I would suggest it would be to everyone's benefit if the flower garden area as noted on the plan is planted up at the boundary to provide some screening in both directions, e.g. with laurels and other hedging. There is not any scope to do this on the 9 Pinecroft side due to the existing landscaping and fence/shed installation) but based on the proposals it looks as though there ought to be adequate space to incorporate screening into the scheme. I would add that a condition of the Pinecroft development (and subsequent work) was the retention of laurels as screening, so it would seem appropriate for screening to be a condition here. A plan to provide some screening would move us from neutral to being more supportive of this proposal.

I would also add that care must be taken as the proposed build sits adjacent to a protected Horse Chestnut tree (TPO/CA/91/A1) which overhangs the proposed development, with roots likely sited under the proposed plot. The tree must not be harmed, and proposed work must account for this tree, its roots, and its protected status.

As per usual, any requirement to trim or maintain the Horse Chestnut tree, even if it overhangs 10 Manorside, must be consented separately and we will review any such proposal in its own

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

The London Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital for the next 20-25 years. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

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

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016):

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

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

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

Sustainable Design and Construction SPD (adopted October 2016):

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Impact to Character:

Policy DM01 sets out that 'proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The Residential Design Guidance SPD states that single storey rear extensions should not look too bulky and prominent compared to the size of the main building and garden to which they relate and extensions to deached properties should not exceed more than 4m in depth.

The proposed extension would have a depth of 2.45 metres, a width of 10.00 meters and a maximum height of 4.45m at the lowest ground level, infilling the area to the north of the existing flat roof kitchen. It would appear subordinate and in keeping with the character of the host property as well as the surrounding area in respect of design, scale and finish, in compliance with Policy DM01.

Impact to Neighbouring Amenity:

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

The Residential Design Guidance SPD states that proposals should be designed to ensure the provision of sufficient privacy, minimisation of overlooking between surrounding dwellings and orientation of buildings to maximise sunlight and daylight.

By virtue of the size and siting of the proposed extension it is not considered that it would cause adverse impact to neighbouring amenity at either no. 9 Manorside or no. 9 Pinecroft Crescent in terms of appearing overbearing or causing undue loss of light or outlook.

Moreover, it is not considered that the proposed windows to the rear would result in any unacceptable increase in overlooking relative to the existing relationship, in particular the kitchen window. Notwithstanding the increased proximity where the dining room is extended to the rear, the windows would be set at the same level and there remains scope to replace the existing trellis with close boarded fencing if desired. The higher ground level at the northern end would mitigate the impact from the side window to the lounge.

Taking all of the above into account it is considered that the proposal is in line with Policy DM01 in terms of its impact to neighbouring amenity.

5.4 Response to Public Consultation

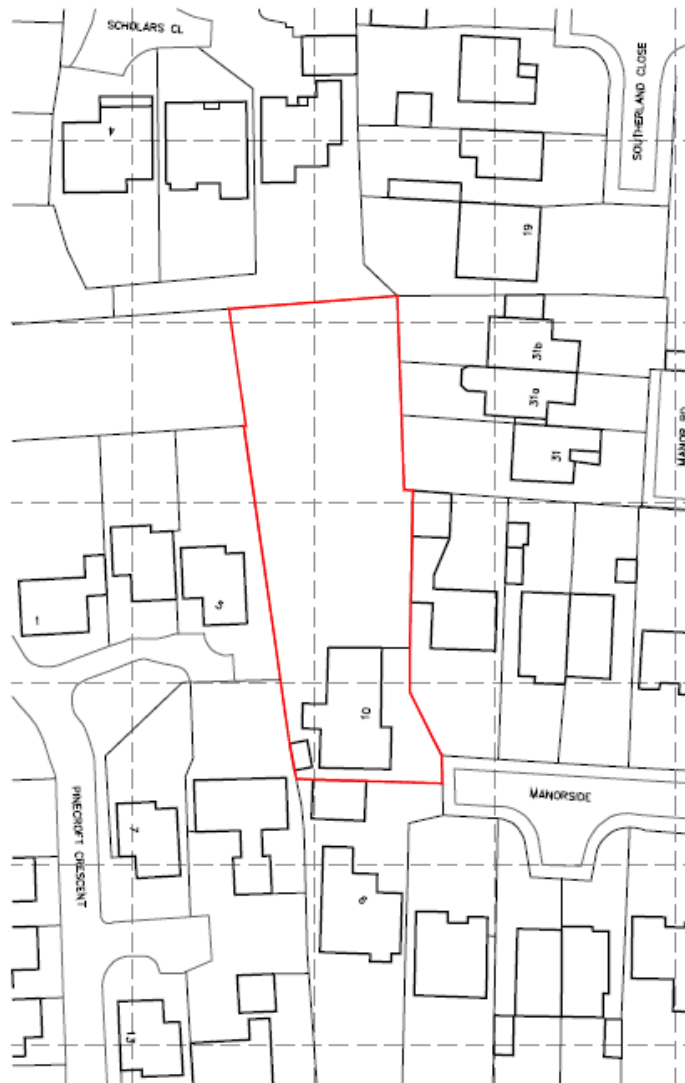
The existing fencing and boundary wall is considered to be acceptable in terms of mitigating privacy. The existing flower bed is being retained. Therefore there are no issues regarding amenity.

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 and would not have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL



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Location 1 Danescroft Gardens London NW4 2ND

Reference: 22/2728/HSE

Received: 23rd May 2022

Accepted: 25th May 2022

Ward: Hendon

Expiry 20th July 2022

AGENDA ITEM 11

Case Officer: Asha Chhabhaiya

Applicant: Mr and Mrs Jay

Proposal: Two storey front new bay window, side and rear extensions with new terrace area following demolition of the existing garages. Roof extension involving side and rear dormer window with 2no. Juliette balconies and 2no. front facing rooflights. New 3m high acoustic barrier fence

OFFICER'S RECOMMENDATION

Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the 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 proposed first-floor side and corresponding roof extension, by reason of its bulk, massing, height, design and siting, would appear unduly overbearing when viewed from the adjoining property at No. 9 Danescroft Avenue, adversely affecting the outlook and sense of enclosure from the rear garden, to the detriment of the residential amenity of neighbouring occupiers, contrary to Policy D3 of the London Plan (2021), Policy CS5 of the Local Plan: Core Strategy DPD (2012), Policy DM01 of the Local Plan: Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016)

Informative(s):

- 1 The plans accompanying this application are:

Location Plan

Existing roof site plan 1DG-HOU-01

Existing plans 1DG-HOU-02

Existing elevations 1DG-HOU-03
Proposed roof site plan 1DG-HOU-04
Proposed plans 1DG-HOU-05A
Proposed elevations 1DG-HOU-06A

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

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

OFFICER'S ASSESSMENT

This application was called to committee by Cllr Shooter for the following reason:

The application is in keeping with the road, and doesn't appear to be out of place. The extension is not overbearing and doesn't hinder any neighboring properties

1. Site Description

The host dwelling is a detached property situated on a corner site in Danescroft Gardens, NW4 2ND. The front of the property is south facing and features a prominent, rounded bay over two storeys. The property has been previously extended over two storeys to the eastern elevation and at ground floor level to the rear.

Though the row of detached properties along the eastern side of Danescroft Gardens are over a similar scale and aesthetic, it is notable that the immediate neighbouring properties display a variety in design, materials and scale relative to their plots.

It does not lie within a Conservation Area and is not a locally or statutory Listed Building. There are some substantial trees to the rear of the site, though none are subject to Preservation Orders.

2. Planning History

Reference: W04640

Address: 1 Danescroft Gardens London NW4

Decision: Approved subject to conditions

Decision Date: 27.06.1974

Description: Erection of two-storey side and single-storey rear extensions.

3. Proposal

The host property benefits from an existing two storey side and single storey rear extension.

The current proposal involves:

- raising of ridge height with new crown roof at 9.4m in height; 2no dormer windows to the rear and 1no dormer to the (east) side. 2no rooflights to the front elevation and 3no to the (west) side
- new bay feature to the front elevation.
- demolition of existing garage and erection of a two storey side extension. This element measures 1.9m in depth, 5m in length, 6m to eaves and 8.6m in maximum height.
- conversion of the garage to the left.

The existing rear element measure 3.4m in maximum depth. The proposed rear element would extend this by 2.5m. The total depth would be 6.1m from the original rear wall. 12.5m in depth and 3.2m in height.

The first floor rear extension would measure 3.4m in depth 12.5m in width. This will be encompassed within the proposed crown roof.

Infill of area behind the existing two-storey side element would measure 2.8m in depth, 7.7m in length. This will be encompassed within the proposed crown roof.

4. Public Consultation

Consultation letters were sent to 7 neighbouring properties.

1 objection has been received. The comments have been summarised as follows;

- Juliet balcony windows on the rear elevation will cause more overlooking than casement windows
 - loss of privacy
 - direct lines of sight into our principal living areas.
 - trees in the garden, during the winter months these thin out considerably
- Juliet windows are not typical or in keeping with the area
 - casement windows more typical of this location

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

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

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

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

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.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

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

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

Impact upon the character and appearance of the existing building, the street scene and the wider area

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the 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, CS05 (both of the Barnet Local Plan), D1 and D3 (both of the London Plan).

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

The Residential Design Guidance SPD (pursuant to Policy DM01) sets out the following expectations for development:

14.9 Consistency with the original type of a building can be achieved by:

- Respecting the proportions of the existing house
- Using an appropriate roof form
- Matching materials and details
- Matching the window style, proportions and position
- Reflecting the character of the original house.

Whichever type of design is proposed, the following rules should apply:

- The extension should normally be subordinate to the original house
- The extension should respect the original building and should not be overly-dominant

14.13 If there is a consistent and coherent architectural character, the extension should not detract from it. The extension should sit comfortably with the main building and with neighbouring houses by:

- Taking account of the group value, character and established form of development along the street
- Avoiding protruding beyond prominent building lines
- Glimpsed views between buildings, which in allowing greenery and sky to be seen from the road contributes to the character of the area
- Take account of existing features along the boundary, for example, outbuildings, fences, walls and trees
- Making sure the garden remains capable of providing adequate amenity space for enjoyment at the property.

14.15 Side extensions should not be more than half the width of the original house. In addition, the setting back of the front wall of side extensions from the front building line can help to reduce the visual impact on the street scene. First floor side extensions should normally be set back 1 metre from the front main wall of the existing house.

14.21 The depth of a single storey rear extension, normally considered acceptable for...[a] detached property is 4 metres.

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.

14.29 Where it is considered that a building may reasonably be extended forward (for example, on occasion detached houses in low density areas or in roads with irregular building lines), the following principles should be observed:

- front extensions should fit in with the architectural style of the house
- care should be taken to ensure that front extensions have regard to, and do not conflict with, existing architectural features such as bay windows

14.33 The following points should be considered for dormer roof extensions:

- Design: should reflect style and proportion of windows on the existing house. Dormers may have flat, gabled, hipped or curved roofs and subject to the criteria on position, should normally align with the windows below.
- Scale: Dormer roof extensions should normally be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope.
- Proportion: To retain the balance of the house, the dormer roof extension should not normally be wider than the window below it and the dormer cheeks kept as narrow as possible. On side dormer extensions, where there is a requirement to provide adequate headroom for stairs, the extension should still be set away from the ridge and clear of the hips
- Materials: The window materials and design should be in keeping with those on the rest of the house. The dormer cheeks should be finished with lead, tiles, slates or other traditional materials, and the top of flat roofed dormers should be finished with lead or zinc. The use of roofing felt for the roof, cheeks or face of the dormer should be avoided.

At ground floor level, the existing garage and store room to the western side will be demolished and largely replaced, retaining a small courtyard behind the newly formed study - allowing light into the guest toilet and stairwell. The footprint would not extend beyond that of the existing house (as already extended) to the rear, though will infill the area along the eastern side (adjacent to the road) from behind the existing two storey extension up to an equivalent depth.

At first floor level, the area to the rear of the existing extension to the eastern side will be extended back to the equivalent depth of the deepest part of the existing first floor. On the western side, the existing rear elevation will also be extended up to the deepest point at first floor level and in two parts out to the western side - corresponding with the ground floor footprint.

The proposal would involve corresponding alterations to the front elevation both to form a second two storey front bay (to effect a double-fronted property) and beyond that, to form a wing to each side.

The roof would be extended in all directions to encompass the extended building envelope, though would retain the existing pitch. It will incorporate two dormers to the rear and a larger (east) side dormer, together with two rooflights to the front and three to the western side elevation.

Full details of the materials are not given however, this can be conditioned in the event of an approval for discharge prior to commencement of the works.

Having viewed the wider area there are numerous examples of ground floor rear extensions along Danescroft Gardens, including full width extensions, and therefore officers do not consider this element would be detrimental to the character of the street scene and it remains consistent with the existing footprint.

The proposed two storey extension to infill the space behind the existing garage (eastern side) and at first floor level to the western side would comply with the SPD which requires side extensions to be a maximum width of no more than half the width of the property.

There are a number of examples of first floor extensions along the street - notably the example at No 9 (adjoining the application site), which has resulted in a similar, double-fronted building envelope under a large crown roof. Therefore, the proposed first floor extensions are not considered to be out of keeping with the character of the area.

The proposed conversion of the garage to the eastern side would be acceptable and would not have an adverse impact on the highway as adequate off-street parking exists at the site. It is noted that several properties along Danescroft Gardens have converted their garages into habitable rooms or have been replaced with windows.

Although the proposed crown roof over the dwelling and extension would result in a not insignificant increase in the bulk of the existing dwelling, which would be visible in the street scene, given a number of other properties in the locality have significant roof structures, including most notably at No. 9, this would on balance be acceptable. Overall it is considered that the design of the proposed crown roof would appear as a proportionate addition to the house as extended and would be articulated in a manner which would mitigate the potential impact.

The proposal seeks to raise the ridge of the existing dwelling by 0.4 metres. It is considered that the minimal raising of the ridge would not be detrimental to the character of the main dwellinghouse or surrounding area - given the significant level change to No 9 and absence of immediate and aligned neighbouring properties.

The proposed rear dormers would not exceed half the width of the roof slope and would be appropriately positioned - albeit symmetrical rather than aligned directly with the windows below. The side dormer would be wider, though not more than half the width of the corresponding roof slope. Despite its prominent siting (as a result of the exposed corner location), it would not appear unduly dominant and is consistent in scale and design with other interventions in the street scene.

It is not considered the proposed rooflights to the front and side slope of the dwelling will adversely impact the character and appearance of the local area and host dwelling.

The proposed two-storey bay window at the detached property shall match the existing bay window and would be commensurate with the double-fronted nature of the property at No 9. Notwithstanding the additional wings either side, this would fit in with the architectural style of the house - as required by the SPD.

Overall, whilst the combined extensions might not be subordinate to the original house - as sought by the SPD - the some of the individual elements, together with the particular context of the site, suggest that in this case the proposal would be acceptable with regard to its impact on the character and appearance of the host property, street scene and surrounding area.

Impact on the residential amenities of neighbouring properties:

It will be important that any scheme addresses the relevant development plan policies including DM01, DM02 (of the Barnet Local Plan), D3 and D6 (of the London Plan) and the

guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance.' In respect of the protection of the amenities of neighbouring occupiers, this will include taking a full account of all neighbouring sites.

The Residential Design Guidance SPD (pursuant to Policy DM01) sets out the following expectations for development:

14.4 Extensions to properties should not be overbearing or unduly obtrusive and care should be taken to ensure they do not result in harmful:

- loss of privacy by overlooking adjoining properties
- loss of light or overshadowing of adjoining properties, particularly loss of light to main windows serving principal rooms such as living or dining rooms
- loss of outlook from adjoining properties
- sense of enclosure or overbearing impact on adjoining properties

14.20 Side extensions should ensure that the visual and residential amenities of neighbouring properties are not significantly affected.

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.

14.24 Two storey rear extensions need to ensure they do not lead to:

- loss of light to, and outlook from, windows and glazed doors positioned close to the extension
- unacceptable sense of enclosure to house and garden
- overbearing impact

14.33 Overlooking - Care should be taken in the design and location of new dormers, including side dormers to minimize overlooking

There would be no adverse impact on No. 16 , 1a (identified as No 3 on the plans) and 6 - 8 Danescroft Gardens in respect of undue loss of outlook or privacy, due to the distance of the combined extensions above ground floor level from the common boundary to the rear (c18m) and the intervening carriageway to the front and side (c16m to the opposing elevation at No 1a/3 - consistent with the existing relationship)

Notwithstanding the ground level (west to east downward gradient of the street) and siting of the neighbouring properties, it is therefore assessed that the development would not adversely affect the living conditions of these neighbouring properties.

With regard to 9 Danescroft Avenue, this property adjoins the application site, but is arranged perpendicular to it - with the rear elevation facing onto the (west) side elevation of the host property.

Notwithstanding the scale of the property at No 9, it is served by a relatively shallow rear garden - ranging from c8 - 11m in depth - currently enclosed by mature shrubs on two sides. The amenity space is spread over a number of levels, with the principal lawned area to the rear of the site and sunk below the level of the street.

The proposed first floor extension - together with the additional massing at roof level - will project in part up to and along the shared boundary with No. 9 Danescroft Avenue, resulting in an unduly overbearing encroachment and leading to a loss of outlook and increased sense of enclosure.

It is noted that currently there is a row of mature shrubbery forming a hedge along this boundary. Were it to survive, this would provide some screening at least to the lower part of the extension. However, whilst it may not be immediately compromised by the construction work (though no arboricultural information has been provided), the enduring presence of that vegetation cannot be relied upon.

Apart from the construction itself and the resultant pressure for future works arising from the proximity of the new structure, trees and soft landscaping is prone to disease or climatic events such as storms, droughts or flooding that can lead to death and/or removal. For these reasons trees and shrubs cannot be considered permanent features within the landscape, unlike built structures. Should an unacceptable design be approved on the basis of the trees surrounding the structure screening and softening the built form, there is a foreseeable risk that these trees and shrubs will be removed during the lifetime of the building.

Even were a condition to be considered, trees and shrubs may also take a long time to establish. A tree grows at about 50cm/year in height, sometimes more depending on species. If a tree or shrubs are retained to screen a building, they may live for 100 years or more. Or they could be blown over in a storm. Then it will take 5 years to grow 2.5m and 20 years to grow 10m. Consequently, there would be a significant time lag to have an otherwise unacceptable development left fully exposed.

On that basis, it is considered that the proposal would have an undue impact on the visual and residential amenities of neighbouring occupiers at No 9 Danescroft Avenue

6. Response to Public Consultation

Juliet windows are not typical or in keeping with the area This matter has been addressed with their removal as part of the amended plans.

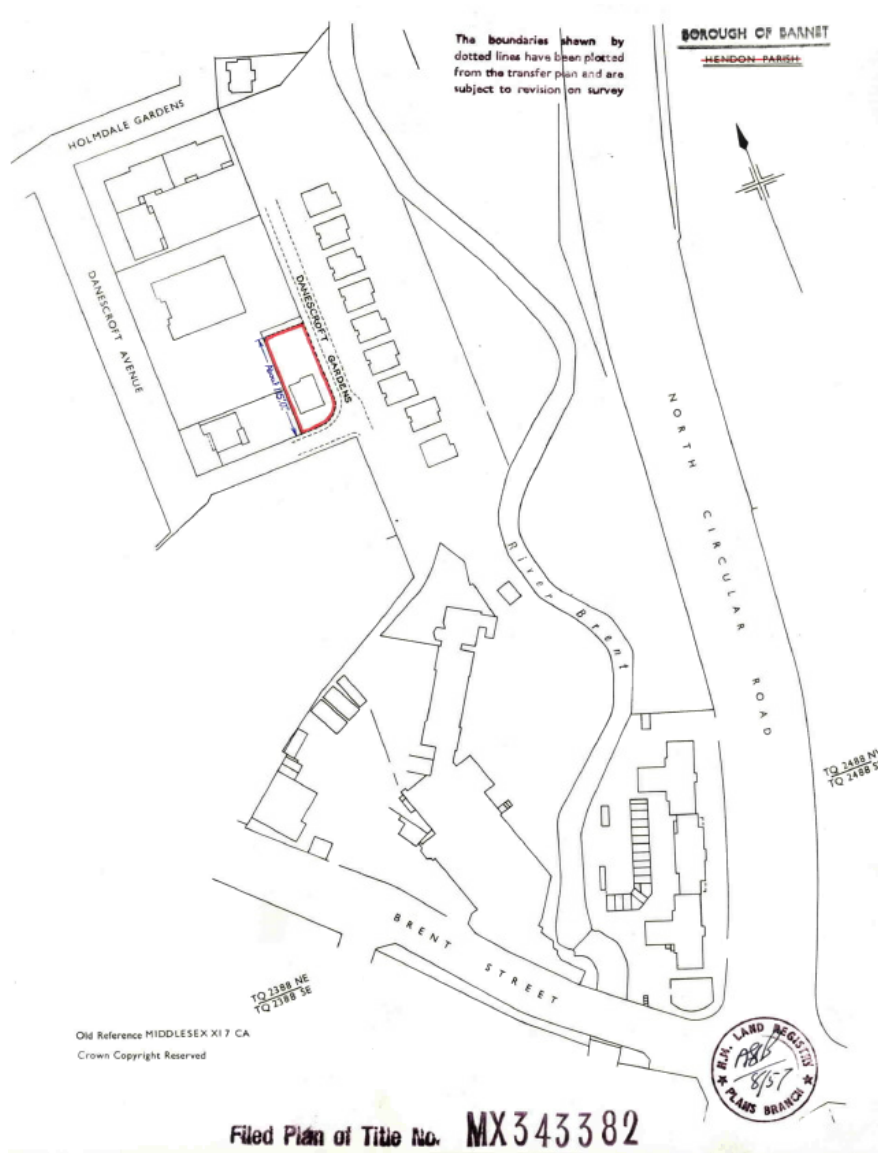
Juliet balcony windows will cause overlooking, loss of privacy, direct lines of sight into our principal living areas, Trees in the garden, during the winter months these thin out considerably As set out in the report, the LPA do not sustain a character objection and it is not anticipated that the deciduous nature of trees in the rear garden would lead to any undue seasonal impact on amenity. Notwithstanding that they have been amended to casement windows, the distance from the rear elevation to the common boundary and opposing elevation is in excess of that prescribed by the Sustainable Design and Construction SPD.

7. 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.

8. Conclusion

Taking all material considerations into account, it is considered that the proposed development would have an acceptable impact on the character and appearance of the application site and the locality. However, it is considered that the proposal would have an unacceptable impact on neighbouring amenity. Accordingly, this application is therefore recommended for REFUSAL.



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Location 123 Abbots Gardens London N2 0JJ

Reference: 22/0951/HSE

Received: 22nd February 2022

AGENDA ITEM 12

Accepted: 22nd February 2022

Ward: East Finchley

Expiry 19th April 2022

Case Officer: Will Collier

Applicant: Colin Gay

Proposal: First floor side extension. Roof extension involving hip to gable, rear dormer with juliette balcony and 2no front facing rooflights. New front porch

OFFICER'S RECOMMENDATION

Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the 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 proposed development, by reason of the design, bulk and materials of the side hip-to-gable in combination with the first floor extension and rear dormer, would unbalance the pair of semi-detached properties, appear dominant in the street scene in the context of the area and detract from the character and appearance of the property and wider locality, contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

Informative(s):

- 1 The plans accompanying this application are:

Existing and Proposed Ground Floor, A102+A202
Existing and Proposed First Floor, A103+A203
Existing and Proposed Loft Plan, A104-A204
Existing and Proposed Roof Plan, A105-A205
Existing and Proposed Section 1, A106+A206
Existing and Proposed Section 1, A107+A207
Existing and Proposed Front Elevation, A108+A208
Existing and Proposed Rear Elevation, A109+A209
Existing and Proposed Side Elevation 1, A110+A210
Existing and Proposed Side Elevation 2, A111+A211
Location Plan
Existing and Proposed Block Plan, A101+A201

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

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

OFFICER'S ASSESSMENT

1. Site Description

The site comprises a semi-detached dwelling on a plot splayed around a small cul-de-sac off the main part of Abbots Gardens. It has a distinctive timber frame external appearance with front gable, in symmetry with the adjoining semi and matching other similar semis

around the close.

Abbots Gardens is a large circular cul-de-sac of predominantly semi detached properties, and the application site is found on a small subsidiary cul-de-sac consisting of about 10 dwellings splayed around a central turning area.

The site is not within a designated conservation area.

The site does not contain any statutory or locally listed buildings, nor is it immediately adjacent to any. It is not within an Area of Special Archaeological Interest.

2. Site History

None.

3. Proposal

The applicant seeks planning permission for a first floor side extension; roof extension involving hip to gable; rear dormer with juliette balcony; 2no front facing rooflights; and a new front porch.

The application was called in by Councillor Farrier on 4th July on the grounds that it appears to cause no harm and to have support of local residents.

4. Public Consultation

Consultation letters were sent to 8 neighbouring properties.

Two letters of support received confirming no objections and support for the design and materials.

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 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

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

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

The Barnet Residential Design Guide (RDG) sets out the council's supplementary planning guidance concerning extensions and house alterations. With regards to hip-to-gable roof alterations the following design guidance is given;

Consideration will be given to whether or not gable end extensions are a characteristic feature of the street and wider area (para 14.34).

Proposed hip to gable roof extensions need to take into account the following criteria:

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

In this case the proposal is to convert the side hipped roof to side gable in combination with a rear dormer and first floor side extension. As described above in the site description,

the site is located on a small cul-de-sac of about ten semi detached properties splayed around a small circular turning area. All these properties have hipped side roofs forming a common characteristic: there have been no hip-to-gable conversions. Indeed, further beyond on the main part of Abbots Gardens, the common characteristic is side hipped roofs. The proposal to convert the side hip to a gable would therefore unbalance the property against the adjoining semi, No. 125. Furthermore, it is considered to be prominent in the street scene because of the unique arrangement of the properties around a small turning area where the unbalancing effect would have greater impact on the street scene, in contrast to other areas of Abbots Gardens where a side gable might be less conspicuous within straighter parts of Abbots Gardens. Together with the observation that most of the properties in this part of Abbots Gardens have a distinctive appearance characterised by timber frame external appearance, and hipped roofs and that none have side gables, it is assessed that the proposed hip to gable in this case, due to the specific site context, would be detrimental to the streetscene and character of the area, which would be exacerbated in bulk and prominence by the proposed first floor side extension and rear box dormer.

It is noted that No. 127 has a two storey side extension, however this has retained hipped roofs having no side gables, and therefore is not a sufficient precedent.

The proposed first floor side extension would match the footprint of the existing side extension and has a maximum width of three metres, narrowing at the front to 2.1 metres in line with the front wall of the house. The extension would have a hipped roof arranged around its asymmetric footprint, set 1 metre below the ridge of the main house. The width is compliant with the RDG, being about half the original width of the house, however the extension is not set back from the front of house, and thus conflicts with the RDG which states: "First floor side extensions should normally be set back 1 metre from the front main wall of the existing house" (para 14.15, RDG).

It is considered the first floor side extension does not relate well to the side gable, given the contrast in hipped roof and side gable design which relate poorly together. The first floor extension also exacerbates the prominence and bulk of the side gable and its unbalancing effect on the pair of semis, to the detriment of the character of the area given the qualities and characteristics of the properties in the cul-de-sac.

The proposed rear dormer is non-compliant with the RDG, because it fills the majority of the roof space. It would therefore look bulky and contribute further to the overall bulk of the extensions and impact on the street scene. No calculations have been submitted to show that the total roof volume increase of the extensions combined would be less than the permitted development limit of 50 cubic metres and thus there is not a case for the permitted development fallback position, particularly as the first floor side extension would require planning permission.

The proposed rendering in replacement of the existing timber framed appearance would also highlight the difference of the dwelling against the adjoining semi and its prominence and unbalancing effect as described.

The proposed front extension is merely enclosing the existing open porch area and therefore is of acceptable scale and proportions.

Thus, in conclusion in respect to the visual impact of the proposal it is assessed to be detrimental to the character of the area, unbalancing the pair of semis and appearing dominant in the street scene, taking into account the site context, design and cumulative

impact of the side extension and roof alterations in contrast to the neighbouring dwellings. The proposal thus conflicts with Policy DM01 of the adopted local plan.

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

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

The proposed side extension and roof alterations would be approximately 1.3 metres from the side boundary of the rear garden of No. 121 Abbots Gardens. Given the depth of the garden of 121 and the distance to the proposed extension, it is considered that it would not appear dominant or overbearing to the rear garden of No. 121 and would not be detrimental to the amenities of this neighbouring property.

The first floor study window would result in direct overlooking of the rear garden of no. 121, however it is considered that a condition could be imposed on any permission requiring the window to be obscure glazed.

The rear dormer window would have oblique views of the garden of no. 125 Abbots Gardens, however it is considered that this would not give rise to a level of overlooking that would be harmful to the amenities of the occupiers.

5.4 Response to Public Consultation

N/A

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposal would be overly dominant in the streetscene and wider locality by its bulk and prominence and unbalancing effect on the pair of semis. The proposal is therefore recommended for REFUSAL.

In the event of an appeal that is allowed, the following conditions are recommended:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: [insert plan numbers].

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

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

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

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

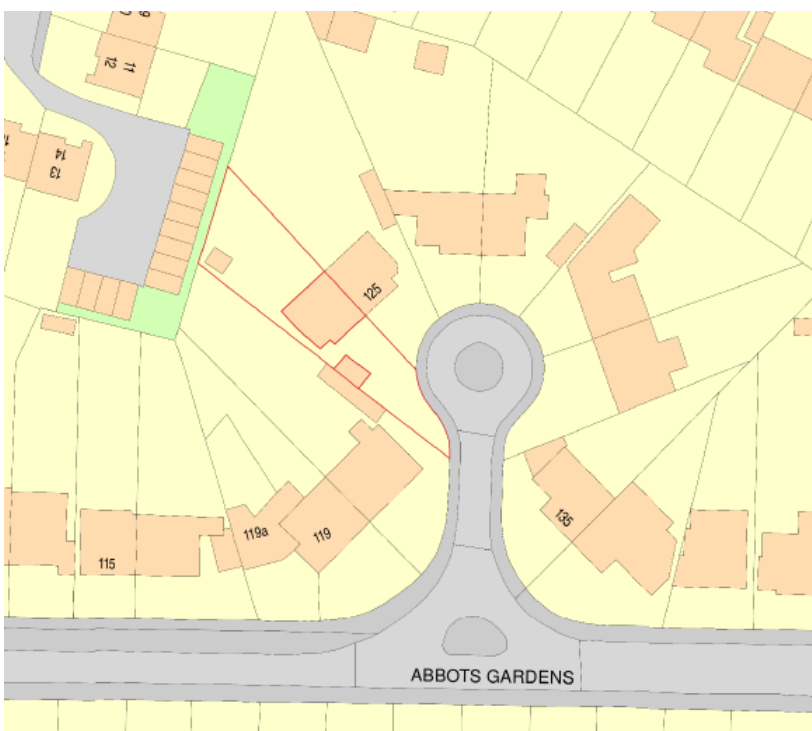
Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

4. 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 side elevation(s), of the extension(s) hereby approved, facing 121 Abbots Gardens.

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).

5. Before the building hereby permitted is first occupied the proposed window(s) in the first floor side elevation facing 121 Abbots Gardens 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).



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