

Meeting

Planning COMMITTEE A

Date and time

Wednesday 11TH JANUARY, 2023

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

Richard Barnes
Lachhya Gurung

Danny Rich
Elliot Simberg

Substitute Members

Claire Farrier
Gill Sargeant

Shuey Gordon
Tony Vourou

Arjun Mitra
Lucy Wakeley

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

Andrew Charlwood – Head of Governance

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

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Assurance Group

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Order of Business

Item No	Title of Report	Pages
1.	Minutes of the last meeting	5 - 10
2.	Absence of Members	
3.	Declaration of Members' Disclosable Pecuniary Interests and Other Interests (if any)	
4.	Report of the Monitoring Office (if any)	
5.	Addendum (if applicable)	
6.	Intec House 49 Moxon Street Barnet EN5 5TS (22/4526/FUL) (High Barnet)	11 - 64
7.	10 Wentworth Avenue London N3 1YB (22/2859/FUL) (West Finchley)	65 - 86
8.	198 Golders Green Road London NW11 9AL (22/4591/FUL) (Golders Green)	87 - 98
9.	Frith Grange Camp Site Frith Lane London NW7 1PT (22/2210/FUL) (Totteridge & Woodside)	99 - 124
10.	42 Kings Road Barnet EN5 4EG (22/0139/FUL) (High Barnet)	125 - 144
11.	Leecroft Road Adjacent To Hertswood Court Hillside Gardens Barnet EN5 4AU (TPP/0243/22) (Underhill)	145 - 150
12.	Clara Nehab House 13 - 19 Leaside Crescent London NW11 0DA (22/0889/FUL) (Golders Green)	151 - 200
13.	Any item(s) that the Chairman decides are urgent	

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Decisions of the Planning Committee A

30 November 2022

Members Present:-

AGENDA ITEM 1

Councillor Nagus Narenthira (Chair)

Councillor Tim Roberts (Vice-Chair)

Councillor Richard Barnes

Councillor Danny Rich

Councillor Lachhya Gurung

Councillor Elliot Simberg

Apologies for Absence

None.

1. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 26 October 2022 be agreed as a correct record.

2. ABSENCE OF MEMBERS

None.

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

None.

4. REPORT OF THE MONITORING OFFICE (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

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

The Chair advised that 26 Renters Avenue, London, NW4 3RB on the agenda was withdrawn due to additional information needed. The committee agreed to the withdrawal.

The order of business was changed to accommodate speakers.

6. 70 HILLSIDE GARDENS, BARNET EN5 2NL - TPP/0680/21 (UNDERHILL)

The Principal Tree Officer presented the report.

The Committee then had the opportunity to ask questions of the officer.

Further to discussions, the Chair moved to a vote based on the information they received.

In favour to (refuse): 6
In favour to (approve): 0

Therefore, the application was refused consent due to the reason that the loss of this oak tree of special amenity value is not justified as a remedy for the alleged subsidence damage on the basis of the information provided

7. 10 MANORSIDE BARNET EN5 2LD - 22/3258/HSE (UNDERHILL)

The Planning Officer presented the report.

Rohit Grover, the applicant addressed the Committee.

The Committee had the opportunity to ask questions of the Applicant and Officers.

Further to a discussion, the Chair moved to vote on the Officer's recommendation to approve the application. The vote was recorded as follows:

For: (approval) 6
Against: (approval) 0

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

8. FLAT 2, 81 SUNNY GARDENS ROAD LONDON NW4 1SH - 22/3953/FUL (HENDON)

The Planning Officer presented the report.

Elizabeth Ellenbogen & Claire Jackson addressed the Committee and spoke against the application.

The Committee had the opportunity to ask questions of the speakers and Officers.

Further to a discussion, the Chair moved to a vote on the Officer's recommendation to approve the application. The vote was recorded as follows:

For: (approval) 3
Against: (approval) 2
Abstained: 1

RESOLVED that the application be **APPROVED** subject to the conditions listed in the report **AND** the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in the report 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. 69 BRUNSWICK PARK GARDENS LONDON N11 1EF - 21/4740/FUL (BRUNSWICK PARK)

The Planning Officer presented the report.

Michael Cross, the agent for the Applicant, addressed the Committee.

The Committee had the opportunity to ask questions of the agent and Officers.

Further to a discussion, the Chair moved to a vote on the Officer's recommendation to approve the application. The vote was recorded as follows:

For: (approval) 6

Against: (approval) 0

RESOLVED that the application be **APPROVED** subject to the conditions listed in the report **AND** the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in the report 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. 26 RENTERS AVENUE LONDON NW4 3RB - 22/2472/FUL (HENDON)

The Committee agreed that the item be withdrawn to be able to process additional responses so that further information may be properly taken into account.

11. 13 WYCOMBE GARDENS LONDON NW11 8AN -22/0502/FUL (CHILDS HILL)

The Planning Officer presented the report.

Anthony Woolich & Sara Woolich addressed the Committee and spoke against the application.

Mr Sodeinde the Applicant addressed the Committee.

The Committee had the opportunity to ask questions of the applicant and Officers.

The Chair proposed to move a motion to add a condition to the list of conditions in the report to ensure prior to the commencement of the development full details of drainage

and any associated ground works would be submitted for approval. This was seconded by Cllr Barnes.

Votes were recorded as follows:

For: 5
Against:0
Abstained:1

Therefore, the motion was carried.

Further to a discussion, the Chair moved to vote on the Officer's recommendation to approve the application. The votes were recorded as follows:

For: (approval) 6
Against: (approval) 0

RESOLVED that the application be APPROVED subject to the conditions listed in the report and the additional condition AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in the report 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. 49 GARTH ROAD LONDON NW2 2NH -20/4631/FUL (CHILDS HILL)

The Planning Officer presented the report.

*Cllr Elliot Simberg attended the meeting at 7.04pm.

Further to a discussion, the Committee voted on the Officer's recommendation to approve the application as follows:

For: (approval) 4*
Against: (approval) 0

*Cllr Simberg and Cllr Gurung were not able to vote as they were not present for the full item.

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

13. LAND ADJACENT TO LARKSPUR ROAD EDGWARE HA8 9GG - 22/4009/FUL (EDGWARE)

The Planning Officer presented the report.

*Cllr L Gurung attended 7.10pm

Bill Macleod, the Agent for the Applicant, addressed the Committee.

The Committee had the opportunity to ask questions of the Agent and Officers.

Further to a discussion, the Committee voted on the Officer's recommendation to approve the application as follows:

For: (approval) 5

Against: (approval) 0

*Cllr Gurung was not able to vote as he was not present for the full item.

RESOLVED that the application be APPROVED subject to conditions listed in the report AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in the report 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. 8 RANELAGH CLOSE EDGWARE HA8 8HL -22/0816/HSE (EDGWARE)

The Planning Officer presented the report.

Eric Owusu, the applicant addressed the Committee.

The Committee had the opportunity to ask questions of the Applicant and Officers.

Further to a discussion, the Chair moved to vote on the Officer's recommendation to approve the application. The votes were recorded as follows:

For: (approval) 6

Against: (approval) 0

RESOLVED that the application be APPROVED subject to conditions listed in the report AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in the report 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. 28 CHEVIOT GARDENS LONDON NW2 1QE -22/1494/FUL (CRICKLEWOOD)

The Planning Officer presented the report.

Amy Sichani, the Agent for the Applicant, addressed the Committee.

The Committee had the opportunity to ask questions of the Agent and Officers.

The Chair moved to vote on the Officer's recommendation to approve the application. The votes were recorded as follows:

For: (approval) 6

Against: (approval) 0

RESOLVED that the application be APPROVED subject to conditions listed in the report AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in the report 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).

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

None.

The meeting finished at 8.52pm

Location	Intec House 49 Moxon Street Barnet EN5 5TS	
Reference:	22/4526/FUL	Received: 7th September 2022
		Accepted: 14th September 2022
Ward:	High Barnet	Expiry 14th December 2022
Case Officer:	Josh Mclean	
Applicant:	Moxon One Limited	
Proposal:	Demolition of the existing building and redevelopment of the site with the erection of a part-3 to part-7 storey building (including lower ground floor and mezzanine floor), to provide of 92no. residential units (Use Class C3), reprovision of 728sqm of employment space (flexible workshop units) (Use Class E) with associated access, parking and cycle parking spaces, refuse storage, landscaping and amenity spaces and supporting infrastructure	

OFFICER’S RECOMMENDATION

Approve subject to s106

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

RECOMMENDATION I:

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

1. Paying the council’s legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. **On-site Affordable Housing contribution**
A minimum of 35% by habitable room on the basis of the following mix:

London Affordable Rent

- 10 x 2B4B
- 5 x 3B5P
- 3 x 3B6P

Intermediate

- 1 x 1B2P
- 3 x 2B3P

Early stage review mechanism

4. **Carbon Offset**

Contribution of £345,837 towards the Council's carbon offset fund.

5. **Skills and Employment**

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

6. **Restriction of Parking Permits**

Contribution towards the amendment of the Traffic Management Order to restrict future occupiers from obtaining residential parking permits. Inform new residents that they are not entitled to a parking permit for any current CPZ.

7. **Travel Plan and Monitoring contribution**

Submission of a full Residential Travel Plan with incentives of £150 per dwelling and a monitoring contribution of £10,000.

8. **Car Club Provision**

Provision of one car club space or a financial contribution towards the delivery of a car club scheme.

9. **Pedestrian and cycle improvements in the area**

Contributions to pedestrian and cycle improvements in the area.

10. **S278 Works**

Complete the Highways Works in accordance with the relevant Section 278 Agreement before occupation.

11. **Loss of Street Trees**

Contribution of £45,000 for the loss of street trees removed to accommodate the development.

12. **Be Seen Energy Monitoring Guidance**

Requires monitoring and reporting of the actual operational energy performance of major developments for at least five years via the Mayor's 'be seen' monitoring portal.

13. **S106 Monitoring**

A contribution towards the monitoring of the S106.

RECOMMENDATION II:

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

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

SITE LOCATION PLAN - 00001
EXISTING SITE PLAN - 00002
PROPOSED SITE PLAN - 00003
EXISTING LOWER GROUND FLOOR PLAN - 01001
EXISTING GROUND FLOOR PLAN - 01002
EXISTING FIRST FLOOR PLAN - 01003
EXISTING SECOND FLOOR PLAN - 01004
DEMOLITION LOWER GROUND FLOOR PLAN - 03001
DEMOLITION GROUND FLOOR PLAN - 03002
DEMOLITION FIRST FLOOR PLAN - 03003
DEMOLITION SECOND FLOOR PLAN - 03004
PROPOSED LOWER GROUND FLOOR PLAN - 04001
PROPOSED UPPER GROUND FLOOR PLAN - 04002
PROPOSED MEZZANINE FLOOR PLAN - 04003
PROPOSED FIRST FLOOR PLAN - 04004
PROPOSED SECOND FLOOR PLAN - 04005
PROPOSED THIRD-FOURTH FLOOR PLAN - 04006
PROPOSED FIFTH FLOOR PLAN - 04007
PROPOSED ROOF PLAN - 04008
PROPOSED EAST ELEVATION - 05001
PROPOSED SOUTH ELEVATION - 05002
PROPOSED WEST ELEVATION - 05003
PROPOSED NORTH ELEVATION - 05004
PROPOSED SECTION A - 06001
PROPOSED SECTION B - 06002
PROPOSED SECTION C - 06003
PROPOSED SECTION D - 06004

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) Before the relevant part of the works are begun, details of the materials to be used for the external surfaces of the building(s), 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).

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

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

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

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

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

5 Part 1

Before development commences other than for investigative work:

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

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

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

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

Part 2

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

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

- 7 a) No development (other than demolition and site clearance works) shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the extraction / ventilation equipment as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

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

- 8 a) No development (other than demolition and site clearance works) shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

- 9 The approved mitigation scheme as set out in the approved Air Quality Assessment, Ref 22-8927 by Syntegra Consulting Ltd dated August 2022 shall be implemented in its entirety before any of the development is first occupied and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy SI 1 of the London Plan (2021).

- 10 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

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

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

Reason: In the interest of good air quality in accordance with Policy DM04 of the Barnet Local Plan Development Management Policies (2012) and Policy SI1 of the London Plan 2021.

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

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

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

- 12 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. A-04001 01 (Proposed Lower Ground Floor Plan) shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies T6 and T6.1 of the London Plan 2021.

- 13 Prior to occupation of the development, the electric vehicle charging points shall be installed as shown on Drawing No. A-04001 01 (Proposed Lower Ground Floor Plan). For the avoidance of doubt, this should include the provision of 7 active and 29 passive electric vehicle charging points.

The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

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

- 14 Prior to occupation of the development, 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 Authority.

Thereafter, before the development hereby permitted is occupied, a minimum of 171 cycle parking spaces (165 long stay and 6 short stay) Cycle parking spaces will seek to accord with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 15 a) Before the permitted development is first occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.
- b) The development shall be carried out in accordance with the approved plan.

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

- 16 Prior to first occupation of the residential units, a Residential Car Parking Management Scheme (RCPMS) shall be submitted to and agreed in writing for each Phase by the Local Planning Authority. The RCPMS shall include a plan identifying the disabled parking spaces to be delivered clearly marked with a British Standard disabled symbol and disabled parking shall be retained for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure that parking is provided and managed in line with Barnet Council standards in the interests of highway and pedestrian safety 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. To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 17 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).

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

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

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

19 a) The development hereby approved shall be implemented in accordance with the dimensioned tree protection plan dwg no. TPP/IH49MSB/010 A2 and the method statement contained from Section 8 of the approved Arboricultural Impact Assessment & Arboricultural Method Statement, by David Clarke Chartered Landscape Architect and Consultant Arboriculturist Limited in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations).

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

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G6 of the London Plan 2016.

- 20 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).

- 21 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. The management plan will ensure compliance with the approved level of biodiversity net gain for the approved development.
- c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

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

- 22 Prior to occupancy of the development hereby approved, a Biodiversity Net Gain assessment and supporting plan that demonstrates biodiversity net gain and details of landscape enhancements shall be submitted and approved by the local planning authority.
- A. This document shall include details of habitat creation, enhancement measures for biodiversity gains using an appropriate Defra Biodiversity Metric calculator. This shall be incorporated into the scheme of the hard and soft landscaping, of the development. This scheme will include details of existing trees to be retained and size, species, planting heights, densities, positions of any soft landscaping, and habitat enhancements such as bird and bat boxes log piles etc appropriate to location 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 and biodiversity enhancements shall be carried at the most optimal time wildlife and plantings. All works must be completed within 12 months after occupation before the end of the first planting and seeding season and when most optimal for when following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01 & DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G5, G6 & G7 of the London Plan 2021 and Environment Act 2021.

- 23 No development (including Demolition, Ground Works, and Site Preparation Works) shall commence within a phase until a Construction Environmental Management Plan (CEMP), setting out the construction and environmental management measures associated with that Development Phase, has been submitted to and approved in writing by the Local Planning Authority. Details within the CEMP shall include the precautionary mitigation measures to sufficiently protect those that habitats, species, and statutory and non-statutory designated site of nature conservation outlined within the Preliminary Ecological Appraisal (Syntegra Consulting, June 2022) in accordance with Legislation and policy. As part of the CEMP an Ecology Toolbox Talk will be included to be delivered by the project ecologist prior, and Construction Exclusion Zone plan within the CEMP.

The CEMP shall include:

- a. Site information (including ecological features)
- b. Description of works, equipment and storage
- c. Programme of works
- d. Temporary hoarding and fencing
- e. Temporary works
- f. Ecological avoidance and mitigation measures.
- g. Construction Exclusion Plan

Reason: To ensure that nature conservation interests are not prejudiced during construction in accordance with Section 197 of the Town and Country Planning Act 1990 in accordance with Policy DM16 of the Local Plan Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy G6 of the London Plan (2021)

- 24 Prior to occupancy of the development hereby approved, at least 2 x Schweglar 1FF Bat Box (or similar alternative) and 2 x sparrow terrace all be installed on the newly constructed building and/or retained trees nearby in accordance with guidance with 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA) as appropriate. In addition, 1 x purpose built hedgehog home, and 2 x habitat pile are to be installed along the boundary of the site adjacent either retained woodland or planted hedges. Details on the specifications, location, aspect, and position of these species enhancement measures shall be submitted and approved by the Local Planning Authority.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

- 25 Prior to the commencement of works details of a Sensitive Lighting Strategy shall be submitted and approved by the Local Planning Authority.

Any artificial lighting scheme designed for project; including during the operational phase, shall be in accordance with Bats Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01 & DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G5, G6 & G7 of the London Plan.

- 26 Prior to the commencement of works, a detailed Precautionary Method Statement for Reptile, Stag Beetle, and mammals (Hedgehog and badgers) is required to be submitted and approved by the Local Planning Authority. The document will need to outline the potential risk of encountering the species present, the required work methods, and what to do in the event that any of these species are encountered during the proposed works as outlined with the submitted and approved Preliminary Ecological Appraisal (Syngerta Consultancy, June 2022).

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01 & DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G5, G6 & G7 of the London Plan and 2021 Environment Act 2021.

- 27 Prior to the occupation of the development hereby approved a 'Secured by Design' accreditation shall be obtained for the building.

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

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

- 28 a) Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2016), the Planning Obligations SPD (adopted April 2013) and Policy S4 of the London Plan 2021.

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

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, 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).

- 30 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.
- b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 31 a) The non-residential development is required to meet the BREEAM Very Good level.
- b) Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016).

- 32 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).

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

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

- 34 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 44% in carbon dioxide emissions of the domestic element and 35% of the non-domestic element 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 SI 2 of the London Plan 2021.

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

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

DM01 of the Barnet Local Plan.

- 36 No development (other than site demolition and site preparation works) shall take place until a Surface Water Drainage Strategy for the development have been submitted to and approved in writing by London Borough of Barnet planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

Reasons: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan.

- 37 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part the roof of the building(s) hereby approved, including any structures or development otherwise permitted under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any equivalent Order revoking and re-enacting that Order.

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with Policies DM01 and DM18 of the Development Management Policies DPD (adopted September 2012).

- 38 The employment floorspace shall be used for Use Class E (c) or (g) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or submitted by 28 April 2023, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):
 1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing, carbon off-set, highways mitigation and loss of street trees. The proposal would therefore not address the impacts of the development, contrary to Policies CS5 and CS9 of the Local Plan Core Strategy (adopted September 2012), policies DM01, DM04

and DM17 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

Informative(s):

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

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

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

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

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

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

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

may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

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

4 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 The proposed development is located within 20m of a Thames Water Sewage Pumping Station and this is contrary to best practice set out in Codes for Adoption.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

6 Biodiversity Net Gain

No works shall be undertaken during outside of the species-specific activity period. Guidance can be found within BS 8683: 2021 A process for designing and implementing biodiversity net gain and BS42040:2013: Biodiversity Code of practice for planning and development, and documents provided by the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Royal Town Planning Institute (RTPI) for approval.

Ecology Toolbox Talk

It is advised prior to commencement of works, an Ecology Toolbox talk be given by the project ecologist outlining the relevant legislation relevant to bats and other

protected species e.g., reptile, nesting birds, hedgehogs, stag beetles), areas and actions to be avoided and what to do in the event that such protected species are discovered during the works.

Species rich plantings and seeding It is advised that any landscaping for the site include native species rich plantings and night scented plants and species rich hedges and trees which would attract invertebrates and thus provide benefit to foraging bats and nesting birds. An extensive list of suitable plant species can be found on the RHS advice page <https://www.rhs.org.uk/advice/pdfs/plants-for-bats.pdf>.

The proposed hedgerow planting on the east and west side of the new building is advised to consist of native berry producing shrub species such as hawthorn, blackthorn, spindle, field maple, hazel, and hornbeam. A best practice approach would be to apply a 10, 20, 30 formula to develop a diverse tree/hedge population - no more than 10% of any species, 20% of any genus or 30% of any family. These species will provide ideal foraging and sheltering habitats for a variety of species including nesting birds, invertebrates, and foraging mammals. These recommendations are in line local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan 2021.

Nesting Bird Check

Avoid all vegetation clearance during the active nesting bird season. If this cannot be reasonable avoided and any tree / vegetation clearance required to be removed during the active nesting bird season and cannot reasonable be avoided, then a nesting bird check must be conducted prior to commencement of clearance by a suitably qualified ecologist. Any active birds nest that are discovered are to have an appropriate 5m protective buffer is to be place around the nest and the nest is to be retained until such time that the chicks have fledged.

There is a risk that nesting birds maybe negatively impact by the proposed clearance works should the works commence during the active nesting bird season. Nesting birds and their active birds' nests are protected from damage of disturbance under the Wildlife and Countryside Act 1981, as amended (section 1). Generally, trees, buildings and scrub may contain nesting birds between 1st March and 31st August inclusive. It is considered that nesting birds are likely to be present between the above dates. You are advised to seek the advice of a competent ecologist prior to undertaking any works which could affect nesting birds during the period outlined above.

Protected Species

In the event of any protected species (e.g. hedgehogs, reptiles, badgers, bats) being found works must stop, an suitably qualified ecologist be consulted immediately and the correct level of additional surveys and mitigation applied including any licences that are required to be approved and issued by the Natural England (if required). Following the appropriate level of survey and or surveys approved by the LPA, the works may resume.

Non-native Plant Removal

The removal of the invasive non-native species (e.g. buddleia) is advised to be undertaken by a trustworthy third-party invasive plant removal specialist who belong to a trade body such as the Property Care Association (PCA) Property Care

Association or the Invasive Non-Native Specialist Association View Our Members - INNSA. An invasive species removal specialist would be responsible for the secure removal/treatment, transposition and disposing of controlled waste under the Environment Protection Act 1990 (EPA 1990).

- 7 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.
- 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 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly

set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

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

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

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

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

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

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

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

- 11 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not

expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Councils refuse collection department is consulted to agree a refuse collection arrangement.

- 12 For works on the public highway, the applicant will be required to submit a Street Works Licence application to the Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW at least 4-6 weeks before the start of works on the public highway.

OFFICER'S ASSESSMENT

1. Site Description

The proposal site comprises of circa 0.2 hectares and consists of a part-three storey building to the front, dropping down to a warehouse space to the rear. The area around the building is covered in hard standing with car parking to the front and side. The land falls travelling east on Moxon Street towards the site.

The site and the approach to it, benefits from a verdant character. To the immediate north is a dense row of trees which runs up Moxon Street to the west and also to the east into St George's Fields, which is a Site of Importance for Nature Conservation (SINC), designated Green Belt and a Registered Historic Battlefield. To the south is a two-storey commercial unit (named Fortune House) currently occupied by Howdens Joinery and finished in brick. To the west set behind the row of trees are the rear gardens of the residential properties which front onto South Close which runs parallel to Moxon Street. There are also residential properties to the north on South Close.

The Site is situated within a Locally Significant Industrial Site (LSIS) known as Hadley Manor Trading Estate. On the south side of Moxon Street within the trading estate are also 50 Moxon Street which has received permission through ref: 21/6488/FUL for a Special Education Needs School and Hadley Wood Hospital. 350m to the west is Chipping Barnet High Street and 250m is Wood Street Conservation Area which starts just beyond Tapster Street and extending westwards across the High Street. Whilst the western end of Moxon Street adjacent to the town centre is a mix of residential and business use, the central section of Moxon Street is predominantly residential. In addition, Hornbeam Court and Blackthorn Court are four storey apartment buildings located to the south and accessed from Laburnum Close. Also to the immediate south are the 3 storey residential terraces located on Snowberry Close.

Intec House itself is divided into two areas, the eastern part which is a light industrial warehouse space; and the western part, 3-storey office building with a mezzanine level. The applicant has confirmed that the building comprises 1,682 sqm of useable employment floorspace - Net Internal Area (NIA). In addition, it is also stated that the building currently provides on-site employment for approximately 20 people at any one time, whilst the building is also used for storage and ancillary purposes.

The site has a PTAL of 3 (moderate) as calculated by the TfL WebCAT tool with High Barnet underground station located approximately 950m walking distance to the south.

2. Site History

Reference 19/3994/PNO

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Prior Approval Required and Refused

Decision Date: 27 September 2019

Description: Change of use of the building from Use Class B1(a) (Office) to Use Class C3 (Residential) to provide 39 dwellings (Class C3). Provision of 22 car parking spaces (including 4 electric parking spaces & 2 wheelchair accessible spaces) and 40 cycle spaces.

Reference 19/3117/PNO

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Prior Approval Required and Refused

Decision Date: 30 July 2019

Description: Change of use of the building from Use Class B1(a) (Office) to Use Class C3 (Residential) to provide 107 dwellings (Class C3). Provision of 21 car parking spaces (including 4 electric parking spaces & 4 wheelchair accessible spaces) and 120 cycles.

Reference 19/3083/PNO

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Prior Approval Required and Refused

Decision Date: 30 July 2019

Description: Change of use of the building from Use Class B1(a) (Office) to Use Class C3 (Residential) to provide 107 dwellings (Class C3). Provision of 21 car parking spaces (including 4 electric parking spaces & 4 wheelchair accessible spaces) and 120 cycles.

Reference B/00465/11

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 11 April 2011

Description: Continued use of premises as B1/B2 mixed use including opening hours of 08:30 to 13:00 on Saturdays for a period of 5 years.

Reference B/00147/10

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 9 April 2010

Description: Retention of use of premises as B1/B2 mixed use for a further temporary period of one year.

Reference B/00146/10

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 9 April 2010

Description: Retention of use of premises as B1/B2 mixed use for a further temporary period of one year together with the extension of the hours of use to include 08:30-13:00 on Saturdays.

Reference B/00113/09

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 9 March 2009

Description: Retention of change of use from Class B1 to a mixed use comprising B1 (offices) and B2 (car servicing and repairs including use of one bay for MOT Testing) (Sui Generis)

Other relevant Planning History

Reference: 21/6488/FUL

Address: 50 Moxon Street, Barnet, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 30 May 2022

Description: Part demolition, alterations and extensions and change of use of the existing

building from Class B8 to Class F1 to provide a 90 pupil 5-18 years SEN School including rooftop recreation addition (MUGA and Sensory Garden), landscaping, access and visitor, disabled and school mini-bus drop-off / pick-up arrangements.

3. Proposal

The proposal comprises the demolition of the existing building and redevelopment of the site to a mixed-use development, consisting of 728sqm of employment space (Use Class E) and 92no. residential units (Use Class C3).

Due to the sloping topography of the site, the proposal would read as 5-storeys with a recessed 6th floor from the front of the site and 7-storeys at the rear. The proposal comprises of a lower and upper ground floor, mezzanine, 1st - 5th storeys and a recessed 6th storey. The proposed employment space would be located at upper ground and mezzanine levels.

The proposed footprint takes the form a 'H-shape' which encloses a courtyard / external amenity area to the south at upper ground and first floor levels. At the upper levels, the built form reduces and steps back becoming 'L-shaped'.

Pedestrian access into the site would be from Moxon Street leading into an opened-top courtyard / lightwell. 36 parking spaces are proposed within the lower ground floor level which would be accessed via a ramp along the southern boundary. A total of 160 cycle parking spaces are provided within an internal store at upper ground floor level.

Additional Information

During the lifetime of the application, in response to Council's Highways Officer, the applicant submitted updated plans, comprising of:

- Subdivision of bike store into two stores at upper ground floor level;
- Proposed electric vehicle charging units illustrated on lower ground floor level

4. Public Consultation

Consultation letters were sent to 170 neighbouring properties. 61 responses have been received, comprising 61 letters of objection.

The objections received can be summarised as follows:

- Query loss of commercial space
- Excessive height, scale and massing
- Overdevelopment
- Not in keeping with the three-storey area
- Impact on Conservation Area
- too big for a Green Belt boundary site
- Inappropriate housing mix
- Properties of an insufficient size
- Quality of internal residential accommodation
- no mention of affordable housing
- Overlooking
- Impact on privacy

- Potential overbearing impact
- Noise impact
- Impact on daylight / sunlight on existing properties
- Inadequate parking provision for residential and employment space
- Cumulative traffic impact with new SEN school
- Increased traffic congestion
- possibility of access to Snowberry Close being opened up
- Proposal at odds with the London Plan's response to climate change
- Impact on trees and woodland
- Impact on ecology and wildlife
- Drainage and sewer impact
- Impact on stretched local social infrastructure
- Disturbance during construction
- Application provides inadequate and/or misleading information

Letters of support

- The development looks to be well designed
- Heartened to green roofs and air source heat pump heating

Internal Consultee Response

Commercial Services Street Scene

The waste strategy for this application is acceptable to the Street Scene collections team.

Ecology

No objections to the proposed works on ecological grounds as the findings of the Preliminary Ecological Appraisal (Syntegra Consulting, June 2022) and the Bat Activity Report (Syntegra Consulting, August 2022) did not reveal any damage to species, habitats or the adjacent King George's Field SINC that could not be sufficiently mitigated against.

Environmental Health

No objections subject to conditions.

Sustainable Drainage

No objections subject to conditions.

Traffic and Development

Highways would raise no objection subject to a S106 legal agreement, conditions and informatives.

Trees

An initial objection was raised as no details for the CAVAT compensation for tree loss had been submitted. This has been subsequently addressed by the applicant.

External Consultee Response

Metropolitan Police: Secure by Design

If planning approval is granted then due to levels of crime and burglary within the borough and to also help enhance community safety through the implementation of proven crime prevention products and measures (via SBD compliance), I would respectfully request that

any approval contains a relevant planning condition 'whereby the development must achieve SBD accreditation, prior to occupation'.

Transport for London (TfL)

TfL does not object to this application in principle but requires more information before it can fully accept proposal.

Thames Water

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.

The proposed development is located within 20m of a Thames Water Sewage Pumping Station. Given the close proximity of the proposed development to the pumping station we consider that it is likely that amenity will be impacted and therefore object. Notwithstanding this objection, in the event that the Local Planning Authority resolve to grant planning permission for the development, we would request that an informative is attached to the planning permission.

Thames Water would advise that with regard to waste water network and sewage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Elected Representatives

Theresa Villiers MP

I have been approached by constituents following the submission of the above planning application, all of whom are worried about the plans and the impact they will have on the residents of Moxon Street and surrounding roads.

The previous application, which was refused, aimed to provide 107 dwellings. Although the number of dwellings in this latest application has been reduced to 92, my view is that it is still too dense for the area. Furthermore, only six dwellings have more than two bedrooms when the council has identified the need for 3-4-bedroom homes in the borough.

A number of constituents have mentioned concerns about the height of the building which, they point out, is not in keeping with the 3-storey buildings in the road; and will overlook the properties on South Close and East View resulting in a loss of privacy. The highest buildings locally only exceed four storeys at Brake Shear House. I believe the height of this building could set an unwelcome precedent on the edge of the Monken Hadley Conservation Area.

Another issue is access. Moxon Street is a narrow residential road on a steep hill. It is already at capacity with homes, businesses, parking and traffic. An additional development such as the one proposed would only increase pressure on the present infrastructure and other amenities as only 34 car parking spaces are provided for residents (including 10 wheelchair accessible).

Given the location of this proposed building, far from a bus service, it would be naive to believe that most residents will walk or cycle, not least if a resident has disability issues. Therefore, the increase in residents' vehicles plus visitor parking will only exacerbate the

already difficult parking situation in Moxon Street.

Previous applications have been refused on the grounds that "*the proposal would provide insufficient off-street parking provision to the detriment of highway and pedestrian safety and the free-flow of traffic*" I see no difference in the present plans with regard to the parking provision in this latest application.

I fully recognise the need for new housing, but I believe that this application does not deliver what is needed in the borough - 3-4 bedroom properties suitable for families. The proposal is a gross overdevelopment of the site; it does not provide adequate living space and is out of keeping with nearby properties. The developers seem determined to try to fit in as much accommodation as possible which would be to the detriment of the new residents and the surrounding area.

I therefore oppose this application and believe it should be refused. I would be grateful if you could ensure that the Planning Committee are aware of my views.

Neighbouring / Residents Associations and Local Amenity Groups

Barnet Society

The Barnet Society would welcome a sensitive mixed-use development of this site, but objects to the scale and design of this application.

Although we made a range of criticisms of the proposals at a pre-app consultation with the Society, and via individual members at the public consultation, only token changes have been made.

None of the proposed plans show the red line. When compared with the existing site plan the proposals encroach beyond the boundary towards the woods to the east, and possibly also to the south.

This may be a drafting error but is at odds with the Planning Statement (6.26), which states that 'the building has been set back to provide natural privacy for the rear units and also breathing space with the Green Belt boundary'. We are unclear how there can be 'breathing space' if there is no significant vegetative boundary, whether grassland buffer as recommended by the ecologist or hedgerow as suggested by the architects.

We regret that a complex of this size does not offer more diversity of type and tenure and is not more family-friendly. Only six of the 92 dwellings have more than two bedrooms.

We welcome the workspace on offer, especially if it is at affordable rents. But we question whether it is flexible enough to accommodate a changing variety of businesses, or what would happen in the event of their failure.

We do not object in principle to a shared entrance and courtyard, but the space is mean in size for dozens - and at peak times possibly hundreds - of users. Since the light well will be in shadow most of the day, it would not be an attractive place to socialise in. It is also perverse to locate the concierge deep in the heart of the building instead of near the main entrance, where it would provide informal oversight of visitors and facilitate deliveries.

We are concerned about the development's total reliance on Moxon Street for pedestrian,

cycle and vehicle traffic. It is long and steep, and far from a bus service or visitor parking. Vehicle pick-up and drop-off space is minimal. It would effectively discriminate against those with less than perfect health or mobility.

We are also concerned that 92 units and several businesses would increase traffic in Moxon Street to unacceptable levels at peak times (which would include the start and finish of the neighbouring school day). Construction traffic would be an additional issue adversely affecting the High Street and Tapster Street.

It is a pity that the permeability of the neighbourhood would not be improved by new routes into the woodland or connecting to South Close or Park Road.

Our main concern is the height and density of the development. However well it is screened by trees, disguised by the slope and modelled to minimise impact on neighbours, seven storeys or more at the interface of town and Green Belt would set a most unwelcome precedent close to the town centre, and at the edge of the Monken Hadley Conservation Area and Green Belt. Apart from St John the Baptist's Church, the highest buildings locally only exceed four storeys at Brake Shear House, 164 High Street, which is largely hidden from its surroundings. Seven storeys have proved extremely controversial at the Victoria Quarter (less than a mile away in New Barnet).

Although some attempt has been made to vary the materials and massing of the building on the Moxon Street (west) façade, it remains otherwise a largely monolithic block.

Nor is its internal planning pleasant and easy to navigate. There are long internal corridors and dog-legs. A number of flats are north-facing and single-aspect, which would not receive adequate sunlight. None of the 92 flats have balconies generous enough to provide outdoor rooms - a shame given their verdant setting.

Since access to the nearest outdoor green space, King George's Fields, would be long and tortuous, the proposed rooftop play area and garden are the least that should be provided. It is therefore unfortunate that many families would only be able to reach them via lengthy corridors, and that more ambitious green roofs have not been designed.

We also have questions about constructional and premises management matters, particularly in relation to sustainability and fire emergencies.

We would expect an application of this sensitivity to have a proper landscape plan, not just some diagrams and perfunctory text in the Design & Access Statement.

The D&AS (Section 7.0) makes reference to 'defensible planting', but there is no clarity on what space this will grow in. The holly seems to be in some sort of planter, but this may be as little as 400mm wide and will be in the rain shadow of balconies above.

The application does not address recommendations of its own Preliminary Ecological Assessment Report. Para 5.4 advises that 'to minimise effects on the adjacent s41 deciduous woodland...the RPAs outlined in the arboricultural impact assessment report by DCCLA (2022) are adhered to as well as the inclusion of a woodland grassland buffer zone'. Para 5.6 states that 'The future lighting on site must ensure a lighting plan that is direct, low light spill, low lux and have hooded designs', but we cannot see these on the building plans - a significant omission since there is a potential conflict between the active roofscape proposed and the reality of bats foraging in the vicinity. This is not the ecologically-led design process recommended in para 6.3.

We are also concerned that with the building line tight to the site boundary there will be a negative impact on the existing woods. The contractor will have to establish a safe zone for the scaffolding. And the Arboricultural Report makes a point of ensuring control of pollution via use of dust netting and the need for an agreement to prune trees outside the site boundary - i.e. with the permission of other landowners.

The building would be obtrusive and overbearing, both visually and at times aurally, especially to residents of South Close. We believe it would also intrude into and dominate views of Chipping Barnet from a wide arc of view-points from King George's Fields to Barnet Vale - none of which appear in the application.

Since most of these viewpoints are in the Green Belt, and several in the Conservation Area, we are especially concerned about the precedent seven storeys would set for other future developments. As well its visual impact, there would also be impacts on wildlife.

This is a very special site at the interface of town and country, both remarkable survivals much prized by residents and visitors. A sensitive and imaginative solution could benefit everyone. Instead, this application attempts to squeeze the maximum amount of accommodation onto the maximum footprint that the site allows, without regard for the needs and aspirations of either existing or new residents. It must be refused.

Barnet Resident's Association

In the Planning Statement (para 32) the applicant says it has been established that the historic use of the building was B1 offices (now class E) and uses this to justify re-provision of an element of Class E space. This is incorrect. Three previous applications to justify conversion to residential were refused because the applicant failed to demonstrate that the property was solely used for B1 (now E) purposes. The majority of the building is class B2-8, and this has implications regarding the loss of industrial space. The London Plan, Policy E2 says that developments involving the loss of B class should demonstrate there is no reasonable prospect of the site being used for business purposes. There is no indication this has been done. The Planning Statement says the space is largely unused but that may be a consequence of an absence of marketing. The Council Business Rates Register identifies 28 units, which suggests a greater level of usage than the applicant indicates.

As the property is in a hollow rebuilding to a greater height than usually appropriate for the area should be acceptable, but the seven/eight storeys proposed will have a visual impact which is not evident from the application except from one direction. The top of the building will be visible from part way up East View/Hyde Close (demonstrated visually in the application), and from the middle of the open space between the railway sidings and Kingsmead (the photograph in the application is misleading being taken from a lower point at the eastern edge). Also, the top floor would be visible from the bungalows on South Close and vice-versa. Other objectors have said the building would be visible from KG Fields - on which we cannot say one way or another, but given the misleading information regarding the view from Kingsmead the visual impact needs more careful assessment.

The application indicates that only a limited number of trees on the land they own would be removed, being to the north side of the property on land owned by the applicant. Some objectors suggest more trees will be removed than we perceive exacerbating overlooking on South Close. This should be clarified. However it appears that a considerable number of trees immediately to the east and north of the property, the majority on council land, will

remain. It is difficult not to conclude that these will have an unacceptable impact on natural light for the properties on the lower floors of the development. It should also be clear that as the trees on South Close owned by the Council provide screening for the bungalows, there should be no question of any of these trees being removed for the benefit of the development.

We are well aware of the "21m" rule. However it is important to recognise that this is a minimum requirement and the expectation is that the distance should be in excess of 21m. This is particularly true in this case as the proposed building will be very dominant in relation to the bungalow opposite, where rooflights are important to the use of those properties. We have attempted to assess the distance and conclude that it may be just 21m or a little less. Any uncertainty should be in favour of the bungalows. We are also unsure regarding the impact of the trees on South Close council land protecting the bungalows from overlooking from the upper floors of the development. This needs precise assessment, and again, any doubt should be in favour of the bungalows.

The applicant state the development will be equivalent to 460 units per hectare, also claiming that the site is in a PTAL4 location, and so the density is within the range set out in the London Plan. But this is in fact a PTAL3 location. Barnet's draft Local Plan (16.2 table 1) has an indicative density matrix of 200 - 450 units per hectare for a PTAL3 location. So the proposal is in excess of the maximum indicative range for a site of this size.

The London Plan Policy D4D(1) says the scheme must have had at least one design review before an application is made if there is a residential component that exceeds 350 units per hectare. There is no indication that such a review has been undertaken. This is important for this site which is evidently very constrained in several aspects including access, natural light, amenity space, size of units, parking, impact on neighbours and visual impact.

4.8 of the Planning Statement says the demand for 3 and 4 bed properties is in the form of houses. However what is not said is that the London Plan (and the draft Local Plan) says that a 2-bed flat may be regarded as a family home for 4 persons, as few houses are now being built. A 3-bed flat is also suitable as a family home. Barnet's housing assessment (2018) identified that over the period 2011 - 2018 78% of new units were 1/2 bed, and the assessed future need was for 36% 1/2 bed units and 78% 3 bed or more. So, judged against both recent historical provision and future need this development falls well short of what the Borough requires. There should be a much higher proportion of 2 and 3 bed units.

We have not addressed the issue of social/affordable housing but this should be a consideration for a development of this size.

The Planning statement indicates the site has a PTAL rating of 4. But as we indicate above, the rating for this location is 3. This has important implications for parking provision. The London Plan table 10.3 sets out maximum standards for parking provision. For PTAL4 provision for 1-3 bed dwellings should be up to 0.5 -0.75 spaces per dwelling. For PTAL3 provision rises to 0.75 spaces for 1/2 bed dwellings and 1.0 spaces for 3 bed dwellings. Thus the maximum permitted provision for this development should be 70 spaces. The proposed 34 residential spaces are therefore way short of what is permissible.

With few properties having access to a car, moving up the particularly steep Moxon St will

be a challenge for many residents, especially the elderly, the physically impaired, the very young and mothers with prams. It is not acceptable that a large development has such poor travel arrangements that impose major limitations on many potential residents. The parking provision should seek to maximise the permissible number of spaces.

There are evident concerns regarding the capacity of this site to deal with rain water run-off and sewerage. This needs to be thoroughly assessed and solutions agreed prior to any planning consent

Given the many difficulties with this site that we have identified, and the questionable compliance with a number of planning requirements, the scheme as proposed is way too ambitious. It needs to be revised to provide a much smaller development attuned to planning polices, the limitations of the site and the sensitivities of the locality.

Hendon and District Archaeological Society

45 Moxon Street is, as the submitted Archaeological Desk-Based Assessment says, in an Archaeological Priority Area, and we ask for an archaeological condition to be attached to any approval granted. I am copying this to Historic England, who will advise on the form of any condition

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital for the next 25-50 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, CS4, CS5, CS6, CS7, CS8, CS9, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM10, DM11, DM14, DM15, DM16, DM17

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 has reached a critical stage of advancement and 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 increasing weight can be attributed to the policies and site proposals in the draft Local Plan and the stage that it has reached. The weight given to the emerging policies is limited. The independent Examination in Public commenced on Tuesday 20th September 2022.

Supplementary Planning Documents

- Affordable Housing (February 2007 with updates in August 2010)
- Delivery Skills, Employment, Enterprise and Training from Development through S106 (October 2014)
- Green Infrastructure (October 2017)
- Planning Obligations (April 2013)
- Residential Design Guidance (April 2016)
- Sustainable Design and Construction (April 2016)

Principle of Development

Employment Provision

The site is located within the Hadley Manor Trading Estate, which is a Locally Significant Industrial Site (LSIS) under Barnet DM14. The existing building is currently vacant. It is acknowledged that previously the prior approval application (Ref: 19/3994/PNO) was refused on the grounds that there was insufficient information that the site was in a lawful office use (b1a) at the time of the application under the previous Use Class Order. However, since that decision, it has been demonstrated to Officers that the building has a lawful use of B1a which then transferred to Use Class E(a) under the new Use Class

Order legislation.

Barnet Policy DM14 states under a: i) "*Proposals which result in a redevelopment or change of use of a Locally Significant Industrial Site, Industrial Business Park or Business Location as shown on the Proposals Map to a non-B Class use will not be permitted.*" Normally these sites would be associated with a B2 or B8 use class. However, as the lawful use has been established as formerly B1(a) and now transferred to E(a), it could freely transfer within the E Use Class without the need for permission and outside of the LSIS B Use Class restrictions.

The application is supported by an Economic Statement which advises that the building comprises approx. 1,700sqm of useable employment space and at a time in 2021, the employment level in the building was approx. 20 people. It concludes that a long-term industrial use of the site is unlikely to be successful, due to its location (away from main industrial and logistics hubs) and its poor access. It does state that a small number of local or start-up businesses may be attracted to the location if it contains flexible small-scale units. It continues that the level of demand is likely to be low and the amount of reprovision should reflect this.

The proposal provides circa 700sqm of employment floor space which is supported on the basis that a wholesale replacement of an industrial or office use would be unlikely to be appropriate or successful. Furthermore, the provision of a series of small scale commercial or industrial units would meet existing needs. The Council's Planning Policy Team are accepting of this principle, with the loss of employment floorspace needing to be mitigated through a contribution to employment training in accordance with Barnet's Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD.

Looking at the wider LSIS, Hadley Manor Trading Estate extends to 0.5ha and represents one of the smaller LSIS designated industrial estates in the Borough. There are four existing buildings comprising the estate, one of them being the application site (Intec House), the adjacent Fortune House (currently occupied by Howdens), Hadley Wood Hospital and 50 Moxon Street which most recently obtained permission to convert to a SEN school. As the proposal still retains a meaningful level of employment floor space at the site, it is considered overall to be acceptable in regards to this element and compliant with Barnet Policy DM14.

Residential

Policy H1 of the London Plan has set a 10-year target of 23,640 homes for Barnet for the period 2019/20 - 2028/29. In addition, Policy H1 (Increasing housing supply) of the London Plan (2021), seeks to ensure that development plans and planning decisions optimise potential for housing delivery on all suitable and available brownfield sites, particularly where they are within an area with existing public transport access levels (PTALs) 3-6 or within 800m of a town centre (which would include this site).

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 application site is located circa. 300m from the boundary of New Barnet District Town Centre by Barnet's adopted Development Management Policies DPD (2012), making it

sustainably located in terms of access to shops and services.

It is situated in an area with a PTAL rating of 4 (Good) making it sustainably located in terms of access to public transport also. This PTAL rating has been confirmed with TfL through the pre-application process by the applicant. The evidence of this is contained within the submitted Transport Assessment appendices.

Overall, the redevelopment of the site would broadly accord with the objectives of abovementioned policies.

Agent of Change

As a mixed-use development site located within an LSIS, the application needs to demonstrate that the introduction of residential uses in this location will not harm the ongoing operation of existing employment uses (which in this instance is only Howdens).

The application has submitted air quality and noise impact assessments which demonstrates that the residential units will meet the relevant standards and the Department of Development and Regulatory Services have not raised any objection with these assessments.

Furthermore, the design of the scheme has been sensitive to the operation of Howdens by avoiding the location of any habitable room windows on the southern elevation. The access of the site remains unchanged and safe pedestrian routes are provided within the local area (and commitments to additional crossing points provided within the Heads of Terms).

Housing Quality

A high-quality built environment, including high quality housing in support of the needs of occupiers and the community is part of the 'sustainable development' imperative of the NPPF. It is also implicit in London Plan (2021) Chapter 1 'Planning London's Future - Good Growth', Chapter 3 'Design' and Chapter 4 'Housing', and explicit in Policies GG4 (Delivering the homes Londoners need), D3 (Optimising site capacity through the designed approach), D5 (Inclusive design), and D6 (Housing quality and standards). It is also a relevant consideration in Barnet Core Strategy Policies CSNPPF, CS1, CS4, and CS5 Development Management DPD policies DM01, DM02 and DM03 as well as the Barnet Sustainable Design and Construction SPD, and Residential Design Guidance SPD.

Unit Mix

Development plan policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different groups to address housing need (London Plan (2021) Policy H10; Barnet Development Management Policies DPD policy DM08; and emerging Barnet Local Plan Policy HOU02). The Council's Local Plan documents (Core Strategy and Development Management Policies DPD) identify 3- and 4-bedroom units as the highest priority types of market housing for the borough. This should not be interpreted as implying that there is not a need for a full range of unit sizes.

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

Unit Type	No. of units
1 bedroom	50 (54%)
2 bedrooms	36 (39%)
3 bedrooms	6 (7%)
Total	92

Within the policy preamble, there is recognition that financial viability is a factor and whilst the aspiration is for family-sized homes at intermediate level, products such as shared ownership / low-cost home ownership may be unaffordable. Therefore, smaller 1 and 2-bedroom intermediate tenure homes will also be supported. Affordability is also an important factor for market level housing, with one and two bedrooms being a more affordable option for allowing younger, first-time buyers and young couples to get on the housing ladder in areas that may not have otherwise been possible.

The scheme provides a large number of one and two properties. As established in previous precedents set in the Borough, the Council's policy does not dictate the delivery of only three and four bedrooms uses. A decision needs to be made on a case-by-case basis. In this instance, the application site is located circa 300m from a District Town Centre and has a PTAL of 4. As such, it is a location where the density of the scheme should be optimised and where low car ownership flatted development is encouraged by the London Plan.

Furthermore, as discussed in the following section, the applicant is proposing that all of the three bedroom units are delivered as affordable, which would be a significant benefit of the scheme. Given this, and the other points set out above, the unit mix is considered acceptable.

Taking into account the reasons set out above, the proposed dwelling mix is considered to be in accordance with Barnet policy DM08.

Affordable Housing

Policy H4 of the London Plan 2021 sets a strategic target of 50% of all new homes to be delivered across London to be genuinely affordable. Policy H5 provides a threshold approach, allowing the provision of a minimum of 35% affordable housing, subject to the development adhering to the tenure mix requirements of Policy H6; adherence to other relevant policy requirements; and not receiving any public subsidy. Where this cannot be met then the development must be assessed under the Viability Tested Route.

The Barnet Core Strategy and Development Management policies (2012) (CS4 and DM10) seek a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings with a tenure split of 60% social rented and 40% intermediate housing.

The emerging Barnet Local Plan seeks to align with the London Plan requirements but still maintains the 60/40 tenure split.

The affordable housing provision proposed is 35% using the habitable room calculation required by the London Plan. It also delivers more than 60% of its units as social or affordable rent. The scheme therefore qualifies for the Fast Track Route under the London Plan, which essentially establishes 35% as the policy compliant position for affordable

housing provision on sites such as this.

A full table of affordable housing provision proposed is set out below. As discussed, the applicant is offering all of the largest family units (the three bedroom and larger two bedroom units) as social/affordable rent which is considered to be a positive outcome for the scheme as these are in the highest demand.

	Proposed mix – units	Proposed mix – habitable room
Social / Affordable Rent	16	70
1b2p	0	0
2b3p	0	0
2b4p	10	40
3b5p	5	25
3b6p	1	5
Intermediate / Shared ownership	13	42
1b2p	10	30
2b3p	3	12
2b4p	0	0
3b5p	0	0
3b6p	0	0
Total	29	112

Standard of Accommodation

Housing standards are set out within Policy D6 (Housing quality and standards) of the Mayor's London Plan (2021); and Barnet's adopted Sustainable Design and Construction SPD (2016). Table 3.1 in the London Plan provides a minimum gross internal floor area for different types of dwelling.

All of the units proposed comply with the Gross Internal floor areas prescribed in Policy.

The development would comply with the standards set out within Policy D6 (Housing Quality and Standards) of the Mayor's London Plan (2021) and Barnet's adopted Sustainable Design and Construction SPD (2016).

Daylight and Sunlight

London Plan Policy D6 states that new development should provide sufficient daylight and sunlight to new and surrounding housing. Policy DM01 of Barnet's adopted Development Management Policies DPD (2012) states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

With regards to daylight and sunlight access, the applicant has provided a Daylight & Sunlight report which assesses the development against the BRE's site layout planning for daylight and sunlight guidelines (BR 209, 2011). This only tested 15 rooms on the ground floor facing on to King George's Fields, rather than the whole development. This is because these units naturally will have the most contained light levels and performance will increase as one moves to the upper floors.

The daylight and sunlight report concludes that the vast majority of rooms receive good levels of daylight in excess of the relevant BRE targets. The APSH results show that 100% of the rooms meet the sunlight criteria when considering rooms served by windows within 90 degrees of due south – this is for both annual and winter sunlight. These are the units which are expected to achieve this standard under the BRE Guidance. Other windows that are within 90 degrees of due north do not achieve this standard as would be expected due to their orientation. For the north facing living rooms (the room use which is expected to achieve the highest levels of sunlight), although beneath the target guideline, still demonstrate good levels of sunlight just below the guideline target figures.

For daylight, for the ground floor units only around half of the units achieve the BRE guidance figure, but those that fail, only do so narrowly. This figure includes combined Living/Kitchen/Dining (LKD) rooms which are large, deep spaces and the BRE guidance states that the focus should be on delivering the highest level of daylight to the living areas. The kitchen area may therefore be darker and naturally reliant on task lighting and the assessment shows that they lead on to what will be considered well-lit living spaces.

Members will be aware that BRE Guidance is not a mandatory standard and just an indicator of performance. It is extremely rare for flatted development to deliver a scheme which delivers full adherence against the guidance. Given the above figures relate to 6no. units within a scheme of 92 and these units would have the lowest level of performance this is considered to be a good level of daylight and sunlight across the scheme when considered as a whole and the light levels that will increase to the upper floor units.

Wheelchair Accessible Housing

The application scheme is required by Policy DM03 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and Policy D7 (Accessible Housing) of the Mayor's London Plan (2021) to meet Building Regulation requirement M4(2) and for 10% of all units to be wheelchair home compliant (i.e. compliant with Building Regulation requirement M4(3)). The applicant has confirmed that the proposed development would meet this requirement, and a condition will be recommended in the event that the appeal is allowed and planning permission is granted, to ensure compliance with these policies.

Amenity Space

London Plan Policy D6 states that where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sqm. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.

Barnet's Sustainable Design and Construction SPD Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments. For both houses and flats, kitchens over 13sq.m are counted as a habitable room and habitable rooms over 20sq.m are counted as two habitable rooms for the purposes of calculating amenity space requirements. Barnet's requirement is for 5sqm of space per habitable room.

The emerging Barnet Local Plan seeks to follow the London Plan requirements as set out in the first paragraph above.

The development delivers amenity space through the provision of private balconies and a shared courtyard (281 sq m). It would provide a satisfactory level of outdoor amenity space in accordance with Barnet's adopted Sustainable Design and Construction SPD (2016)

standards, and Policy D6 of the Mayor's London Plan (2021).

Children's Play Space

Policy S4 of the London Plan seeks to ensure that development proposals incorporate good quality, accessible play provision for all ages. At least 10m² of suitable playspace should be provided per child.

Barnet's DPD refers to the Mayor's SPG 'Providing for Children and Young People's Play and Recreation for the accessibility benchmarks for children. Aligning with this, Policy CS7 of Barnet's adopted Core Strategy (2012) requires improved access to children's play space from all developments that increase demand, and Policy DM02 requires development to demonstrate compliance with the London Plan. In addition, Barnet's emerging Local Plan (regulation 22 submission) Policy CDH07 states that development proposals should provide play spaces in accordance with the London Plan and Mayor's SPG.

Using the GLA's population yield calculator, the applicant has estimated that the total number of children expected to occupy the development will be 21. The development would therefore need to provide 210m² of children's play space.

The scheme delivers 210sqm of playspace within the shared central courtyard and at the proposed fifth floor level. Officers are satisfied with the principle and quality of play provision proposed. It is noted that King George's Field is immediately to the rear of the site and Old House Playground is circa 500m to the south-west of the site.

Secure by Design

Pursuant to London Plan Policy D11 (Safety, security and resilience to emergency), Barnet Core Strategy Policy CS12 and Barnet Development Management Plan Policy DM01. All areas of public open space will be clearly overlooked, and the indicative landscaping scheme is designed to avoid hidden spaces. The Metropolitan Police's Design Out Crime Unit have considered the scheme and advised that they have no objection subject to a condition requiring that the development obtain the Secure by Design accreditation. It is therefore considered that subject to such a condition the scheme would be acceptable from a safety and security perspective.

Fire Safety

The application is accompanied by a Fire Statement produced in line with the requirements of London Plan (2021) Policy D12 (Fire Safety). Whilst the detailed information on materials and product types are not yet available, the statement confirms that the material performance to fire will be in accordance with Regulation 7 'Materials and Workmanship' (Building regulation 20210), ensure that all materials are non-combustible.

A planning condition will be recommended to ensure that the development is constructed in accordance with the mitigation and safety measures prescribed by the fire statement.

Design

All proposed developments should be based on an understanding of the local characteristics, preserving or enhancing the local character and respecting the

appearance, scale, mass and height of surrounding buildings and streets, in accordance with DM01 of the Development Management Policies DPD (2012).

Design Concept

The submitted Design and Access Statement begins through an analysis of the surrounding urban grain, building heights, local character and also historic context of the site itself. The document then outlines the evolution of the design, identifying the opportunities and constraints.

Layout, massing and scale

The proposed footprint occupies the majority of the ground coverage with a stepped along the north-western boundary where there are existing trees. Whilst the proposed development occupies the majority of the site, this in itself is not necessary seen as an issue. Within this LSIS, the building footprints are larger than the surrounding neighbouring streets. Even the newer constructed flatted developments in Laburnham Close have large footprints compared to their respective plots. Therefore, in terms of footprint, the proposed development is seen to be acceptable.

The proposed scheme varies in height from 3 storeys up to 7 storeys. When approaching the site from Moxon Street, the proposal has a lower and stepped footprint, with the taller element screened behind the existing trees. This elevation would read as five-storeys with a recessed sixth floor. This is considered to be acceptable. The lower mass here corresponds to the two -three storey massing of Moxon Street but also provides a natural end to the descending view down the hill.

With the steep sloping topography across the site, the massing / bulk of the proposal is increased towards the rear of the site. From South Close, large portions of the elevation would be screened by existing tall trees. Views of the recessed element may be visible but given the set back and use of lighter material, this is not considered to be adversely harmful.

Within Laburnham Close, a similar design / massing approach has been constructed with the flatted developments of Blackthorn Court, Hornbeam Court and Clementine Court. These buildings are located further up the slope and are part-4, part-5 storeys in height and are taller than the adjacent 2/3 storeys residential properties. Their height is considered proportionate as being up the hill, they are more visible than the application site. The application site being at a lower topography and at the bottom of the slope is considered to have the capacity to accommodate a larger massing and scale. The existing Court buildings are also more exposed with no tree screening and therefore visible from within St George's Fields.

In terms of massing, the proposed building is considered to be very well articulated in terms of height transition, stepped variation, balcony projections and recessions and material variation. These elements are considered to successfully articulate the external elevations, adding visual interest and breaks up the facades into clear low, middle and upper sections. It is considered that all these elements successfully reduce the visual massing and bulk of the proposed building.

Discussions were held around suitable viewpoints of shorter and longer views in order to seek confirmation of the visual impact of the proposed development. The submitted Townscape Assessment considers the impact from a variety of short and long range views

and these demonstrate that the scheme would not have an overbearing impact on surrounding dwellings and would not break the existing roofscape of the surrounding area.

Appearance and materials

The architectural expression follows a series of horizontal and vertical emphasis with light and dark brick bays. The Council's Urban Design Officer is supportive of the development and the proposed architecture.

The predominate material is a brown brick of varying light, medium and dark colouring with a green coloured metal cladding on the stepped back top floor. The proposed palette of materials is welcomed and is considered to help stitch the proposal within the context of the surrounding area.

Overall, in terms of layout, scale, massing and design, the proposed development is considered to be of a high quality and is acceptable in terms of design policies.

Impact on Green Belt

Whilst the site is not located within the Green Belt designation, the adjacent area of King George's Field falls within this designation.

Barnet Policy DM15 states that 'development adjacent to Green Belt/MOL should not have a detrimental impact on visual amenity and respect the character of its surroundings.

A Heritage, Townscape and Visual Assessment has been prepared and submitted in support of this application. In agreement with Officers, a series of shorter and longer viewpoints were selected and the impact tested from these locations. These demonstrate that the scheme would not have an overbearing impact on surrounding dwellings and would not break the existing roofscape of the surrounding area.

The proposal should be seen in the context of the top of the trees and should not be dominant on the skyline or protrude significantly above the existing buildings lines or tree canopy line. The majority of views of the proposed development from St George's Field would be largely screened and views unimpacted and only glimpses of the upper level of the proposed development may be visible from some views. Therefore, Officers are satisfied that the openness of the Green Belt from within St George's Field would be maintained and unimpacted by the presence of the proposed development.

When viewing the proposed development in context, its overall height is experienced against the top levels of the tree canopies, again with the green metal cladding helping blend the proposal into the landscape context.

The conclusions of this visual assessment are that the proposed development does not impact the openness, character and tranquillity of the Green Belt. Officers are in agreement with the report's findings and consider that the proposed development successfully responds and integrates within the immediate site context. Officers are satisfied that it has been demonstrated that the proposed development does not have a detrimental impact on the visual amenity of the Green Belt and is in accordance with Barnet policy DM15.

In order to respond to this, the proposal has a recessed top floor, and it is considered that

the proposal would not be dominant within this skyline and would have an acceptable impact in terms of the setting of the Green Belt.

Heritage

The preservation and enhancement of heritage assets is promoted within Section 16 of the NPPF, recognising that such assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. It is also statutory obligation of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the special architectural and historical interest as well as the setting of listed buildings as well as the character and appearance of conservation areas. Saved PPS5 'Planning and the Historic Environment' provides guidance regarding consideration of designated and non-designated heritage assets. In addition, London Plan policy HC1 and Barnet's 2012 Core Strategy Policy CS5 and Development Management Policy DM06 all require the consideration of the impact to heritage assets including listed buildings, conservation areas and archaeology.

The Site is not within or does not contain any designated or locally listed heritage assets. However, the Site is located within the vicinity of the Monken Hadley Conservation Area, Wood Street Conservation Area, a Registered Battlefield and several locally listed buildings. As demonstrated by the Heritage Statement, the application would not impact on any significant views of any statutory heritage assets. It is considered that there will be no harm to the settings of the conservation area, Registered Battlefield or other heritage assets.

Amenity of Impact on Neighbouring Properties

Part of the NPPF's (2021) objective of achieving well-designed, high quality, beautiful and sustainable buildings and places is ensuring that planning decisions result in safe, inclusive and accessible development that promotes health and well-being, with a high standard of amenity for existing and future users. Amenity is a consideration of several policies within the London Plan (2021) and Barnet Development Management Policies DPD (2012) DM01.

Privacy, overlooking and outlook

The Barnet Residential Design Guidance SPD states that there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications. There are neighbouring residential properties surrounding the site in all directions. The separation distances are measured to each street as follows:

South Close - the scheme achieves in excess of the required 21m when measuring between facing elevations. The closest elements are the two corner elements of the north-west elevation which measure 22m with the middle section being further recessed by a couple of metres. The north-western corner of that elevation also steps back considerably from third storey upwards. The only exception is the property immediately to the west (no.1 South Close) which is 16m away from the proposed development. This elevation facing the application site is a flank elevation, which is usually blank, but it appears two bathroom or hallway windows have been inserted, as well as a living room window which would give

an existing living room a second aspect. However, there is a thick row of trees screening the existing property and the proposed development and there is no proposal to remove these in the application. The trees are also on highways land and so their retention is in the control of the Council. It is not considered that the proposals would result in any demonstrable loss of privacy to the neighbouring properties in this street.

Snowberry Close: Fortune House (Howdens) lies between the application site and Snowberry Close which measures circa 35/36m. It is not considered that the proposals would result in any demonstrable loss of privacy to the neighbouring properties in this street.

To the south-west of the site, lies Hadley Wood Hospital and Blackthorn Court (within Laburnham Close). However, due to the use of the hospital and considerable separate distance to Blackthorn Court (circa 45m), it is not considered that the proposals would result in any demonstrable loss of privacy to these neighbouring buildings.

Impact on daylight, sunlight and overshadowing

A detailed daylight and sunlight analysis has been undertaken in accordance with BRE guidelines and a report submitted in support of the application. When assessing any potential effects on the surrounding properties, the BRE guidelines suggest that only those windows that have a reasonable expectation of daylight or sunlight need to be assessed. The BRE guidelines provide two principal measures of daylight for neighbours - Vertical Sky Component (VSC) and No-Skyline (NSL).

The amount of direct sunlight a window can enjoy is dependent on its orientation and the extent of any external obstructions. Annual Probable Sunlight Hours (APSH) is used to consider any sunlight effect to surrounding properties. The report conducted an analysis on the following immediate and adjacent properties:

1 - 6 South Close;
19A - 22 South Close;
64 and 66 East View;
Blackthorn Court; and
12 - 14, 16 - 19 and 21 Snowberry Close.

The report findings demonstrate that for daylight, all windows and rooms in East View, 1 to 6 South Close, 19A South Close, Blackthorn Court and the Snowberry Close properties achieve or exceed the guideline BRE values, either by experiencing minimal change or no impact from the proposed development to their daylight levels.

For sunlight, all properties with south facing windows were tested. All windows and rooms in 66 East View, 1 to 6 South Close, 19A South Close, Blackthorn Court and Snowberry Close properties achieve or exceed the guideline values for both annual and winter APSH, either by experiencing minimal change or no impact from the proposed development to their sunlight levels.

For those properties which do experience a reduction in daylight / sunlight levels as a result of the proposed development, a summary of the impacts are set out below:

22 South Close

This residential property sits to the north of the site.

For daylight, when considering the VSC assessment, two (50%) of the four windows assessed achieve the guideline values. Of the ones that remain, one window achieves a value of 0.6 times its former value, and one window achieves a value of 0.63 times its former value. For daylight distribution, two (100%) of the two rooms assessed adhere to the guideline values, demonstrating that the light levels with the rooms themselves remain adequately lit.

For sunlight, three (75%) of the four windows assessed achieve the guideline values for annual sunlight, and all four (100%) achieve the guideline values for winter sunlight. Of the window that remains for annual sunlight, it achieves a value of 0.54 times its former value.

21 South Close

This residential property sits to the north of the site.

For daylight, when considering the VSC assessment, two (50%) of the four windows assessed achieve the guideline values. Of the windows that remain, one lighting a study achieves a value of 0.65 times its former value and one lighting a living area achieves a value of 0.37 times its former value. For daylight distribution, one (33%) of the three rooms assessed achieve the guideline values and does not experience any reduction in its lit area whatsoever. The rooms that remain, these achieve values of 0.77 and 0.76 times their former value respectively, and therefore only narrowly miss a guideline of 0.8.

For sunlight, three (75%) of the four windows assessed achieve the guideline values for annual sunlight, and all (100%) of the four rooms assessed achieve the guideline values for winter sunlight. For annual sunlight, the window that remains achieves a value of 0.42 times its former value.

20 South Close

This residential property sits to the north of the site.

For daylight, when considering the VSC assessment, 12 (60%) of the 20 windows assessed achieve the guideline values, with all windows on the first floor adhering to the guidelines. Of the eight windows that fall short of the guidelines, four retain absolute VSC values of 15% or above, ranging from 20.59% to 16.97%. For daylight distribution, all (100%) of the four rooms assessed achieve the guideline values, demonstrating how the light levels within the rooms of this property remain adequately lit.

For sunlight, 16 (84%) of the 19 windows assessed achieve the guideline values for annual sunlight and all (100%) achieve the guideline values for winter sunlight. However, when looking at the results for the rooms on an aggregate basis, all rooms achieve the guideline values for annual sunlight. The rooms are shown to retain annual APSH values of between 90% and 59%, well above the 25% guideline suggested by the BRE. On a winter basis, the rooms achieve values of between 20% and 15% against a guideline of 5%.

19 South Close

This residential property sits to the north of the site.

For VSC, five (50%) of the 10 windows assessed achieve the guideline values. Of the windows which fall short of the guidelines, one window achieves a value of 0.77 its former value, narrowly missing the 0.8 guideline. The remaining four windows achieve values ranging between 0.68 and 0.53 times their former value. Again, each of the windows that fall beneath the guidelines lights a room that is lit by many other windows that are BRE

adherent. Looking to the light within the room, for daylight distribution, all (100%) of the two rooms assessed achieve the guideline values, demonstrating how the light within the rooms will remain adequately lit.

For sunlight, seven (70%) of the 10 windows assessed achieve the guideline values for annual sunlight and all (100%) achieve the guideline values for winter sunlight. However, when looking at the results for the rooms on an aggregate basis, all rooms exceed the guideline values for annual sunlight. The rooms are shown to retain annual APSH values of 64% and 36%, respectively, well above the 25% guideline suggested by the BRE guidelines. On a winter basis, the rooms achieve values of 18% and 14% against a 5% guideline.

Overshadowing

An overshadowing assessment has also been undertaken by the applicant and assesses the overshadowing effect to the neighbouring gardens from the proposed development. BRE guidance recommends that at least half of the garden or open space can receive at least two hours of sunlight on 21 March. The rear gardens of the following properties have been assessed:

19A - 22 South Close;
64 & 66 East View; and
1 - 6 South Close.

The results of the two-hour sun contour test confirm that all of the gardens at the South Close and East View properties exceed the guideline values, with negligible or no impact received.

Daylight, sunlight and overshadowing summary

The results demonstrate that the vast majority of windows within the neighbouring properties will meet or exceed the BRE guideline values for both daylight and sunlight availability with the proposed development. When considering both the VSC and daylight distribution together, almost all rooms in the neighbouring properties exceed the guideline values for daylight - the exception being two rooms within 21 South Close, with both only narrowly missing the 0.8 guideline.

The results demonstrate that all of the gardens assessed will either continue to receive good levels of sunlight or show a negligible change to sunlight levels.

In conclusion, the layout of the proposed development follows the BRE guidelines and it is not considered to significantly reduce sunlight or daylight to existing surrounding properties.

Environmental Considerations

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

avoid significant adverse impacts on health and quality of life.

Contaminated Land

The application is accompanied by a Desk Study Report. This concludes that significant remediation works would not be required as part of the proposed development, as the potential risk to identified receptors is considered manageable through the use of measures detailed within Contamination Risk Assessment report. The Council's Environmental Health team have reviewed the contents of both documents and are satisfied with the recommendations and conclusions set out.

Air Quality

Policy SI1 (Improving air quality) of the Mayor's London Plan (2021) aligns with the principles of DM04 of Barnet's adopted Development Management Policies DPD (2012), in that it seeks to ensure emission risks associated with development - i.e. air pollution, both existing and as a consequence of the proposed development - are identified, and that a suitable scheme of mitigation is established to mitigate the impacts for the existing environment and receptors (residents/public) as well as future receptors (residents of the development); and, that all new development meet the GLA's Air Quality Neutral benchmarks.

The application is accompanied by an Air Quality Assessment report produced by Syntegra. The report states that the air quality impacts arising from the scheme are unlikely to be significant, given the limited amount of traffic on the existing roads and arising from the development. This assessment assumes that best practice construction methods are followed, and this is secured by condition.

Noise and General Disturbance

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

No significant new or cumulative operational noise impacts are identified for neighbours as a consequence of the proposed development. The commercial uses are less in quantity than the existing site usage and would be unlikely to result in additional disturbance to the existing environment, or to the proposed residential units.

The Air Quality Assessment produced by Syntegra has identified that the approach to building envelope secures a suitable scheme that meets the necessary standards, this is based on construction assumptions that can be secured through condition.

In considering the potential impact to neighbours, conditions are recommended to ensure that any plant or machinery associated with the development achieves required noise levels for residential environment. The Council's Environmental Health team have also recommended conditions to ensure adequate sound levels within the proposed plant and to avoid noise disturbance from plant or machinery. It should be noted that any excessive or unreasonable noise is also covered by the Environmental Protection Act 1990.

Overall, the development is not expected to give rise to any undue noise or disturbance to the existing neighbouring environment, thereby satisfying Policies DM04 of Barnet's adopted Development Management Policies DPD (2012) and Policy D13 of the Mayor's London Plan (2021).

Transport, Highways and Parking

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

Residential Car Parking

London Barnet Local Plan Policy recognises that its residential parking standards will be applied flexibly based on different locations and issues related to public transport accessibility, parking stress and controls, ease of access by cycling and walking, and population densities. Appropriate parking for disabled people should always be provided. Car parking standards for residential development are also set out in the Barnet Local Plan and recommend a range of parking provision for new dwellings based on the site's Public Transport Accessibility Level (PTAL) and the type of unit proposed. Policy DM17 of the Local Plan sets out the parking requirements for different types of units.

The scheme will provide 34no. residential off-street car parking spaces at a ratio of approx. 0.37 spaces per dwelling. Provision of a minimum of 10% Blue Badge residential parking spaces on-site will be accommodated.

The site lies within a No Waiting Zone, residential CPZ and Payment Parking (Mon-Sat 8am-6.30pm). This extends up Moxon Street and to the surrounding streets. The site lies in an area of PTAL 4 (good).

The applicant has carried out an overnight parking survey on roads within a 200m distance of the site and the results show that there a parking stress of 56% within the study area.

Based on the above factors, the Council's Highways Officer accept the proposed parking provision subject to the following measures to reduce car ownership and encourage sustainable travel:

- Restriction of future residents from obtaining parking permits
- A robust travel plan;
- Provision of car club space

TfL does not object to 34 residential car parking spaces and welcomes 10 disabled parking spaces.

Commercial Car Parking

It is proposed to provide 2no. parking spaces for the commercial occupiers, with one of the spaces being designated as a disabled space. The Council's Highways Officer is accepting of this provision.

Cycle Parking

In terms of cycle parking, a minimum of 160no. secure and covered long-stay cycle spaces are provided at proposed Upper Ground Floor Level, plus 4no. short-stay spaces for visitors. The Council's Highways Officer and TfL are accepting of the proposed residential cycle provision.

For the commercial space, the development proposes 5no. secure and covered long-stay cycle parking spaces, plus 2no. short-stay cycle parking spaces for visitors. TfL have stated that the commercial cycle provision should be based on the highest potential applicable cycle parking standard (Office: long-stay and Retail: short-stay) as the final flexible use has not been fixed. However, Officers can state that retail would be strongly inappropriate in this location and would not be supported, therefore, the applicant's calculation and provision is considered to be acceptable.

Waste and Recycling

In terms of refuse collections, bin stores for the residential and commercial aspects of the proposed development will be provided in separate stores at Upper Ground Floor Level. The submitted Outline Delivery & Servicing Plan states that it will be the responsibility of the site's management company to ensure that the bins are presented at the front of the building adjacent to the 'service zone' on the day of collection.

In terms of the residential refuse and recycling collection, it is expected that this will be collected by the Council as part of the existing established domestic collection arrangements locally. The servicing arrangements for the commercial element of the development are proposed to be carried out via a privately contracted arrangement, in-keeping with the existing arrangements for the occupiers of the existing premises.

The waste strategy has been reviewed by the Council's Street Scene collections team and considered to be acceptable.

Trip Generation

The submitted Transport Assessment states that the existing industrial building can be expected to generate in the order of 119 total two-way vehicle trips over the course of a typical weekday comprising of 85 total two-way car/taxi trips, 19 total two-way LGV trips and 15 total two-way OGV trips.

In terms of the residential aspect of the proposed development, it is expected that to generate in the order of 81 total two-way vehicle trips over the course of a typical weekday comprising of 66 total two-way car/taxi trips, 12 total two-way LGV trips and 3 total two-way OGV trips.

For the non-residential element, it is expected that to generate in the order of 10 total two-

way vehicle trips over the course of a typical weekday comprising of 9 total two-way car/taxi trips , 1 total two-way LGV trips and 0 total two-way OGV trips.

Therefore, the proposed development can be expected to generate in the order of 28 fewer total two-way vehicle trips over the course of a typical weekday comprising of 11 fewer total two-way car/taxi trips, 5 fewer total two-way LGV trips and 12 fewer total two-way OGV trips. As such, the proposal would result in a noticeable net decrease in vehicular activity to and from the site over the course of a typical day/week.

Highways Summary

Taking into account of the matters set out above, the Council's Highways Officer would raise no objection to the proposed development subject to a s106 agreement denying occupants of the development the right to purchase permits within the existing CPZ, a contribution of £10,000 towards travel plan monitoring and £13,800 towards travel plan incentives, as well as contributions to pedestrian and cycle improvements in the area.

Landscaping, Trees and Biodiversity

Landscape

The submitted DAS sets out the proposed landscape strategy which provides a variety of external amenity spaces across the entirety of the scheme.

External amenity is provided in the form of a playspace courtyard at first floor level and a larger landscaped terrace at the fifth floor level.

The Council's Tree Officer has confirmed that the outline landscape proposal is broadly acceptable for the built spaces.

Trees

The application is accompanied by an Arboricultural Impact Assessment and Arboricultural Method Statement. Trees within the site are located to the boundaries and comprise of 1no. individual tree and 7no. groups of trees. The report advises that tree species are generally of low quality and predominately non-native species.

The report recommends that 4no. groups (G2, G4, G5 and G7) are removed irrespective of this application as they are either dead or have limited life expectancy.

The report recommends that 1no. individual tree (T1) and 2no. groups (G2 and G4) will need to be removed in order to facilitate the proposed development. The report advises that these are low quality trees.

It is accepted that the abovementioned tree removal would reduce the amount of screening along South Close, however it is considered sufficient screening will remain, retaining a significant element of softening within the proposed design. The Council's Tree Officer has confirmed that proposal retains many of the better-quality trees on South Close but none of the trees immediately surrounding the site would qualify individually or collectively for special protection under the Tree Preservation Order Regulations. In order to compensate for the loss of trees, a financial contribution towards the funding of replacement trees will be secured by a S106 agreement.

The comments from local residents about the loss of some trees on the north western corner are noted, but there is room for replacement planting in this location and on balance the trees on the north eastern corner provide a greater longer distance screening benefit and their retention is preferable. Concerns have been raised by residents about the removal / loss of trees along the public footway or within King George Playing Fields. However, the proposal does not seek to remove these trees but as they are sited on Council land, they would require permission for their removal from the Council.

Ecology

The application is supported by a Preliminary Ecological Appraisal (PEA) which has been reviewed by the Council's ecologist. No objections to the application on ecological grounds are raised following the findings of the PEA and Bat Activity Report.

The PEA report revealed that the King George's Field Site of Importance for Nature Conservation (SINC) was located immediately east of the red line boundary. Subsequently it has been recommended that "the proximity and connectivity to a number of SINCS, in line with local policies, a CEMP with robust mitigation measures will be required during and post construction to prevent any potential indirect impacts from the proposals. Pollution prevention measures will be required to ensure no spills, debris, or materials enter the nearby area. It is considered that the proposals with avoidance and mitigation measures in place will have not have a significant impact on local SINCS."

Broadleaved Deciduous Woodland is immediately adjacent to the site was recorded as consisting of broadleaved deciduous woodland, with further deciduous woodland and wood pasture and parkland, traditional orchard and good semi-improved grassland (non-priority) within 1km of the site. To safeguard the Priority Habitat of Principal Importance (Natural Environment and Rural Communities Act 2006) the PEA report advised *"that to minimise effects on the adjacent s41 deciduous woodland that the RPAs outlined in the arboriculture impact assessment report by DCCLA (2022) are adhered to as well as the inclusion of a woodland grassland buffer zone."*

that *"no evidence of an active bat roost within B1 at the time of the survey."* The survey has noted a population of common pipistrelle, noctule and leisler's bats. While it is acknowledged that no bats were confirmed within any of the buildings on site, we welcome the recommendation for low impact lighting be implemented as part of the proposed works to avoid light spill which would impact commuting and foraging bats using the site. In addition, we welcome the recommendation for the provision of purpose-built bat boxes to enhance the site for roosting bats.

The PEA report revealed the presence of suitable vegetation and buildings which could support nesting birds. The PEA subsequently advised that *"any works to the on-site habitats, including buildings take place outside of nesting bird season (February to August inclusive), unless a nesting bird search by a suitably qualified ecologist takes place prior to the works commencing. The avoidance of works during this time period will prevent the disturbance or damage to any nesting birds that may be presence."*

The PEA report revealed the presence of numerous refuge piles and coniferous woodland undergrowth on the boundary of the site which have the potential to support sheltering and foraging reptile and amphibian species, great crested newts were deemed unlikely to be present within the site. We welcome the provision of precautionary measures which are *"advised when undertaking works. Works to suitable areas such as rubble piles within the*

woodland to be done under ECoW supervision." Furthermore, the PEA report recommended that *"Landscaping scheme should seek to enhance the site for reptiles (e.g. inclusion of refugia and gaps in fence."*

Although the PEA report did not find direct evidence of badger or hedgehogs present on site e.g. hairs, droppings, footprints or dens it did determine that *"there is a moderate chance for badgers to be present on site due to there being suitable habitat on site with connectivity to further woodland. Precautionary measures are advised for the works"* these precautionary measures would include that *"any holes, trenches, and/or ditches be supplied with an inclined mammal ladder to provide a means of escape. Future fencing on the site must ensure use of mammal gates/gravel boards to allow for connectivity across the site and seek to enhance hedgehog populations."*

The PEA report deemed that the woodland on site had the potential to support notable invertebrates such as stag beetle and thus advise *precautionary measures will be required in the event of removal of dead wood such as log piles on site. Stag beetles are protected by UK and European law and are active above ground from mid-May to July. Works are advised not to take place during this time.*

We welcome the provision of 4th and 5th floor biodiverse green roofs (433 m²) (Proposed Roof Plan) as these will provide ideal foraging habitat for a variety of pollinating insects including bees, butterflies, moths and beetles. The provision of biodiverse green roofs will greatly enhance the site for biodiversity in comparison to its current developed/hardstanding artificial nature. The implementation of the biodiverse green roof should follow the guidance of Buglife's Creating Green Roofs for Invertebrates A best practice guide (Gedge et al. 2019).

Urban Greening

London Plan policy requires new developments to contribute to the greening of London by including urban greening as a fundamental element of site and building design. The GLA comments that the level of urban greening across the proposed development is well considered at ground, podium and roof levels. The proposal achieves a score of 0.57 which exceeds the target of 0.4 set by Policy G5 (Urban Greening) of the London Plan. This will provide a range of benefits including enhanced amenity space, enhanced biodiversity, addressing the heat island effect, and sustainable drainage.

Energy, Sustainability and Drainage

Energy

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

An Energy Strategy Report has been submitted in support of the application. The energy statement outlines a series of measures which will be incorporated into the proposal to improve sustainability and reduce carbon emissions. The 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 development will be constructed to comply with Part L of the Building Regulations and in line with the London Plan to achieve a minimum of 44% CO2 reduction for the domestic elements and 35% for the non-domestic elements.

In order to achieve zero carbon, the developer will need to make a carbon offset contribution to bridge this gap. A financial contribution will be required to be secured via planning obligation.

Water Consumption

In terms of water consumption, a condition would be recommended in the event planning permission is granted to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 110 litres of water is consumed per person per day, to ensure the proposal accords with Barnet's Core Strategy (2012) Policy CS13 and Policy SI5 of the London Plan (2021).

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

Flood Risk / SuDS

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

The application is accompanied by a Flood Risk Assessment and Drainage Strategy. This has been assessed by the Council's appointed drainage specialists who, following the submission of further details, have raised no objection to the development. If permission were granted, a condition securing the submission of a further details of the surface water drainage scheme would be attached.

6. Equality and Diversity Issues

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

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

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

- age;
- disability;

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

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

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

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

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

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

7. Conclusion

In conclusion, Officers consider that the development is acceptable having regard to the relevant local, regional and national policies.

Having weighed the material planning considerations, the scheme would deliver many benefits including the following;

- A comprehensive redevelopment of a vacant brownfield site
- Optimise housing delivery and make a contribution to the Council's annual housing delivery targets;
- Provision of 35% affordable housing
- Reprovision of improved flexible employment floorspace

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



Location 10 Wentworth Avenue London N3 1YB

Reference: 22/2859/FUL

Received: 27th May 2022

Accepted: 9th June 2022

Ward: West Finchley

Expiry 4th August 2022

AGENDA ITEM 7

Case Officer: Mansoor Cohen

Applicant: Haim Ben Arzi

Proposal:

Conversion of existing property into 4no. self-contained flats including a part single, part two storey side and rear extension plus creation of basement with lightwells at rear. Roof extension including rear dormer window, 2no. side and 1no. front facing rooflights. Associated amenity space, refuse and cycle storage and provision of 3no. off-street parking spaces following demolition of the existing garage

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:

Drg. No. 01
Drg. No. 01a
Drg. No. 02
Drg. No. 03
Drg. No. 04C
Drg. No. 05D
Drg. No. 06C
Drg. No. 07C

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

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

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

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD

(adopted October 2016) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

- 5 Notwithstanding the details appearing on drawing 07C, before the development hereby permitted is first occupied turning space, visibility splays, details of crossovers, and a minimum of 3no. parking spaces shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and Policy T6.1 of the London Plan 2021.

- 6 a) Notwithstanding the approved plans, before the development hereby permitted is first occupied details of cycle parking including the type of stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local 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 adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy T5 of the London Plan.

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

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

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

- 8 Before the development hereby permitted is occupied, details of the screening and treatment of the basement lightwells shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in full accordance with these details.

Reason: To ensure satisfactory appearance to the development.

- 9 a) Before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy SI 5 of the London Plan 2021

- 11 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement in carbon dioxide emissions of a minimum of 10% when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Polices document (2012), Policies SI 2 of the London Plan 2021.

- 12 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 east and west flank elevations of the extensions hereby approved.

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).

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

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

- 14 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).

- 15 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat

c) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

16 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

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

- 17 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

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

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

Reason: In the interest of good air quality in accordance with Policy DM04 of the Barnet Local Plan Development Management Policies (2012) and Policy SI1 of the London Plan 2021.

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

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

Informative(s):

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

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 if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.
- 4 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.

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

OFFICER'S ASSESSMENT

1. Site Description

The application site forms a two-storey detached single-family dwelling on the east side of Wentworth Avenue at a junction with Wentworth Park within the ward of West Finchley. The application site is not located within a conservation area, nor is it within close proximity to any listed structures or historical monuments.

2. Site History

Reference: 17/5336/192

Address: 10 Wentworth Avenue, London, N3 1YB

Decision: Lawful

Decision Date: 11 September 2017

Description: Roof extension involving semi-pitched roof with rear dormer window and 2no front rooflights

Reference: 17/5353/PNH

Address: 10 Wentworth Avenue, London, N3 1YB

Decision: Prior Approval Not Required

Decision Date: 21 September 2017

Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 17/6464/HSE

Address: 10 Wentworth Avenue, London, N3 1YB

Decision: Approved subject to conditions

Decision Date: 12 March 2018

Description: Creation of basement level with associated lightwells. Part single, part two-storey side and rear extensions with pitched roof to match existing following demolition of existing side outbuilding. Extension to roof involving 1no front roof light to existing pitched roof and 2no side and rear rooflights to proposed pitched roof

Reference: 18/5765/FUL

Address: 10 Wentworth Avenue, London, N3 1YB

Decision: Refused

Decision Date: 28 November 2018

Appeal Decision: Allowed, subject to conditions

Appeal Decision Date: 09 July 2019

Description: Conversion of existing property into 3no. self-contained flats including a part single, part two storey side and rear extension plus creation of basement with lightwells at rear. Roof extension including rear dormer window, 2no. rooflights to side roofslope and 1no. rooflight to front rooflope. Associated amenity space, refuse and cycle storage and provision of 4no. off-street parking spaces

Reference: 22/2858/FUL

Address: 10 Wentworth Avenue, London, N3 1YB

Decision: Approved subject to conditions

Decision Date: 22 July 2022

Description: Conversion of the existing property into 3no. self-contained flats including a part single, part two storey side and rear extension plus creation of basement with lightwells at rear following the demolition of the existing side structure. Roof extension including rear dormer window and 2no. side and 1no. front facing rooflight. New front porch. Associated amenity space, refuse and cycle storage and provision of off-street parking spaces following demolition of the existing garage (amended description)

3. Proposal

The application seeks planning consent for the 'Conversion of existing property into 4no. self-contained flats including a part single, part two storey side and rear extension plus creation of basement with lightwells at rear. Roof extension including rear dormer window, 2no. side and 1no. front facing rooflights. Associated amenity space, refuse and cycle storage and provision of 3no. off-street parking spaces following demolition of the existing garage'.

The site benefits from a recent approval, reference 22/2858/FUL which consented the conversion of the dwelling into 3no. self contained flats along with extensions.

This application proposes the same enlargements, however incorporates a different internal arrangement to provide a total of 4no. self contained flats. This has been achieved through internal alterations to provide a smaller 3 bedroom unit and the addition of a studio unit.

It is noted that the consented scheme 22/2858/FUL was identical to the scheme allowed at appeal on 9th July 2019 reference 18/5765/FUL.

The current proposal would provide the following units:

Flat 1 (basement and ground level): 2 bed 3 person unit 71.5sqm

Flat 2 (basement and ground level): 1 bed 2 person unit 60sqm

Flat 3 (first floor level): 3 bed 4 person unit 76.8sqm

Flat 4 (loft level): studio unit 38.5sqm

As per the consented scheme (22/2858/FUL) and previously allowed appeal scheme (18/5765/FUL), the extensions would measure as follows:

The single storey side element would be set in approx. 1.1-1.3m from the (north east) boundary, providing access to respective rear amenity, maintain the front building line and measure 2.0m width x 9.0m depth x 3.60m max. height, 2.0m high to the eaves (therefore extending beyond the original rear wall by approx. 4.0m depth;

The first-floor side element would be set back approx. 1.0m from the front building line, measure approx. 2.0m width x 8.0m depth, feature a hipped roof form set down approx. 1.50m below the main roof ridge level and maintain the roof eaves level. No window openings are proposed to the side elevation, two rooflights on the roof slope;

The single storey rear element would extend across the rear elevation approx. 4.0m depth x 8.50m width x 3.60m max. height, 2.9m high to the eaves;

A first-floor rear element would be set in approx. 1.87m from the (north east) boundary, 2.16m from the common boundary with no. 8, measure 3.0m depth x 4.40m width and feature a hipped roof form with crown set down below the main roof ridge level and maintain the roof eaves level;

Basement (below ground level) would extend the original rear wall approx. 4.0m depth x 8.50m width x 2.5m max. height. Two light wells are proposed to provide natural light into the basement (which serve kitchen/diner rooms respectively for flats 1 and 2). Each lightwell would measure 2.6m in width and 1.40m depth.

The rear dormer would measure 2.50m width x 1.60m depth x 1.4m height.

4. Public Consultation

Consultation letters were sent to 48 neighbouring properties.

16no. letters of objections were received, summarised as follows:

- overdevelopment of the site
- over intensification by providing 4 flats in a quiet residential street
- Concerns of noise and disturbance from use
- Parking, vehicle movements and congestion concerns
- Concerns over parking layout, manoeuvrability and highway safety
- safety concerns of local residents and school children
- excessive enlargements
- strain on sewage and water infrastructure

- concerns of construction noise and pollution
- too many similar developments in the local area
- use out of character with the area
- HMO inconsistent with character
- Electric generator not shown in plans
- Concerns of damage as a result of works
- Impact on existing trees and nature conservation
- Confusion between the two applications on this site
- Concerns of overlooking

4.1 Other Consultees

Tree officer: Following a site survey, the Council has decided not to create a TPO for any of the trees situated within the rear garden at 10 Wentworth Avenue, N3 1YB. Closer inspection of the subject trees revealed that they are of sub-optimal form and quality, therefore application of a new TPO has not been deemed appropriate in this instance.

The street trees to which you also refer, 1no Acer cappadocicum and 1no Malus, are managed by the London Borough of Barnet. Having reviewed the details of proposal 22/2858/FUL to which your letter refers (approved subject to conditions on 22.07.2022) it would appear that neither of these street trees are at risk from the development works.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Draft Local Plan 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, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

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

Supplementary Planning Documents

Residential Design Guidance SPD (2016)

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

Sustainable Design and Construction SPD (adopted 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 planning considerations are as follows:

- o The principle of development
- o The impact on the appearance and character of the area
- o The impact on the amenities of neighbouring occupiers
- o Whether the proposal provides satisfactory living accommodation for future occupiers
- o Parking and highways
- o Refuse and recycling storage
- o Tree impact

5.3 Assessment of proposals

Principle of development

Conversion from single family dwelling to flatted development:

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

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

Within Chapter 2 of the Development Management Policies states

"The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Policy DM01 part h states "Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate."

Policy DM01 of Barnet's adopted Local Plan (Development Management Policies) 2012 states that development proposals should be based on an understanding of local characteristics in order to ensure that local character is preserved. In particular, the

conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.

The principle of the development for flats is established by virtue of the extant permission (22/2858/FUL). The following was recorded in the officer report of the approved scheme:

'The proposal is a direct replication of the allowed appeal decision ref.18/5765/FUL which recently lapsed. The proposal is therefore essentially a 'renewal' of the lapsed permission. The appeal decision is a material consideration in the assessment of this application. The Inspector considered the following in respect of the principle of flats in this location:

Paragraph 6: Policy DM01(h) and (i) of the Barnet's Local Plan Development Management Policies (2012) (BLPDMP) states that the loss of houses to flat development in roads characterised by housing would not normally be permitted, although it is clear that what is to be considered are cumulative effects of increased activity and changes in external appearance.

Paragraph 8: It is implicit in the tension between Policy DM01 of the BLPDMP and the strategic Policy CS1 of the BLPCS that a balance has to be struck between housing delivery and the retention of family housing on a case by case basis. Although single-family occupancy is predominant in Wentworth Avenue, it seems to me that a small number of conversions and subdivided dwellings have been successfully assimilated into the area and have not changed its essentially suburban character.

Paragraph 10: The proposal would have a shared single entrance door and a bicycle store located in the garden in a concealed accessible location. Additional bin storage, subdivision of the garden and introduction of a formal parking area would signify a change in the character of activity. However, the garden is screened from the street and bearing in mind the level of domestic activity potentially arising in a large family dwelling such as that already approved at the appeal site, the increase and change in activity would not be significant.

The Inspector concludes in paragraph 11 that the proposed development would not adversely or cumulatively harm the character of the area nor, thereby, conflict with Policy DM01 nor Policies CSNPPF, CS1 and CS5 of the Core Strategy.

In light of the above, and that there are no new relevant policies to alter from this view, the proposal is considered acceptable in principle.'

It is also highlighted that the proposal re-provides a three bedroom unit and thereby there is no net loss of family housing thereby according with Policy DM08.

Taking all of the above into consideration, the principle of flats continues to be acceptable.

The Impact on the appearance and character of the area

The proposed extensions replicate the extant scheme (22/2858/FUL) which itself replicated application 18/5765/FUL allowed at appeal. The primary differences between the recently approved scheme and this application relates to the internal configuration, amenity spaces and parking layout. These matters are discussed below in the relevant sections.

In respect of the enlargements, the officer delegated report to the approved scheme notes that the extensions have taken into account many of the principles outlined in the adopted

Residential Design Guidance (2016) and considered the extensions would be subordinate and proportionate in relation to the existing dwelling. Officers concur with this view.

Officers concur with this view, however, for the avoidance of doubt, these include a side extension no more than half the width of the original dwelling, a 1m recessed first floor side element, set down from the main ridge in excess of 0.5m. A guidance compliant 4m ground floor rear extension (for a detached dwelling). A first floor rear extension no more than 3m in depth and set off at least 2m from either side boundary.

As such, officers consider the proposed extensions are deemed to have an acceptable impact on the character and appearance of the host dwelling, streetscene and locality and would not constitute an overdevelopment of the site. This is consistent with advice previously given.

Impact upon Residential Amenity

Policy DM01 of the Development Management Policies 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

The application site sits adjacent to no.8 Wentworth Avenue, whilst no.12 is sited to the adjacent side of the side road Wentworth Park.

The officers delegated report to the allowed appeal scheme which incorporated the same enlargements, did not consider any harmful impact would arise to neighbouring occupiers.

For completeness this is re-assessed;

The single storey element of the rear extension would project for 4m, which would equate to approximately 1.3m beyond no.8s single storey rear extension. It is therefore not considered that harm would arise as result of this aspect. The first floor rear element would be set off the boundary by 2.1m with a further approximately 1.8m to the neighbouring flank wall and extend for a depth of 3m. Considering the separation distances it is not considered this aspect would result in undue impact in terms of overshadowing, loss of light or a sense of enclosure.

No windows are proposed within the flank wall of the extensions that would raise concerns of overlooking or loss of privacy. Rear elevation windows would not alter the present relationship.

The basement level would be wholly contained within the footprint of the extension and therefore not considered to result in harm.

Given the intervening Wentworth Park road, it is not considered that harm would arise to no.12.

In respect of noise and disturbance as a result of the subdivision, the proposal would result in a maximum occupancy of 10 persons which is the same number of occupants as the extant scheme. This has been achieved by providing a smaller 3 bedroom 4 person unit (previously 5 persons) and the addition of a single person studio unit.

Whilst this would represent a double in occupancy level of the existing 3 bed 5 person single family dwelling, the application site is a detached property on a corner plot with Wentworth Park and therefore limits the potential for impact arising from demonstrable significant

comings and goings in close proximity to surrounding residential occupiers to an extent that would warrant a reason for refusal.

Furthermore, the Inspector too considered the level of activity would be comparable to that of a large family home and therefore any increase in change would not be so significant. Given the total occupancy level would not exceed the extant scheme and the site specific circumstances, officers do not consider that demonstrable harm would arise in terms of noise and disturbance as a result of the proposal.

In conclusion, it is not found that the proposed development would result in an adverse impact to neighbouring occupiers.

Quality of Accommodation

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

Floor Area:

The London Plan (2021) and Barnet's Sustainable Design and Construction SPD (2016) set out the minimum GIA requirements for residential units as follows:

Flat 1 (basement and ground level): 2 bed 3 person unit 71.5sqm (min. req. 70sqm)

Flat 2 (basement and ground level): 1 bed 2 person unit 60sqm (min. req. 58sqm)

Flat 3 (first floor level): 3 bed 4 person unit 76.8sqm (min. req. 74sqm)

Flat 4 (loft level): studio unit 38.5sqm (min. req. 37sqm)

As per above, all units would meet the minimum unit size requirements set out in the London Plan and the Sustainable Design and Construction SPD.

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

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

All rooms would meet these standards.

Policy D6 of the London Plan (2021) requires a minimum floor to ceiling height of 2.5m for at least 75% of the Gross Internal Area of each dwelling.

The submitted section and loft plan drawings demonstrate that all of the units would meet the London Plan required minimum internal floor to ceiling height.

Stacking:

Paragraph 9.6 of the Residential Design Guidance SPD (October 2016) advises that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors.

Stacking between units would broadly be like for like, any overlap can be suitably mitigated through sound insulation. A condition for pre-completion sound insulation certificates will be

imposed to ensure compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Outlook/light:

It is considered that each unit will have adequate levels of glazing to provide appropriate levels of light, ventilation and outlook whilst maintaining privacy.

Outdoor amenity space:

Sustainable Design and Construction 2016 states that outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough. The SPD requires 5m² of outdoor amenity space per habitable room (as defined).

The below marks the requirements against the provision:

Flat 1: Required 25m² / provided 27m²

Flat 2: Required 15m² / provided 15m²

Flat 3: Required 25m² / Communal provision of 35m² for flats 3 and 4.

Flat 4: Required 10m² / Communal provision of 35m² for flats 3 and 4.

As per the submitted plans the rear garden would be subdivided to provide 3 parking spaces, a dedicated bike store area, private outdoor amenity space for flat 1 and 2 respectively and communal amenity space for flats 3 and 4. As above, the provision would accord with the requirements and details of the means of subdivision will be secured by way of a condition.

Highways

The site is located within a Controlled Parking Zone of Resident Permit Holders Only (Zone CE) Mon-Fri 2pm-3pm.

The Public Transport Accessibility Level (PTAL) for the site is assessed as 4 which is regarded as good transport accessibility. Finchley Underground Station is located 10 minutes walking distance from the site. West Finchley Underground Station is located 5 minutes walking distance from the site. 6 TFL bus routes from both directions can be accessed from Ballards Lane (A598), which is 6-8 minutes walking distance from the site.

According to the Parking Standards as set out in Barnet Council's Local Plan Development Management Policy DM17, the range of vehicular parking spaces which would need to be provided as part of the proposed development is between 2no. and 4no. parking spaces.

The applicant following amendments has proposed to provide a total of 3no. off-street parking spaces at the rear area to facilitate the proposed development. In addition, in accordance with table 10.3 of Policy T6.1 of the London Plan (2021), the proposal would attract a maximum provision of 3 spaces. The proposal is thus compliant with Policy DM17 and T6.1 of the London Plan.

It is also noted within the appeal scheme, that the Inspector considered a provision of 3 spaces would allow a more suitable parking arrangement rather than 4 spaces.

It would appear that the parking provision would utilise the existing crossover, however, details of the vehicular access have not been provided.

Highways have stated, that the location of a boundary wall, fence or hedge needs to be within 0.6 metres of the edge of the crossing to prevent vehicles entering their frontage from overriding the adjacent footway. Clear visibility spays are required when vehicles are entering and exiting Wentworth Avenue as vehicles are parked on both sides of the entry and exit to the site. As such, a car parking plan along with these details will be secured through a condition.

It is therefore not found that the proposal would result in an adverse impact to the highway network or pedestrian safety.

Cycle spaces:

The plans indicate a dedicated cycle storage area would be provided within the rear garden which is acceptable. In accordance with the London Plan (2021) a provision of 6 cycle spaces would be required. Details of the store and spaces will be secured by way of condition.

Refuse Storage

The submitted plans indicate a bin store would be located within the front forecourt of the building which is acceptable. Provision of bins will need to comply with the standards set out in the adopted 'Information for developers and architects, Provision of Household Recycling and Waste Service' (2021). Further details will be secured through a suitable condition.

Trees Impacts

The councils tree officer has visited the site and assessed the trees his comments state 'they are of sub-optimal form and quality'. There is therefore no objection to their loss. Furthermore, the officer notes that the proposal would not impact on the street trees.

Other matters

As recommended by the Councils Environmental Health team due to the extensions and formation of a basement level conditions are necessary for Construction Management Plan and Contaminated Land. These will be imposed to any approval.

5.4 Response to Public Consultation

Mainly addressed in the body of the report.

-Parking, vehicle movements and congestion concerns; Concerns over parking layout, manoeuvrability and highway safety

The Inspector previously considered 3 spaces to provide a suitable arrangement. The layout has been amended to provide 3 spaces which still complies with policy standards and will facilitate increased manoeuvrability so vehicles can access and egress safely.

-concerns of construction noise and pollution

This could be suitably alleviated with a condition for a construction management plan.

-too many similar developments in the local area

The proposal has been assessed on its own merits.

-HMO inconsistent with character

The proposal is for the conversion of the property into self contained flats not an HMO.

-Electric generator not shown in plans

Duly noted. This falls outside the site boundary therefore not required.

-Concerns of damage as a result of works

This is not material planning consideration.

-Confusion between the two applications on this site

The council carried out consultation on both applications in accordance with their statutory requirements. It is unfortunate that this led to a layer of confusion, however, it is not uncommon for multiple concurrent applications to be lodged.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would have an acceptable impact on the character and appearance of the application site and wider streetscene and not result in an adverse impact to future and neighbouring occupiers. This application is therefore recommended for approval subject to conditions.

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Location	198 Golders Green Road London NW11 9AL	
Reference:	22/4591/FUL	Received: 13th September 2022
		Accepted: 13th September 2022
Ward:	Golders Green	Expiry 8th November 2022
Case Officer:	Will Collier	
Applicant:	Trentwood Ltd	
Proposal:	Erection of a single storey rear outbuilding for use as a gym/storage/utility area ancillary to the guest house	

AGENDA ITEM 8

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

Proposed Plans and Elevations, 202209/198GGR/OBA/01
 Existing Location and Block Plans, 202209/198GGR/OBA/S1
 Proposed Location and Block Plans, 202209/198GGR/OBA/S2

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 use of the outbuilding hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling. The outbuilding shall only be used by occupants of the main building and shall not be open to members of the public at any time.

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

- 4 No music or sound amplification shall be permitted in the outbuilding hereby approved at any time.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (2012), the Sustainable Design and Construction SPD (2016) and Policy 7.15 of the London Plan.

- 5 The gym hereby permitted shall not be used before 08:00 am or after 21:30 pm on weekdays and Saturdays or before 09:00 am or after 17:30 pm on Sundays and Bank and Public Holidays (excluding Christmas Day, where it shall not be used at any time). Users should vacate the outbuilding no more than thirty minutes once the use ends.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (2012), the Sustainable Design and Construction SPD (2016) and Policy 7.15 of the London Plan.

- 6 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of any equipment, machinery, plants and/or music associated with the gym and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

- b) The measures approved under this condition shall be implemented in their

entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy 7.15 of the London Plan.

- 7 The level of noise emitted from the gym hereby approved, including noise from any equipment, machinery, plants and/or music, shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan.

- 8 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

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

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

Reason: In the interest of good air quality in accordance with Policy DM04 of the Barnet Local Plan Development Management Policies (2012) and Policy SI1 of the London Plan 2021.

Informative(s):

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

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

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

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

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

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

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

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

OFFICER'S ASSESSMENT

1. Site Description

The application site is a semi-detached property at the junction of Golders Green Road/Ambrose Avenue. The property functions as mixed use as 9 bedroom hostel, guesthouse and House in Multiple Occupation (HMO) (Sui generis) (19/3268/RCU) with the retention of Bedroom 1 on the ground floor for HMO use. The property has recently been extended at the back (21/3782/FUL).

The area surrounding the site is predominantly residential consisting mainly of similar two storey semi-detached dwellinghouses. It is not within a conservation area, and is not a locally or statutory listed building.

There are no Tree Preservation Orders on site.

It is just outside the designated Golders Green Town Centre.

2. Site History

Reference: 22/3367/FUL

Address: 198 Golders Green Road, London, NW11 9AL

Decision: Refused

Decision Date: 12 September 2022

Description: Erection of a rear outbuilding for use as a gym ancillary to the guest house

1. Reasons for refusal: The proposed outbuilding, by reason of its scale, size and use as a gym will harmfully increase noise, disturbance, and disruption to neighbouring residents through associated general activity in an area characterised as residential, and would not be ancillary to the main building, 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).

2. The proposed development, by reason of the size of footprint in conjunction with the existing rear extension, would not be subordinate to the host property, thus appearing dominant in scale and reducing the openness of the rear garden to the detriment of the character of the area, 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).

Reference: 22/3369/FUL

Address: 198 Golders Green Road, London, NW11 9AL

Decision: Refused

Decision Date: 12 September 2022

Description: Erection of a two storey rear outbuilding at basement and ground floor levels for use as a gym/storage/utility area ancillary to the guest house

Reference: 21/3782/FUL

Address: 198 Golders Green Road, London, NW11 9AL

Decision: Approved subject to conditions
Decision Date: 2 September 2021
Description: Part single, part two storey rear extension

Reference: 19/3268/RCU
Address: 198 Golders Green Road, London, NW11 9AL
Decision: Approved subject to conditions
Decision Date: 9 August 2019
Description: Continued mixed use as hostel, guesthouse and House in Multiple Occupation (HMO) (Sui generis) (RETROSPECTIVE APPLICATION) [AMENDED DESCRIPTION]

Reference: 19/3011/FUL
Address: 198 Golders Green Road, London, NW11 9AL
Decision: Approved subject to conditions
Decision Date: 3 August 2019
Description: Erection of single storey rear outbuilding

Reference: 18/0321/FUL
Address: 198 Golders Green Road, London, NW11 9AL
Decision: Withdrawn
Decision Date: 6 April 2018
Description: Erection of single storey outbuilding with pitched roof and basement level to rear boundary, ancillary to main building

Reference: 14/07752/FUL
Address: 198 Golders Green Road, London, NW11 9AL
Decision: Withdrawn
Decision Date: 23 February 2015
Description: Erection of single storey unit with rooms in roof space including 2no. bedrooms sharing kitchen and dining room facilities

Reference: F/05560/13
Address: 198 Golders Green Road, London, NW11 9AL
Decision: Approved
Decision Date: 17 January 2014
Description: Submission of details of condition 3 (Materials) pursuant to planning permission F/05053/10 dated 07/03/11.

Reference: F/05053/10
Address: 198 Golders Green Road, London, NW11 9AL
Decision: Approved subject to conditions
Decision Date: 7 March 2011
Description: Provision of 5no parking spaces to the rear of building following removal of existing detached garage and new crossover access adjacent to Ambrose Avenue.

Reference: C04579F/08
Address: 198 Golders Green Road, London, NW11 9AL
Decision: Approved subject to conditions
Decision Date: 17 March 2008
Description: Change of use from hostel (sui-generis) to class B1 office, provision of 5no. off-street car-parking spaces accessed from Ambrose Avenue and 2no. off-street car-parking spaces accessed from Golders Green Road. (Renewal of planning permission

C04579E/03 dated 18-12-2003)

Reference: C04579D/03

Address: 198 Golders Green Road, London, NW11 9AL

Decision: Approved subject to conditions

Decision Date: 8 September 2003

Description: Conversion of property from Hostel (sui-generis) into a Class D1 medical facility. Provision of 3 off-street car-parking spaces accessed from Ambrose Avenue and 2 off-street car-parking spaces accessed from Golden Green Road.

Reference: C04579E/03

Address: 198 Golders Green Road, London, NW11 9AL

Decision: Approved subject to conditions

Decision Date: 18 December 2003

Description: Change of use from hostel (sui-generis) to class B1 office, provision of 5no. off-street car-parking spaces accessed from Ambrose Avenue and 2no. off-street car-parking spaces accessed from Golders Green Road.

Reference: C04579A

Address: 198 Golders Green Road NW11

Decision: Approved subject to conditions

Decision date: 28 February 1979

Description: Change of use to guest house

3. Proposal

The application seeks permission for a single storey rear outbuilding for use as a gym/storage/utility area ancillary to the guest house. The outbuilding is 7.87 metres long, 4.8 metres wide and 2.5 metres high with flat roof, sited at the back of the rear garden. Access to the outbuilding is internal to the site.

4. Public Consultation

Consultation letters were sent to 124 neighbouring properties and a site notice was displayed on 22nd September 2022.

Six objections, highlighting following issues:

- o Plans incorrect.
- o Parking / congestion
- o Disturbance
- o No direct access from guest house
- o Loss of parking spaces

Internal consultations:

Highways - no objections subject to conditions.

Environmental health - no objections subject to conditions.

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

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

The Mayor's London Plan 2021

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

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

Barnet's Local Plan (2012)

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

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

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

Barnet's Local Plan (Reg 22) 2021

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

The Regulation 22 Local Plan sets out the Council's draft planning policy framework

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.3 Assessment of proposals

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

The issues in assessing the application are:

- Impact on character and appearance of the existing building, the street scene and the wider locality;
- Impact on the living conditions of neighbouring residents.
- Impact on highways/parking

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

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

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

Paragraph 14.40 of Barnet's Residential Design Guidance SPD (2016) states that the same principles apply to the design of back garden buildings as to rear extensions:

- they should not unduly over-shadow neighbouring properties
- they should not be too large or significantly reduce the size of a garden to become out of character with the area
- they should not unduly affect outlook from an adjoining property's habitable rooms or principal garden areas
- their design and materials should be in harmony with the surrounding area.

Outbuildings in the rear garden area are a common feature, and therefore characteristic, of this part of the Borough. There is an existing concrete base which indicates an outbuilding used to exist on site confirmed by aerial imagery.

The proposed outbuilding is the same in size and dimensions as previously approved under 19/3011/FUL. Taking this into account and re-assessing again, the proposal is not considered to be too large or to significantly reduce the size of the garden to be out of character with the area.

The design and materials (brickwork to match property) would be in harmony with the surrounding area.

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

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

Outlook, light and privacy:

There is no neighbour to the north as it is a corner property. To the south adjacent to No. 196 Golders Green Road there is a fence to the permitted height of 2 metres. The outbuilding would be adjacent to the rearmost part of No. 196's garden area and would be in a similar siting to the previous outbuilding on site. As such, it is not considered the outbuilding would harm the amenity of these neighbours.

The outbuilding would be sited 0.8 - 0.3 metres from the boundary adjacent to No. 2 Ambrose Avenue. As observed on site, there is a ground floor window facing the rear garden of No. 198 Golders Green Road but this window was small in size and appeared to act as a secondary window, seemingly to the staircase/hallway. It would therefore not harm the amenities of these neighbours.

Environmental Health Matters:

In regards to environmental health matters, the agent has confirmed that the outbuilding (gym) would be for the use of the occupants of the host building at No. 198 Golders Green Road only. The agent has confirmed in writing via email dated 8th November 2022 that no amplified sound, music or radio would be played in the proposed gym. They have also

confirmed it would be constructed in brick and would include double glazing and insulation. They have also agreed hours of operation in conjunction with advice of the environmental health officer. The agent has also agreed to the attachment of a planning pre-commencement condition to provide an acoustic report to assess the likely noise impacts from the development and mitigation measures. All the above is upon the advice of the environmental health officer at the local authority.

- Highways Impact.

There are no highways implications as the gym is solely for the use of the guesthouse. Further plans have been submitted clarifying the access which will be internal to the site. There will be a side pedestrian door in the boundary fence along Ambrose Avenue. It is recommended that conditions are applied to ensure the gym is ancillary used by the occupants of the guesthouse only. Whilst there would be access via Ambrose Avenue, this is for users of the guesthouse only.

5.4 Response to Public Consultation

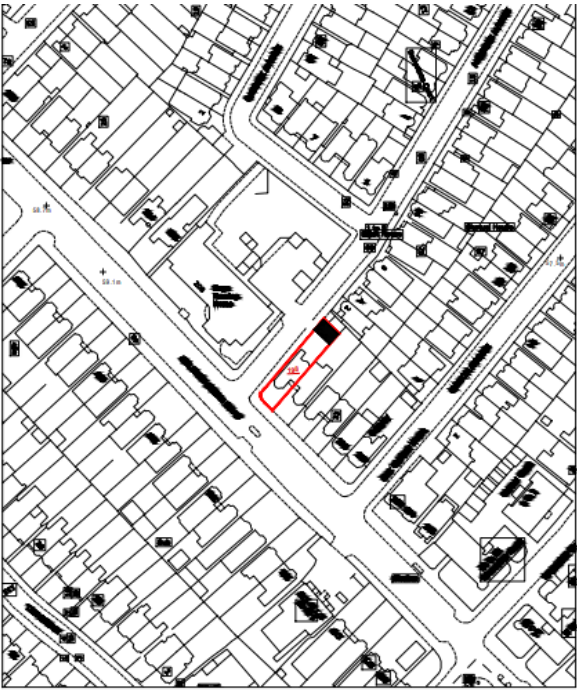
Matters concerning noise, disturbance, parking implications and access have been addressed in the report. It is also considered the plans are an accurate representation.

6. Equality and Diversity Issues

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

7. Conclusion

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



LOCATION PLAN 1:1250

Location Frith Grange Camp Site Frith Lane London NW7 1PT

Reference: 22/2210/FUL Received: 25th April 2022
Accepted: 25th April 2022

Ward: Totteridge & Woodside Expiry 25th July 2022

AGENDA ITEM 9

Case Officer: Tania Sa Cordeiro

Applicant: Barnet Borough District Scouts

Proposal: Replacement of existing accommodation (to be demolished), and facilities and addition of new, comprising of; 20 person bunk unit; Multi-purpose building; Warden flat/DofE building; Pair of camping huts. Archery range replaced in new location. New vehicular entrance to the site, parking provision to replace existing, new cycle and bin storage

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:

Drg.no. 05/1074/PLAN/279_A (Site Location Plan)
Planning Statement Frith Scouts Planning Statement Final Apr
Design and Access Statement D&A rev 08.04.22
Heating and Hot Water Study Feasibility David J Higgins Consulting (FGCS-DJH-XX-FS-JO-0002 rev P3)
SuDS Drainage Strategy rev B, (job number; 3813/2020)
Energy Statement NRG Consulting (PP1923/FG/NR/202203-NR)/FG)
Transport Statement (RKS Associates ref: VRP1367-01)

BS Report (Arbor Cultural Ltd) AC.2020.488 Frith Grange Scout Camp BS5837 Report

BS Report (Arbor Cultural Ltd) Drg.no. TPP-01 rev.L (Tree Constraints Plan / Tree protection Plan)

BS Report Photo (Arbor Cultural Ltd) 20220121_125708

BS Report Photo (Arbor Cultural Ltd) 20220121_125718

Drg.no. TP-002 (Topographical Site Plan)

Drg.no. 05/1074/PLAN/278_A (Existing Site Plan)

Drg.no. 05/1074/PLAN/235_B (20 persons Building Floor Plans)

Drg.no. 05/1074/PLAN/236_B (20 persons Building Elevations)

Drg.no. 05/1074/PLAN/239_B (20 persons Building Images)

Drg.no. 05/1074/PLAN/220_B (Archery Range Floor Plans)

Drg.no. 05/1074/PLAN/222_B (Archery Range Elevations)

Drg.no. 05/1074/PLAN/221_B (Archery Range Section)

Drg.no. 05/1074/PLAN/245_B (Camping Huts Floor Plans)

Drg.no. 05/1074/PLAN/246_B (Camping Huts Roof Plan and Section)

Drg.no. 05/1074/PLAN/247_B (Camping Huts Elevations)

Drg.no. 05/1074/PLAN/201_B (Ground Floor Plan- Multipurpose Bldg)

Drg.no. 05/1074/PLAN/202_B (First Floor Plan- Multipurpose Bldg)

Drg.no. 05/1074/PLAN/203_B (Roof Plan- Multipurpose Bldg)

Drg.no. 05/1074/PLAN/204_B (Elevations- Multipurpose Bldg)

Drg.no. 05/1074/PLAN/205_B (Elevations- Multipurpose Bldg)

Drg.no. 05/1074/PLAN/206 (Section- Multipurpose Bldg)

Drg.no. 05/1074/PLAN/284 (Proposed Section C-C through camping field)

Drg.no. 05/1074/PLAN/285 (Proposed Section D-D through camping field)

Drg.no. 05/1074/PLAN/286 (Proposed Section E-E through camping field)

Drg.no. 05/1074/PLAN/210_B (Wardens Flat-Floor Plans)

Drg.no. 05/1074/PLAN/211_B (Wardens Flat-Elevation)

Drg.no. 05/1074/PLAN/212_B (Wardens Flat-Elevation North & South)

Drg.no. 05/1074/PLAN/213 (Wardens Flat-Section)

Ecology Appraisal Biodiversity Metric 3.0 Calculation Tool

Drg.no. 05/1074/PLAN/250_A (Existing Photographs)

Drg.no. 05/1074/PLAN/290_B (Surrounding Buildings)

Drg.no. 05/1074/PLAN/281_C (Phasing Plan) attached to email

The above were received on the 25/04/22

Drg.no. 05/1074/PLAN/280_F (Proposed Site Plan)

Drg.no. 05/1074/PLAN/280_F (Coloured Proposed Site Plan)

Drg.no. 05/1074/PLAN/287_A (Proposed Site Elevation)

Proposed floor plans and Elevations - 20 persons Building (Coloured)

Proposed floor plans and Elevations - Archery Range (Coloured)

Proposed floor plans and Elevations - Multipurpose Building (Coloured)

Proposed floor plans and Elevations - Wardens Flat (Coloured)

The above were received on the 23/09/22

Proposed floor plans and Elevations - Camping Huts (Coloured)

Aerial view of similar camp sites

The above were received on the 26/09/22

Woodland management Plan (ref. AC.2020.532 rev2), prepared by Arbor Cultural Ltd.

The above were received on the 21/10/22

Drg.no. WMP-01 rev.F (Site Plan- woodlands management Plan)

The above were received on the 31/10/22

Justification in support of the development

The above were received on the 24/09/22

Ecological Management Plan

The above were received on the 17/10/22

Preliminary Ecological Appraisal

The above were received on the 04/08/22

Drg.no. 05/1074/PLAN/292_B (Overlay-Existing and Proposed Site Plan with volumes)

The above were received on the 04/11/22

letter from EAS with supporting appendix A (Topographical survey.), appendix B (Exceedance Flow Routes) and Appendix C (Proposed SuDS Drainage Strategy Drawing)

The above were received on the 07/07/22

Thames Water Capacity confirmation 30.06.22

The above were received on the 14/11/22

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

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

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

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

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

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

- 4 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
- c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

- 5 The approved Woodland Management Plan, Drg.no. WMP-01 rev.F (Site Plan- woodlands management Plan) and Ecological management Plan - dated october 2022, shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy G6 and G7 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), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy G6 and G7 of the London Plan 2021.

- 7 Notwithstanding the parking site layout plan submitted with the planning application, prior to commencement of the development; a detailed parking layout plan showing the exact dimensions of the existing/proposed crossovers and proposed off-street parking spaces including any redundant crossovers to be reinstated to footway in the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the 30 off-street parking spaces including 4 disabled parking bays shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

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

- 8 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 Authority. Thereafter, before the development hereby permitted is occupied, 20 (long stay) and 2 (short stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

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

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

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

Reason: In the interest of highway safety in accordance with London Borough of

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

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

2) site preparation and construction stages of the development;

3) 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;

4) 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;

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

6) 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;

7) noise mitigation measures for all plant and processors;

8) details of contractor's compound and car parking arrangements;

9) Details of interim car parking management arrangements for the duration of construction;

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

11) Provision of a competent banksman.

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

12 Prior to commencement of the development full details of the electric vehicle charging points to be installed in the development shall be submitted to and

approved in writing by the Local Planning Authority. These details shall include the provision of a minimum of 3 active and 3 passive electric vehicle charging points. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan

- 13 Within 3 months of occupation, a full Framework (Residential & Community Use) Travel Plan that meets the criteria of the current Transport for London Travel Plan guidance, currently 'Travel Planning for new development in London incorporating deliveries and servicing' and Itrace or TRICS compliant surveys shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out the transport policy to incorporate measures to reduce trips by the private car especially single occupancy and single passenger journeys and encourage non-car modes of transport such as walking, cycling and public transport and to reduce, consolidate or eliminate delivery trips. The Travel Plan Statement should include the appointment of a Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The Travel Plan should be reviewed, updated and resubmitted in writing for approval in years 1, 3 and 5 in accordance with the targets set out in the Plan. Monitoring of the travel plan is to be funded by the applicant in accordance with the Barnet's Travel Plan SPD. The key headlines of the travel plan are to be secured via a s106 agreement.

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

- 14 Prior to commencement of the development, a plan of the proposed off-site highway works listed below shall be submitted to the Local and approved in writing by the Local Highway Authority. Details to be agreed/finalised as part of the S278 agreement. All off-site highway works must be completed to the satisfaction of the local highway authority prior to first occupation of the development.

1. Provision of site access on Frith Lane
2. Upgrading the existing access on Frith Lane
3. Provision of tactile paving at both accesses
4. Provision of an informal crossing point in the vicinity of the site exit on Frith Lane
5. Provision of warning signs and pedestrian activated flashing lights at the informal crossing point
6. Introduction of waiting restrictions as appropriate

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

- 15 Prior to commencement of the development, construction details of internal access roads which meet adoptable standards shall be submitted to and approved in writing by the Local Highway Authority.

Reason: This is to ensure that internal roads within the development have been constructed to adoptable standards and thus suitable for use by refuse vehicles. This is to indemnify the Council against claims for consequential damage caused to private roads arising from and/or in connection with the collection of waste by the Council from the premises,

or

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

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

- 16 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

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

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

Reason: In the interest of good air quality in accordance with Policy DM04 of the Barnet Local Plan Development Management Policies (2012) and Policy SI1 of the London Plan 2021.

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

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

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

- 18 All campfires shall be contained within the firepit as shown on the drawing WMP-01 Rev: F, dated 30/10/2022 titled "Woodland Management".

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.

- 19 Before the site is occupied/ first used a site management plan should be submitted to the local authority for approval. Once approved all the measures should be implemented for the entirety of the development.

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

- 20 No development (other than site demolition and site preparation works) shall take place until a Surface Water Drainage Strategy for the development have been submitted to and approved in writing by London Borough of Barnet planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

Reasons: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan.

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

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

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

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

smaller developments -confirmation that an asbestos survey has been carried out.

5 The London Borough of Barnet is a Smoke Control Area therefore bonfires are discouraged due to their potential for causing air pollution and therefore harm to health and nuisance. Campfires should always be controlled and the following steps should be taken:

- Burn only dry garden waste, and never other materials such as domestic waste, painted items, plastics, furniture, textiles, or wet garden waste including leaves
- Never use accelerants (for example - petrol) to start the fire
- Do not burn when there is potential for a woodland fire in particularly very dry or windy weather.
- Do not burn when the smoke will blow into neighbouring residents' properties, or on damp, still days when the smoke will hang in the air
- Supervise the fire at all times, and ensure it is totally extinguished at the end.

OFFICER'S ASSESSMENT

This application is called in by Cllr Caroline Stock. The reason for this is that the site is partially in the Green Belt, and that it needs consideration at committee.

1. Site Description

The application site is Frith Grange Camp Site and is sited on the west side of Frith Lane. The site is accessed via a single gated vehicular access point to the eastern boundary of the site onto Frith Lane.

It is comprised of a small area of open land within a relatively dense wooded area protected by the Woodlands Tree Preservation Order and extends to circa 1.4ha. The open land comprises of relatively low-key single storey huts that are used by the Barnet Borough District Scout Council.

The site is bounded to the south and west by predominantly new flatted residential development and some commercial elements. To the north by Millbrook Park CE Primary School and to the east by a wooded area, with Finchley Golf Club beyond. The tall mature trees and foliage, currently provides the much-required buffering and screening from the tall rise development which forms part of the Millbrook Park Regeneration.

The site is currently partially located within the Green Belt and is covered by trees protected by a Woodland TPO.

2. Site History

Reference: 15/01043/FUL

Address: Frith Grange Camp Site, Frith Lane, London, NW7 1PT

Decision: Refused

Decision Date: 15 April 2015

Description: Base station comprising a 25m high lattice tower supporting 3no. antennas and 2no. 600mm dishes, supported at ground level by an equipment cabin and electrical meter cabinet, all contained within a secure fenced compound.

Reference: 16/2593/PNT

Address: Frith Grange Camp Site, Frith Lane, London, NW7 1PT

Decision: Prior Approval Required and Refused

Decision Date: 14 June 2016

Description: installation of a 15m high lattice supporting 3no. omni antennas and 2no. 600mm dishes, supported at ground level by an equipment cabin and electrical meter cabinet and development ancillary thereto, all contained within a secure fenced compound

Reference: 16/6816/LIC

Address: Frith Grange Camp Site, Frith Lane, London, NW7 1PT

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Installation of temporary mobile telecommunication tower with ancillary equipment and works

Reference: TPF/0684/20

Address: Frith Grange Camp Site, Frith Lane, London, NW7 1PT

Decision: Trees: Approved subject to Conditions

Decision Date: 9 March 2021

Description: 8 x Hawthorn - Remove. Standing in woodland W1 of Tree Preservation Order;, 1 x Blackthorn - Remove. Standing in woodland W1 of Tree Preservation Order, and plant replacements as shown on Block HH Proposed Boundary Tree Planting Plan (BMD-20-022-DR-C305 Rev C) comprising: 7 x Crab Apple, 2 x Scots Pine (AMENDED DESCRIPTION)

Reference: 21/8190/QCE

Address: Frith Grange Camp Site, Frith Lane, London, NW7 1PT

Decision: Pre-application advice issued

Decision Date: 6 October 2021

Description: Replacement of existing accommodation and facilities and addition of new for the scout camp site at Frith Lane. New accommodation comprises 20 person bunk unit, multi-purpose building and warden/classroom building plus pair of camping huts. Archery range is replaced in new location. New entrance and exit to the site and new parking provision to replace existing.

Reference: TPP/0755/21

Address: Frith Grange Camp Site, Frith Lane, London, NW7 1PT

Decision: Application Invalid On Receipt

Decision Date: No Decision Made.

Description: Achieve 4% of total area coppice each year for the next 25 years within tree preservation order-W1, Start scalloping of the woodland edges within tree preservation order-W1

Reference: H/00193/12

Address: Frith Grange Camp Site, Frith Lane, London, NW7 1PT

Decision: Approved subject to conditions

Decision Date: 8 March 2012

Description: Extension to existing toilet block.

3. Proposal

The proposal is for the 'Replacement of existing accommodation and facilities and addition of new structures, comprising of; 20 person bunk unit; Multi-purpose building; Warden flat/DofE building; Pair of camping huts. Archery range replaced in new location. New vehicular entrance to the site, parking provision to replace existing, new cycle and bin storage.'

Warden/classroom building:

The warden's building will accommodate a private self-contained family living space for the use of a caretaker / site manager at first floor level. An activity hub, office, tea point, WC and storage will be accommodated at ground floor level.

It will be sited to its east adjacent to an existing 3 storey Barry M Building. This building is two storeys with a pitched roof. A single storey front porch provides entrance to this building. The building has a depth of 9m, a width of 18.8m and a maximum height of 7.55m.

20 Person Bunk Unit:

It would have an L shaped footprint and will be single storey with accommodation within the roof. It will replace an existing single storey archery range and storage area.

This unit is a purpose build guest accommodation building. It comprises of a self-contained kitchen, hall space and bathroom spaces. This offers disabled access accommodation that is not currently available. Solar panels are proposed on the pitched roof on the south elevation of the building

Multi-Purpose Building:

It is a two storey L shaped building that covers a footprint of 411m². The longest elevation adjacent to the woodlands will measure approximately 28.1m in depth. The width of the elevation fronting the street (Frith lane) will measure approximately 23 meters. The two storey elements of the building will have a pitched roof with a maximum height of 7.5m. The single storey elements will have a maximum height of approximately 3.8m. Solar panels are proposed on the pitched roof on the south elevation of the two storey element.

The building is sited close to the entrance of the site adjacent to the 20 person building. It will be the first point of contact for the campsite. It will comprise of a reception / office space, meeting rooms and the main hall. The first floor will accommodate a lounge/kitchen, sleeping accommodation and a air rifle range. As per the supporting document provided, the site will be used as the Head Office of Barnet Scouts as well as the campsite for the scouts.

Archery range:

The archery building will be sited adjacent to the south and west boundary with the Millbrook Park Development. It is single storey and covers a footprint of 214m², has a width of 20.1m, depth of 10.7m (additional overhang of 2m) and a height of approximately 4.2m. Due to the drop in levels the ground will be levelled to accommodate this structure.

The east elevation of the Archery Range has been designed as a climbing wall.

Pair of camping huts:

The camping huts are sited adjacent to the Archery Range. They are single storey and cover a footprint of 24m². It will have a maximum height of 3.5m, width of 5.6m and depth of 3.5m. A open veranda is proposed measuring 3m in depth.

New Parking:

The proposal also involves new entrance and exit to the site with a new parking layout which extends into the woodlands.

4. Public Consultation

Consultation letters were sent to 9 neighbouring properties.

39 responses in support on the application have been received.

Comments have been summarised below;

- Will provide a much improved facility for the young people of Barnet alongside an safer entry / exit system on a busy road
- Will be a valuable contribution and local resource, especially for young people
- Redeveloping this site to improve its security, disability access and the quality of its buildings will not impact upon its neighbours as all said buildings are single storey and therefore hidden by the woodland area on site
- As this is the only Scout site in the very large Barnet Scout district there are a large number of Scout groups who rely on this site for weekly events and camping
- I look fondly on the site however it is very run down and in need of development
- The buildings and entrance alongside parking etc. if the site had a warden on it like many others eg Northern Heights in Elstree it could have accessed and maintained to ensure maximum benefit for our youth
- Fully appreciative of the benefits this development will bring for the youth of our borough with little deleterious effect on the neighbourhood
- The facilities at Frith are life expired and in desperate need of upgrade
- BBC reported on 1st May 22 90,000 young people are on waiting lists to join Scouting and as ever is short of leaders
- The development of Frith Grange is vital to offer the youth of Barnet the best possible opportunities
- This is for the good of the community and would give young scouts amazing opportunity to enjoy camping, love outside, use their skills and just have fun with friends
- Camps offer so much more than a few nights away from home, they forge friendships, teach new skills and allow a sense of independence and responsibility in learning some important life skills
- A permanent on-site warden will mean that the site is safe, accessible and any problems spotted and dealt with quickly

Internal Consultees;

Highways - No objections, subject to conditions.

Ecology - No objections, subject to conditions.

Landscaping and Trees - No objections, subject to conditions.

Environmental health - No objections, subject to conditions.

Suds (Drainage) - No objections, subject to conditions.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, Dm06

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

development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Local Plan (Reg 22) 2021

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the building would be detrimental to the Green Belt
- 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;
- Impact on Bio-diversity (trees, ecology and landscape)
- Impact on highways;

- Provision of refuse storage

5.3 Assessment of proposals

Impact on the Green Belt

Preamble

Only part of the site currently (southern area) falls within the green belt. However, proposed changes to the Policies Map which forms part of our draft Local Plan (Reg 19) shows that the existing Green Belt has been extended across the entire Scout Camp. The justification for the change is: It is part of the Frith Grange Scout camp (the balance is already in the Greenbelt), and the addition will make the Greenbelt boundary consistent with the ownership boundary, along the edge of the urban area immediately adjoining to the north of the camp.

The evidence behind the changes was the Barnet Green Belt and Metropolitan Open Land (MOL) Study (2018). The Study considered the accuracy and robustness of Barnet's existing Green Belt boundaries, with a view to highlight areas for potential realignments along alternative permanent and readily recognisable physical features where necessary.

Barnet has not received any objections to this proposed change. The timetable for the Local Plan is examination in early 2022 and adoption by 2023. Para 6.3.4 of the 2009 Mill Hill East Area Action Plan says 'The Scout Camp is to be protected within the Green Belt.' The Area Action Plan sees the Scout Camp as a buffer between the high-density urban form of the high street and the Green Belt to the east of Frith Lane. So, the designation of the site as Green Belt has remained consistent since the Area Action Plan in 2009.

Whilst the Local plan is still at examination stage, considerable weight has been given to the above.

Whether Inappropriate Development

Section 13 of the National Planning Policy Framework (NPPF, 2021) establishes the great importance government attaches to Green Belts, "the fundamental aim" of which is to prevent urban sprawl by keeping land permanently open. The guidance indicates the essential characteristics of Green Belts are their openness and their permanence and identifies five purposes:

- To check the uncontrolled sprawl of urban areas
- To prevent neighbouring towns merging into one another
- To assist in the safeguarding of countryside from encroachment
- To preserve the setting and special character of historic towns
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

Paragraph 149 of the NPPF 2021 states that the construction of new buildings are inappropriate in the Green Belt, with the exception (in part) of limited number of scenarios to this general approach. Paragraph 150 also comments that "certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it." It goes on to outline such exceptions.

Local Plan Policies CS7, DM01, DM15 would apply to the proposal in particular Policy DM15 of the Development Management Policy DPD which aims to protect the Green Belt. Policy DM15 of the Development Management Policy DPD reiterates the NPPF's requirements and states that development in the Green Belt will only be acceptable where they are essential facilities for appropriate uses which do not have an adverse impact on the openness of the Green Belt. The Council's Policy (DM15) also states that the construction of new buildings within the Green Belt, unless there are very special circumstances, will be inappropriate, except for...agricultural purposes. The supporting text to the policy confirms that appropriate development in the Green Belt includes development for agriculture.

In evaluating the scheme, it is important to consider whether the proposal would constitute inappropriate development in the Green Belt. As set out above, paragraph 149 identifies a number of exceptions where the construction of new buildings can be supported, which of relevance to this application includes:

b) the provision of appropriate facilities..... for outdoor sport, outdoor recreation.... as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

In terms of appropriate use, the proposed facilities are acknowledged to be ancillary to the operation of the site, which is an outdoor sport use with the exception of the Wardens Building which includes a self-contained unit at first floor level. It is therefore considered that the use could partly meet exception (b) in that the use of outdoor recreation would not be an inappropriate development within the Green Belt.

The wardens building will be used by a residing caretaker of the camp site to ensure the day to day running of the camp site. It is essential to have a resident caretaker on site as a point of contact to control any noise nuisance associated with the use on site. It is therefore considered to be ancillary to the current outdoor sports use of the site and therefore falls within an exception set out under paragraph 149 of the NPPF 2021. Furthermore, caretakers lodging is not entirely unexpected on such sites.

Openness

The NPPF makes it clear that an essential characteristic of the Green Belt is their openness. Open means the absence of development, irrespective of the degree of visibility of the land in question from public vantage points. A number of factors are capable of being relevant including spatial and visual considerations. Recent case law confirms that it is a matter of planning judgement as to whether, given the amount of building and development, the proposal would preserve the openness of the Green Belt and whether it would conflict with the purposes of including land within in it. A key consideration is, whether the level and amount of proposed built form, and its impact on the surrounding Green Belt, would be consistent with openness (as distinct from urban sprawl). The visual impact is not irrelevant and can be taken into account in determining the impact on openness, with the provision that it should not be determinative on openness.

The site is currently occupied by 7 buildings, a series of storage containers, telecoms mast and enclosure. Having visited the site, it was noted that the existing structures are in various states of despair. The proposal involves demolishing a few of the existing structures, namely the Cyril Allen and the Crew Hut and a few other low key single storey structures. These will be replaced with new structures which includes 2no. two storey

building. The existing structures are low-key and modest in size and inevitably any structures to replace what is existing will likely adopt a more prominent presence within the site. However, it is noted that the proposal has been designed so that most of the buildings are sited away from the boundary to create a cluster of development towards the centre of the site. This will maximise the area left for open land/woodland.

Given that the new structure will be constructed in approximately the same location as the structure in situ and the degree of buffer distance from the boundaries, it will create greater openness within the site and present the development and its neighbours in a looser arrangement of buildings with gaps through between the buildings, it is therefore not considered that the proposal would be detrimental to the openness of the Green Belt.

Special circumstances

Paragraphs 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This has been reiterated in the London Plan (2021), policy G2 states the Green Belt should be protected from inappropriate development and that development proposals that would harm the Green Belt should be refused except where very special circumstances exist.

It is noted that the development is indeed greater in scale than what is in situ and therefore 'Very special circumstances (VSC)' has to be provided to justify further development on this site. The planning statement provides details of VSC, stating that the use of the site for scouting dates back to pre-war days and the VSC in regard to the proposed development relates to the long term use of the existing scouts camp and the provision of modern facilities to meet the growing needs of the District as a whole.

The planning statement has provided an insight into the operation of the Scout Association. 'The Scout Association within the Borough of Barnet is comprised of the District Scout team, under which there are 30 independent Scout and Explorer Scout groups. Frith Grange Campsite is the District Head Office and the only camping and activity centre with the Borough of Barnet. It currently provides a permanent meeting space for two groups, as well as operating as a Duke of Edinburgh training centre. Vernon Hall is also available to the District but offers meeting space only'.

Officers visiting the site noted the dilapidated state of some of the buildings, particularly The Cyril Allen building and Crew Cabin. The planning statement states that 'the repair to these dated buildings is both expensive and ongoing and therefore to continue without meaningful investment in the Frith Grange site will result in the inability of the District scouts to properly function'.

The loss of the main meeting hall and office space has resulted in the inability for existing scouting groups to use the site as a location for their weekly groups, as well as preventing a new scout group from being formed. Therefore, the proposal wishes to make use of this opportunity to re develop and provide better quality buildings and also at the same time expand the facilities and structures to accommodate the growing increase in the number of scouts.

Justification for VSC provided by the applicant has been summarised below:

- Frith Grange is the Head Office of Barnet Scouts and the only Camping, Residential and Activity Scout Centre in the London Borough of Barnet.
- Other scout groups in the Borough lack outdoor space and activities are limited as

many rely on meeting in premises such as church halls so access to the offerings at Frith are key to the vitality of the scout movement in the borough.

- The Frith site is long established and requires additional space and improved facilities to safeguard its future.
- The Millbrook Park development is expected to give rise to the need for a new scout group for the new young residents.
- At present the built forms and storage containers and huts comprise a motley collection of structures and the Cyril Allen building and Crew Cabin have been water damaged and require replacement.
- There is no suitable alternative site in the Borough that can replace Frith - it is unique with the camping field and the woodland, both of which will be maintained and enhanced. The latter with the benefit of new planting and a woodland management plan that forms part of this application.
- The proposed new multi-purpose building and 20 Person building will sit between the field and the woodland, broadly in locations of the existing water damaged buildings and hard standings.
- The multi-purpose building is to be the main hub for the Head Office, re-providing the hall, kitchen and meeting rooms previously in the Cyril Allen building and providing replacement crew accommodation on its upper floor.
- The 20 person building is single storey of similar height to those being removed and will provide accessible accommodation for all visitors and will be critically important to the sustainability of the site in securing a financially stable future.
- The Wardens building is sited close to the new entrance with the backdrop of Barry M. It will facilitate the introduction of a permanent security presence and create a dedicated space for Duke of Edinburgh training.
- Frith Scout site is a vital community facility and the proposed improvements should be seen as an investment in the youth of Barnet, their health, wellbeing and education. Once developed there will need to be no further encroachment in the Green Belt.
- As a unique site with dedicated scouting and community use very special circumstances apply and no precedent will be set for other development in the Green Belt.

Paragraph 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Having taken into consideration the 'Very Special Circumstances' put forth by the applicant and having considered the design and layout of the proposal and its minimal impact on the openness of the Green Belt. It is considered that the proposal is acceptable in terms of its impact on the green Belt.

Principle of development and impact on the Character and appearance of the Area

There would be no objection, in principle, to the demolition of the existing structures. As stated above the existing structures are in a dilapidated state with no heritage interest. These existing structures forms a neutral element within the immediate vicinity and therefore does not contribute to the character or appearance of the area.

The new buildings cover a larger footprint and has increased in massing compared to what is in situ, however, when viewed in context to the adjacent neighbouring properties, the proposal appears subordinate in scale. The intention is to introduce a better quality of buildings that is more sympathetic to the character and distinctiveness of the local area.

The site benefits from very verdant surroundings with thick mature trees within the Woodlands . The existing vegetation is not only an important character of the overall area but also offers a positive protective barrier along with an effective and significant screening. The proposal would be set back within the site and public views from the street Frith Lane would be very restricted. Any available views would not be visually intrusive given the degree of set back from the street. It would create greater openness within the site and present the development with adequate buffer screening from the street and neighbouring properties.

Since the proposal would involve a subordinate increase in scale to the existing structures, its impact on the character of the area will be limited.

Impact on Living condition of neighbouring residents

New developments should have due regard to the amenity of existing occupiers in neighbouring buildings. Careful consideration needs to be given to the siting and the scale of development and the impact the proposed development will have on the amenity of neighbouring occupiers.

Any development should ensure that the amenities of neighbouring occupiers are respected. The Residential Design Guidance SPD advocates that there should be a distance of 10.5 metres between a new development and a neighbouring garden; careful consideration should be given to the siting of the building on the plot. In addition, any proposal should retain a distance of 21 metres between habitable windows.

The proposal is designed to meet and exceed these requirements. Furthermore, as stated above the some of the new structures will replace the existing structures in approximately the same location. Most of the structures are single storey with the exception of the two storey wardens Building that is sited adjacent to the three storey Barry M building and the two storey Multi-Purpose Building that is centrally situated within the site. Due to the context of these two storey buildings with neighbouring buildings it is not considered to have an impact on the amenities of this neighbouring occupiers.

It is noted that the Archery range is situated adjacent to the boundary with the Millbrook development, however due to it being single storey and the nature of the use it provides, it is not considered to have a detrimental impact on the amenities of these neighbouring occupiers.

In terms of the noise nuisance associated with the use of the site, Environmental Health officers were consulted and they have raised no objections, subject to conditions. Furthermore, it is noted that the site has been in use as scouts camp and therefore whilst it will have an increased footfall, it would not be any worse than existing. Furthermore, the wardens building will provide onsite security and supervision which will control any noise nuisance associated within the camp site. A condition requiring a 'Site Management Plan' is to be submitted to the local authority for approval. This will ensure that the activities within the site is properly managed without detriment to the neighbouring occupiers.

Given the buffer distances between the proposed buildings and the neighbouring properties, combined with the existing mature vegetation along the boundaries with neighbours, it will not materially affect their sunlight or lead to overlooking and loss of privacy to these neighbours.

Impact on Bio-diversity (trees, ecology and landscape)

The importance of trees, ecology and landscape is recognised at every policy level, Nationally NPPF chapter 15; 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, 2021, London Regional Landscape Framework, Natural England, 2010.

To support planning applications where there are trees growing on the site or on adjoining land supporting information following guidance set out within BS5837:2012 Trees in relation to design demolition and construction-recommendations must be submitted. Designs must incorporate existing trees and provide space for new tree planting.

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.

Policy DM16 requires that "when considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity". The proposal would need to demonstrate how the policy would be met.

The Authority's ecologist and Arboriculturist have been consulted they are happy with the amended Woodland management Plan and the amended Ecological Management Plan, subject to conditions.

Highways and parking provision

The Scout camp site is on Frith Lane, local distributor road which joins onto Bittacy Hill to the south and Lullington Garth to the north. The site is not in a CPZ and it has a PTAL score of 2 (low). There are 3 bus routes (240, 382, 221) within 4-6 minutes walking distance of the site. Also, Mill Hill East station on the London Underground Line is within 7 minutes walking distance of the site. There are no yellow lines in the immediate vicinity of the site but there are yellow lines and an event day CPZ (1pm-6pm) at the southern end of Frith Lane and at side road junctions along the road.

The proposal seeks to demolish existing accommodation and provide 20 person bunk units and other buildings on site including a wardens flat, new vehicular access, parking provision and refuse storage facilities. The proposal does not fall under any specific category but is akin to a education/community use facility.

In relation to parking, a proxy of 1 space for every 10 visitors is considered appropriate and so provision of 15 spaces for 153 visitors anticipated is acceptable but given the fact that no drop off areas have been provided the provision of an additional 15 spaces for drop-offs is acceptable based on the profile of arrival and departures to the facility. The provision of 4 disabled parking spaces is considered acceptable. The additional visitor spaces are intended to reduce any overspill parking from the site. The internal layout can accommodate two coaches which is supported.

Regarding cycle parking, the provision has to meet London Plan standards and for educational uses, it 1 space per 8 staff/students for long stay cycle parking and 1 space per 100 students for short stay spaces. This equates to 20 long stay spaces and 2 short stay spaces. Cycle parking is proposed adjacent to the car parking area and the location is acceptable but long stay cycle parking must be provided in a covered, secure and enclosed compound. Details of cycle parking are therefore requested by way of a planning condition.

2 electric vehicle charging points are proposed. Highways would recommend that 10% of the parking spaces provided should be fitted with active points and a further 10% with passive provision. This can be secured by way of a planning condition.

The internal layout comprises of a separate entry and exit which serves a two rows of parking bays on either side of a 6m internal access road. The creation of an "in and out" arrangements will reduce turning conflicts within the site. As pedestrians will be able to enter the site from these two egress points designated crossing point on the internal access road close to each entrance. Highways notes the proposed aisle width of 6m and the swept path drawings submitted. However, the swept paths drawings provided only shows coaches exiting to the south. Swept paths of coached exiting the site and heading north are requested.

A designated coach drop-off and parking area is to be designated on the plan. Also measures to slow down traffic within the car park should be considered. In addition to creating a new access the existing access will need to be upgraded. It is also proposed that an informal crossing and flashing warning lights are introduced in the vicinity of the proposed exit on Frith Lane to make it safer for scouts who cross at this point. To facilitate this, the applicant is requested to enter into a s278 Agreement with the council to undertake the follow off-site highways works.

- 1) Provision of site access on Frith Lane
- 2) Upgrading the existing access on Frith Lane
- 3) Provision of tactile paving at both accesses
- 4) Provision of an informal crossing point in the vicinity of the site exit on Frith Lane
- 5) Provision of warning signs and pedestrian activated flashing lights at the informal crossing point
- 6) Introduction of waiting restrictions as appropriate

All off-site highway works must be completed to the satisfaction of the local highway authority prior to first occupation of the development.

Refuse collection and servicing will take place on site and refuse vehicle will be able to enter and exit the site in forward gear. However, a designated refuse storage area and a servicing area need to be shown on the site plan so demonstrate that refuse and delivery vehicles will not obstruct the free flow of traffic within the site.

A parking management plan that sets out how parking will be enforced or allocated on site is requested. In addition, a travel plan is requested for the site alongside a contribution of £5000 towards travel plan monitoring.

Refuse

The proposed development is required to comply with Barnet's Waste and Recycling

Strategy (2020). Refuse collection and servicing will take place on site and refuse vehicle will be able to enter and exit the site in forward gear. However, a designated refuse storage area and a servicing area need to be shown on the site plan so demonstrate that refuse and delivery vehicles will not obstruct the free flow of traffic within the site. Details of secured enclosures need to be provided. This can be secured by condition.

5.4 Response to Public Consultation

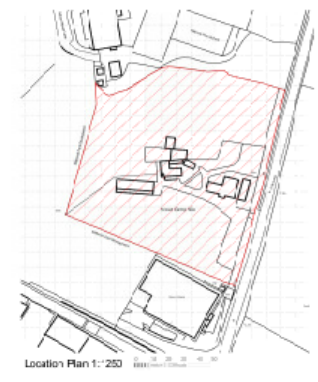
Comments received have been in support of the proposal. No objections have been raised.

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 will accord with the requirements of the Development Plan and is therefore recommended for approval, subject to conditions.



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 Site Plan 1:500

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Location 42 Kings Road Barnet EN5 4EG

Reference: 22/0139/FUL

Received: 12th January 2022

Accepted: 12th January 2022

Ward: High Barnet

Expiry 9th March 2022

AGENDA ITEM 10

Case Officer: Zakera Matin

Applicant: Mr & Mrs J & A Cole

Proposal: Demolition of the existing detached dwelling and construction of a new two storey plus rooms in roofspace detached dwelling with associated cycle storage and off-street parking

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

- 001 Rev P6
- 002 Rev P6
- 100 Rev P6
- 101 Rev P6
- 102 Rev P6
- 103 Rev P6
- 200 Rev P6
- 300 Rev P6
- 301 Rev P6
- 302 Rev P6

303 Rev P6
304 Rev P6
Design and Access Statement (October 2022)
Bat Scoping Survey (19 April 2022)

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

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

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

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

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

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

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

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

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

- 5 a) Before the development hereby permitted is first occupied cycle parking spaces

and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

- 6 Prior to occupation of the development the proposed parking spaces within the parking area as shown in drawings no. 002 Rev P6 submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

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

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

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

- 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 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 the London Plan 2021.

- 10 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevation facing no.44a and 40a 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).

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

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

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

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

- 13 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).

- 14 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 15 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the 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).

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of the London Plan 2021 and the 2016 Mayors Housing SPG.

Informative(s):

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

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

Please Note: A maximum width of a crossover allowed from a public highway is 4.2 meters. Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

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

- 2 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale London NW9 4EW.
- 3 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.
- 4 Any gates must open inwards and not out onto the public highway for health and safety reasons.

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

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

Council has approved the new CIL charging schedule and that it will come into effect on Friday 1st April. This means that any liable planning decisions issued on or after 1st April will pay £300 a square metre rather than £200. Employment uses will also be charged £20 a square metre. <https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

Please visit

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

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

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

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

OFFICER'S ASSESSMENT

The application is referred to committee because of number of objections received.

1. Site Description

The application site is occupied by a detached dwelling sited on the west side of Kings Road.

The site is not located within a Conservation Area and the building is not listed. The site is not covered by article 4 directive. The site is in area of special Archaeological interest.

Neighbouring detached dwelling no.40a is sited to the north and no.44a is sited to the south of the subject dwelling. 15a Grimsdyke Crescent is sited to the north west and the rear garden abuts the rear garden of subject property.

2. Site History

None

3. Proposal

The application seeks permission for demolition of the existing detached dwelling and construction of a new two storey plus rooms in roofsace detached dwelling with associated cycle storage and off-street parking.

The proposed dwelling would be contemporary with crown roof. The ridge would be 0.55m lower than the existing. The eaves height would be similar to eaves of neighbouring property no.40a to the north.The proposal would feature two storey front projection with gable roof. Front gable roof is lowered 0.4m from ridge line in the amended scheme. Rear elevation would feature two projections with one hipped and one gable roof. The roof at rear projection lowered 0.4m from ridge in the amended scheme. A combination of grey and white brick is proposed. Floor to ceiling height windows are proposed.

It would have maximum height of 8.7 m and width of 11.2m and total depth of 13.9m on north side and 11.8m on south side. It would be sited 1.5m from the north boundary with no.40a and 1m from the side boundary with no.44a to the south. The proposal would maintain 3.5m gap with the two storey flank wall of no. 40a and 4m with the two storey flank wall of no. 44a.

The front building line would be sited 6m from the front boundary similar to the existing dwelling. The rear of the dwelling would project 2.2m from the existing rear building line. The rear of the building would project 3.3m from the rear of neighbouring property no,40a. and 0.5m from the rear of no.44a.

4. Public Consultation

Consultation letters were sent to 35 neighbouring properties.

15 comments received including 14 objections as below:

- Hendon and District Archaeological Society commented that, very close to the site where a mediaeval pottery kiln was discovered; it may contain evidence of or artefacts related to that kiln. Demolishing and rebuilding the house will involve significant excavation. Archaeological condition is suggested in the event of approval.

-40a Kings road objected that the rear extension proposed comes out too far and be overbearing and cause loss of light. Velux window would cause overlooking. This is a contemporary scheme located within a traditional setting.

-44a Kings road objected and commented that, the proposed building is very close and might cause damage to foundation and roof of attached garage of 44a along the common boundary.

- No 33 objected that the proposal is unsympathetic to the existing character, lack of parking, no demolition or building work should take place outside of legal times (ie Saturday afternoon, Sunday or Bank Holidays).

- 15A Grimsdyke Crescent objected mentioning the proposed height of the building with the use of huge floor to ceiling windows and a roof light is excessive and will overlook no.15 A. Expressed concern regarding appearance and size of the proposed development.

Comments received on amended plans

- 40a Kings Road objected that, the proposed development has been reduced in the revised plans, but only by a marginal amount. The rear wall still extends too far from the existing building line. It would be overbearing and cause loss of light for the rear patio area of no. 40a. The building line to the front appears to exceed the existing line of neighbouring properties and the bulk of the building dominates the site. Velux roof light would overlook the garden. The contemporary use of materials, including the floor to ceiling windows, are unsympathetic to the traditional character of Kings Road.

-privacy impact for 5A Grimsdyke Crescent Barnet

- little regard has been taken of residents' objections to various aspects of this proposed development

-The plot on which this development is proposed is not large and it is seeking to squeeze too much into the area.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2021

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

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

Relevant London Plan Policy: D1, D4, D6, D7, G7, T5, T6, SI 2, SI 5.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS13.

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

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

Barnet's Local Plan (Reg 22) 2021

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

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

in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Provision of suitable accommodation for future occupiers
- Provision of waste recycling and cycle parking
- Sustainability and Accessibility
- Highways and parking.
- Ecology

5.3 Assessment of proposals

The proposal has been amended to reduce width and depth and increase gap with neighbouring properties. The proposal has been further amended to align the eaves with neighbouring no.40a to north and lower front and rear gable projections from the ridge.

Impact on the character and appearance of the existing site, streetscene and wider locality

Policy CS5 Protecting and enhancing Barnet's character to create high quality places' seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design. Policy DM01 states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The NPPF supports this and stipulates that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation but instead development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

Policy D3 of the London Plan (2021) states that developments should "respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character". In addition, buildings should "be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well".

Policy CS5 states that, " We will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design."

SPD Residential design guide in paragraph 6.12 states that, "Proposals for new residential development should respond to the distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context."

Paragraph 6.13 goes on to state that, "New development should recognise the scale, massing and roof form of surrounding buildings and reflect these where they are a positive attribute of the area's character. Consideration should be given to the grouping of buildings, roof pitches, the detailing of eaves and gables, chimney stacks and the size/siting of any dormer windows. New development should reflect the existing building lines and rhythm of the street."

It further states that, "great care should be taken when incorporating contemporary design into the existing urban fabric. New and old buildings can co-exist without negatively influencing the character of the area, but new development should always sit comfortably with its neighbours."

Existing building is traditional in design and features two storey gable projection with entrance porch with column, two storey front bay window with hipped roof, single storey attached garage on side of no.44a. The rear elevation features a single storey rear projection with hipped roof on the side of no.44a. the property features a hipped roof. Existing building is 9m in height, 10 m wide with total width 12.5m with attached garage and 10.5m deep. The garage is sited up to the side boundary with no.44a. The dwelling is sited 2m at front and 1.3m at rear from the side boundary with no.40a.

The site is not located in conservation area and the building is not listed. The proposed dwelling would replace a two-storey dwelling at the subject site, therefore, a replacement two-storey building would be acceptable in principle.

Policy DM03 on Accessibility and inclusive design states that, "Development proposals should meet the highest standards of accessible and inclusive design by demonstrating that they meet the following principles:

- can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances
- are convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment."

The applicant mentioned in the design and access statement that a member of family is visually impaired, and the existing dwelling is not wheelchair accessible dwelling for the disable family member who also uses wheelchair. The proposal addresses the issue of accessibility by providing wide wheelchair accessible circulation, platform lift. Visibility is improved by providing ample provision of daylight through floor to ceiling height glazing. Tactile surface is used internally and externally to aid visually impaired person. In this respect the demolition and rebuilt is supported by Policy DM03.

The proposed dwelling would be contemporary in design. The proposed ridge would be 0.55m lower than the existing ridge height. The ridge height would be similar to neighbouring properties. The eaves height would be similar to eaves of neighbouring property no.40a to the north. The proposal would feature a two storey front projection with gable roof. Rear elevation would feature two gable projections with one hipped and one gable roof. A combination of grey and white brick is proposed for exterior.

It would have maximum height of 8.7 m and width of 11.2m and total depth of 13.9m on north side and 11.8m on south side. It would be sited 1.5m from the north boundary with no.40a and 1m from the side boundary with no.44a to the south. The proposal would maintain 3.5m gap with the two storey flank wall of no. 40a and 4m with the two storey flank wall of no. 44a.

The front building line would be sited 6m from the front boundary similar to the existing dwelling. The rear of the dwelling would project 2.2m from the existing rear building line. The rear of the building would project 3.3m from the rear of neighbouring property no,40a. and 0.5m from the rear of no.44a.

It is noted that existing dwelling is higher than neighbouring dwellings. The proposed ridge would be higher than neighbouring building 40a on the north, but the eaves would be at similar height and would not appear significantly taller than the neighbouring dwelling no.40a. The proposed ridge would be lower than ridge of no.44a to the south.

It is noted that, the street is characterised by detached dwellings of varied design and size. The use of material is also verified along the street. In this context the proposed contemporary dwelling would not appear out of context and not considered to have any detrimental impact on the character of the area and street scene.

Though the replacement dwelling would be wider and deeper than the existing dwelling on site, the scale would be similar with neighbouring dwellings and would not detract from the character of the street scene. Furthermore, some of the dwellings along the road are wider than the proposed dwelling.

SPD Residential Design Guide recommends minimum 2m gap between two storey flank wall of dwellings. It is noted that the proposal would maintain 3.5m gap with the two-storey flank wall of no. 40a and 4m with the two storey flank wall of no. 44a and would comply with the set back stated in the guidance. The proposal is considered to maintain sufficient gap with neighbouring properties.

Unlike the existing and neighbouring dwellings the replacement dwelling would feature a crown roof. However, it is noted that several other dwellings along the road feature crown roof including neighbouring property no.40a. In this context the crown roof is not considered out of context.

Councils Design officer commented on the amended scheme as follows, " the applicant has lowered the ridge of the projecting element to the front and the eaves would align with the eaves of the neighbouring building. To the rear, the projecting element that features a sloping roof form has been set down from the ridge line of the main house in a similar way to the front gable roof element and the projecting element to the front elevation. The proposed volume/massing of the building, despite being substantially larger than the existing building on site, is not deemed to be excessive. The proposal would not harm the appearance of the area or the street scene."

It is considered that, the revised proposal would respect the character of the area and street scene.

Impact on the amenities of neighbours

Policy DM 01 states that, Development proposals should be designed to allow for

adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

It further mentions that,

"Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well being of the boroughs residents."

The proposal would be sited 1.5m from the north boundary with no.40a and 1m from the side boundary with no.44a to the south. The proposal would maintain 3.5m gap with the two storey flank wall of no. 40a and 4m with the two storey flank wall of no. 44a.

SPD Residential Design Guide recommends minimum 2m gap between two storey flank wall of dwellings. It is noted that the proposal would maintain sufficient separation gap with neighbouring properties.

The proposed two storey rear building line would project 3.3m from the rear of neighbouring property no,40a and sited 3.5m from the two storey flank wall of no.40a. No. 40a is sited to the north and the proposal is not considered to overshadow the rear of no.40a significantly because of modest rear ward projection and separation gap of 3.5m. It is not considered that the 3.3m rearward projection would appear overbearing when viewed from the rear garden of no.40a.

The proposed two storey rear building line would project only 0.5m from the rear of no.44a. NO.44a is sited to the south. Because of the modest rear projection, siting to the north and 1m gap from the side boundary and 4m gap from the two storey flank wall of no.44a, the proposal is not considered to have any overshadowing or overbearing impact for no.44a.

The flank elevations feature windows. A condition is attached requiring these to be obscured glazed. Subject to condition, it is not considered to have any significant detrimental impact on privacy for neighbouring dwellings.

The proposed roof lights are not considered to cause any overlooking for the neighbouring occupiers, as they will not provide direct view towards neighbouring properties because of siting at roof level.

The relationship with no. 15a Grimsdyke Crescent sited to the north west would remain same as existing and the rear facing windows are not considered to cause any additional overlooking for that property and it's rear garden.

The proposal is not considered to have any detrimental impact on the neighbouring occupiers in terms of overshadowing, overbearing or overlooking impact.

Provision of suitable accommodation for future occupiers

In terms of amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation.

The proposed 6 bedroom 12 person family dwelling with Gross Internal Floor Area (GIA) of 304 sqm would comply with minimum required. The double bedrooms would be more than required 11.5 sqm which would meet the minimum standard. The proposed storage space would also meet the minimum requirement.

The rooms would benefit from good outlook and receive adequate daylight and sunlight except from two loft bedrooms which have no windows and only have rooflights and would have poor outlook. However, this is not considered as a ground for refusal and in general the dwelling would have good outlook from all other habitable rooms.

To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space. The proposal would meet the standard in this regard.

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. The Sustainable Design and Construction SPD advises that for a dwelling with up to seven and more habitable rooms needs to provide 85 sqm of outdoor amenity space. The proposed rear gardens would measure 315 sqm and would meet the SPD requirements.

-Waste Recycling

Paragraph 11.10 of the Residential Design Guidance SPD 2016, states that, "Waste and recycling storage can cause a nuisance to neighbours and future occupiers, by reason of odour and noise, and can be visually intrusive in the streetscene. Waste and recycling storage areas should be integrated within the building or provided on-site and screened within an enclosure or by landscaping avoiding garden areas in front of dwellings."

Submitted drawings do not show location of waste storage, however a condition is attached requiring location and details of screened refuse storage.

Accessibility and Sustainability

The application scheme is required by Policy D7 of the London Plan (2021) to meet Building Regulation requirement M4(2). 10% of new housing should be designed to be wheelchair user dwellings that comply with part M4 (3) of the Building Regulations. The applicant has mentioned that the dwelling would be wheelchair accessible. A condition is attached to ensure compliance with the Policies.

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

In terms of water consumption, a condition is attached to require the dwellinghouse to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy SI 5 of the London Plan (20 21).

Highways and Parking

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management

Plan document sets out the parking standards that the Council will apply when assessing new developments.

Council's Highway officer was consulted on the proposal. The officer informed that, the proposed off-street car parking arrangement will require that one existing vehicular crossover be widened to 4.2m in order to safely provide access for 2x vehicles, and the other access must be reinstated a public footway. The applicant must make an application to the highways Domestic Crossovers Team prior to the commencement of any works on the public footway and works must be completed before the new dwelling is occupied. An informative is attached regarding this.

Cycle parking needs to be provided in accordance with Table 10.2 of the 2021 London Plan Cycle Parking Standards. The cycle parking spaces will need to be secured in an enclosed compound that is well-lit, overlooked and accessible by the residents only. The type of stands will need to allow both the frame and at least one wheel of the bicycle to be secured. For the proposed the required cycle parking provision is 2 spaces. Condition is attached for detail of Cycle parking.

Highway raised no Objection subject to conditions.

Ecology

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

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

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

Council's Ecologist was consulted on the proposal. The officer informed that, as the proposed plans involve the demolition of a building to allow the construction of a new property, an Ecological Impact Assessment (EclA) and a Preliminary Roost Assessment (PRA) should be undertaken by a suitably experienced ecologist in accordance with current best practice guidelines, prior to determination of this application.

The applicant is requested to provide ecology report. The applicant subsequently provided Ecology report which was assessed by Ecologist.

The report states that "The property has negligible suitability for roosting bats". Therefore, no further surveys are required.

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

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

The proposal is not considered to have any detrimental impact on Ecology.

5.4 Response to Public Consultation

Addressed in the report.

6. Equality and Diversity Issues

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

7. Conclusion

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



Location	Leecroft Road Adjacent To Hertswood Court Hillside Gardens Barnet EN5 4AU		AGENDA ITEM 11
Reference:	TPP/0243/22	Received: 26th April 2022	
		Accepted: 26th April 2022	
Ward:	Underhill	Expiry 21st June 2022	
Case Officer:	Yaseen Esprit		
Applicant:	Mr Gary Meadowcroft		
Proposal:	2 x Pine (applicants ref. T20, T21) - A maximum of 2.5m sub lateral reduction (as per submitted photograph) to address the overhang (this reduction still leaves some overhang, but addresses the residents concerns) to suitable growing points. The canopies of these trees are asymmetric and have grown laterally and prototropically due to the adjacent trees. Standing in Area A1 of Tree Preservation Order. Amended description		

OFFICER'S RECOMMENDATION

Trees: 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 branches shall be pruned in accordance with the recommendations in British Standard BS3998:2010 (Recommendations for Tree work). The proposed reduction shall be implemented in accordance with the submitted photograph showing the extent of pruning as part of this application. In any event the lateral reduction shall not exceed 2.5m.

Reason: To safeguard the health of existing trees which represent an important amenity feature.

Informative(s):

- 1 Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

1. OFFICER'S ASSESSMENT

Consultation

Date of Site Notice:

05.05.2022

Consultees:

44 neighbours were notified.

Representations:

The planning authority has received 15 objection comments from the public to this application. All the objectors raised similar concerns which have been summarised as:

- Impact of work on tree health
- Loss of habitat
- Impact of tree works on a historic road
- Loss of public tree amenity
- Ownership of trees
- Unauthorised tree works have already taken place

2. RELEVANT PREVIOUS PLANNING HISTORY

N12932/01/TRE_B - 2x Pinus - Light thin and deadwood.

Several Sycamore, Lime, Prunus - Cut back from boundary, thin canopy by 20%, deadwood.

N12932A/02/TRE_B - Tilia Spp x 3 - reduce crown by 30%.

TCP/0018/16 - 5 x Lime (applicant's ref. T1 - T5) - Reduce by 1.5m (25%) and remove split branches.

TCM/0421/18 - 1 x Pine - (Deadwood), Prune back overhang to chain link fence (approx. 2.5 - 3 metres) (1 x Pine - Deadwood) Several saplings - Remove 1 x Lime - Prune back overhang by 2 metres.

TPP/0626/21 1 x Pine - Reduce branches overhanging Hertswood Court Hillside Gardens by 1.5M. Standing in Area A1 of Tree Preservation Order (Pending consideration) Due to staff shortages this application did not proceed to decision.

3. APPRAISAL

Appearance / Amenity Value

The two pine trees subject to this application stand within a row of mature trees on the eastern side of Leecroft Road, which consists of scots pine, cherry and maples.

On the western side of the road, there is a row of larger trees, consisting of corsican pine and lime trees. These trees are visible from Wood Street from over the rooftop of Hertswood Court and are significantly taller than the subject trees

Leecroft Road is a private unpaved road with protect trees either. The trees are the preeminent feature of the street making it very verdant character. Which complements the character of the wider Wood Street Conservation Area.

The trees are protected by an area order designation made in 2018, reference 18/TPO/037 - A1.

The trees predate the construction of Hertswood Court, which was erected in the 1980s. The trees provide a dense canopy over the road and screen Hertswood Court on the eastern side from the properties on Leecroft Road. The road leads to The Watson Thomas Cottage Homes, a gated community with no public access.

Condition

These trees are in good condition with no apparent signs of defect that would require remedial tree works. Taller faster-growing trees have suppressed the upper crown of these trees. As a result, the growth has been directed out towards Hertswood Court. This growth is now 2m to 3m from the building line.

Justification

The applicant provided the following justification for the works:-

"The proposed works seek to reduce the lateral growth towards the Hertswood Court by 2.5m see below specification.

T20 Pine, 2.5m sub-lateral reduction to address the overhang (this reduction still leaves some overhang but addresses the resident's concerns) to suitable growing points.

T21 Pine, 2.5m sub lateral reduction to address the overhang (this reduction still leaves some overhang but addresses the residents' concerns) to suitable growing points.

The canopies of these trees are asymmetric and have grown laterally and prototropically due to the adjacent trees."

The proposed works would reduce the extent of the overhanging canopy towards Hertswood Court allowing more natural day light into the older persons home.

The subject pine trees (T20 & T21 applicants plan) have a small level of public amenity, being visible from Wood Street just above the roof line of Hertswood Court. The primary amenity these trees have is to the residents of Hertswood Court, The canopy of the pine trees cannot be seen from Leecroft Road.

The impact on public visual amenity is minimal as the trees are only just visible above the roof line of building. The view from Wood Street is primarily Hertswood Court and a line of much taller trees not subject to this application.

The extent of tree pruning works is shown on the submitted photograph. The application was delayed due the long wait for the applicant to provide this image.

Following the submission of the photograph showing the extent of the lateral crown reduction the description of the tree works was amended to include reference to the photograph. This was agreed by the agent on 25th November 2022 along with the withdrawal of an early application.

4. COMMENTS ON THE GROUNDS OF OBJECTION

15 letters of objection have been submitted against allowing the pine trees to be pruned the reasons for the objections have been summarised as; impact of work on tree health, loss of habitat, impact of tree works on a historic road, Loss of public tree amenity, Ownership of trees and unauthorised tree works have already taken place

The proposed tree works removes some branches, leading stems, subdominant branches will become the dominant leader as the tree develops a new canopy. This is unlikely to have significant long-term impact on tree health.

The removal of the lateral growth will not have a significant impact on wildlife habitat as the proposed branches to be removed do not have many habitat niches and majority of the remaining trees are unaffected.

Loss public tree amenity and impact of tree works on a historic road The branches proposed for removal are not visible from Leecroft Road. They are barely visible from over the rooftop from Wood Street. Behind these two trees is the bank of trees on the western side of Leecroft Road.

Ownership of trees, common law allows branches to be pruned back to boundary line, the proposed works would be considered acceptable under common law.

Unauthorised tree works have already taken place, during the summer months the planning authority were alerted to tree pruning being undertaken from Hertswood Court. Officers have investigated these incidents and issued an informal caution to the resident undertaking the breaches. No further breaches have occurred and there was no significant impact on public visual amenity.

5 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.

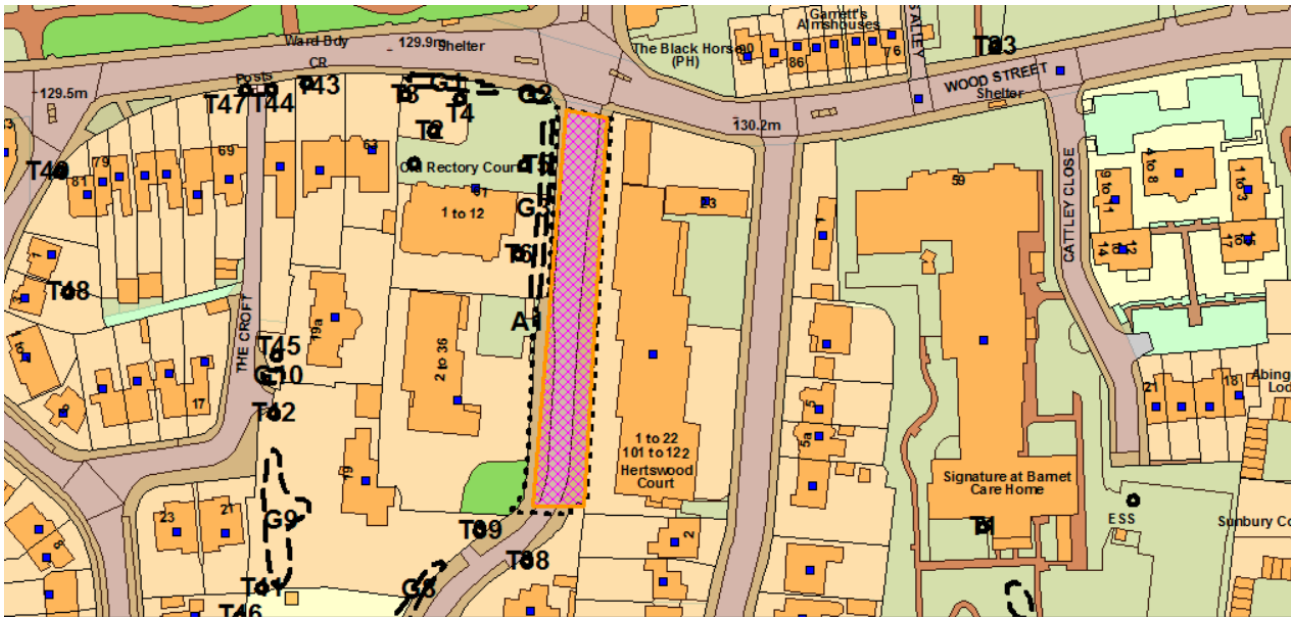
6 CONCLUSION

The proposed tree works will have a minimal impact on the visual amenity value of the trees on Leecroft road because the proposed branches are not visible from Leecroft road as the branches grow out laterally towards and over Hertswood Court.

The trees are just visible from Wood Street and are part of the large group of trees meaning that loss of these branches would have an insignificant on the conservation area and character of the local area.

The redline shows the location of where the branches will be pruned back to.





Location Clara Nehab House 13 - 19 Leaside Crescent London NW11 0DA

Reference: 22/0889/FUL Received: 21st February 2022
Accepted: 23rd February 2022

Ward: Golders Green Expiry 20th April 2022

AGENDA ITEM 12

Case Officer: Daniel Wieder

Applicant: Mr Robert Miller

Proposal: Demolition of existing building and construction of a three-storey building to accommodate a Beis Hamedrash and 1no. 4-bed family dwelling (Use Class C3) together with the construction of a new three-storey building with access from Saffron Close to accommodate 5no. self-contained flats (Use Class C3) with associated amenity space, landscaping, refuse storage, car and cycle parking [Amended Plans].

OFFICER'S RECOMMENDATION

Approve following legal agreement

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

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

- 299_EE_01 Existing Elevation West
- 299_EE_02 Existing Elevation South
- 299_EE_03 Existing Elevation East
- 299_EE_04 Existing Elevation North
- 299_EX_00 Existing Ground Floor Plan
- 299_EX_01 Existing First Floor Plan

299_EX_02 Existing Second Floor plan
299_EX_03 Existing Roof Plan
299_EX_S Existing Location Plan

299_GA_00_TREE SURVEY Proposed Ground Floor Tree Survey Rev A
299_GA_00 Proposed Ground Floor Plan Rev A
299_GA_01 Proposed First Floor Plan Rev B
299_GA_02 Proposed Second Floor Plan Rev B
299_GA_LEVELS Proposed Site Levels
299_RABBI_00 Proposed Rabbi's House Floors
299_RESI_00_M4(3) Proposed Residential Ground Floor Compliant to M4(3)
299_RESI_00 Proposed Residential Ground Floor
299_RESI_01 Proposed Residential First Floor Rev A
299_RESI_02 Proposed Residential Second Floor Rev A
299_GE_01 Proposed Elevations East and West Rev A
299_GE_02 Proposed Elevations North and South Rev B
299_GE_03 Proposed Elevations North and South Rev C
299_GE_04 Proposed Elevations East and West Rev C
299_GE_05 Proposed Elevations South in Context Rev B
299_GS_01 Proposed Section A-A Rev B
299_GS_02 Proposed Section B-B C-C D-D Rev A
299_GS_03 Proposed Section A-A B-B Rev B
299_GS_04 Proposed Section C-C D-D Rev C
299_S_00 Proposed Location Plan
299_S_EX Existing Location Plan
299_GA_01_AMENITY Proposed Plan First Floor Rev A
299_GA_02_AMENITY Proposed Plan Second Floor Rev A

Design and Access Statement September 2021
Planning Statement, Rev 02, dated 01/02/2022 DWD Job Number: 14738

Oriel Windows To South Elevation of Residential Block Addendum to Design and Access Statement
Daylight, Sunlight and Overshadowing Assessment ref: 784- B030641 Dated 8th February 2022
Daylight, Sunlight and Overshadowing Assessment Technical Note Addendum Dated 11th November 2022, ref: 784-B030641
Storm Water Drainage Strategy Rev G 20-095-221011-01RP, 11TH October 2022

Drainage Layout Rev B, reference: 20-095-P-300B
Typical Drainage Details, reference: 20-095-P-301
Drainage Network Sections, reference: 20-095-P-302
Activities Management Plan January 2022 Rev 1
Preliminary Roost Appraisal (Arbtech Consulting, February 2022)
Bat Emergence and Re-entry Survey Report (Arbtech Consulting, August 2022)
Air Quality Assessment 784-B030641 Tetra Tech 1st November 2021
Transport Statement, February 2022 TPP Consulting Ltd.
Travel Plan, February 2022 TPP Consulting Ltd.
Basement Impact Assessment and Ground Investigation Report, Ground and Water Limited, GWPR3799/BIA V1.01/November 2021
Environmental Noise Survey and Acoustic Design Statement Report 28044/ADS1 Rev4, 10 February 2022, Hann Tucker Associates
Construction Management Plan, Montway Ltd CMP 01 Rev C2

Foul Sewage & Utilities Assessment, AJ Energy Consultants Ltd, November 2021

Fire Statement Form, SWECO

Energy Strategy AJ Energy Consultants Ltd, November 2021

Sustainability Statement AJ Energy Consultants Ltd, November 2021

Statement of Community Involvement, QUATRO

Arboricultural Implications Assessment, Broad Oak Tree Consultants Limited, ref:

J58.66, 16th November 2021

Landscape Proposals

Landscape Masterplan 010 Rev G

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).

- 4 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.

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

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

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

- 6 a) Notwithstanding the details shown on the approved plans, 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.

7 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.

xi. Provision of a competent banksman.

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.

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

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

commencement of the use.

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2021.

9 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat

c) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

10 a) Before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

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

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

11 The non-residential part of the development hereby permitted should only be

occupied in accordance with the submitted Faith Travel Plan (MTT Foundation February 2022 by TTP Consulting Ltd) and remain as such in perpetuity unless otherwise agreed in writing by LPA. The Travel Plan should be reviewed, updated and resubmitted in writing for approval in years 1, 3 and 5 in accordance with the targets set out in the Plan. Monitoring of the travel plan is to be funded by the applicant in accordance with the Barnet's Travel Plan SPD. The key headlines of the travel plan are to be secured via a s106 agreement.

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

- 12 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

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

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

Reason: In the interest of good air quality in accordance with Policy DM04 of the Barnet Local Plan Development Management Policies (2012) and Policy SI1 of the London Plan 2021.

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

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

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

- 14 Prior to the first occupation or 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 meet Secure by Design Accreditation. The development shall be carried out and retained in accordance with the agreed details in perpetuity.

Reason: To ensure that the development meets Secure By Design principles as required by the Metropolitan Police, in accordance with Policy CS12 of Barnet's Core Strategy DPD (2012) and Policy DM01 and DM02 of Barnet's Development Management Policies Document DPD (2012).

- 15 Prior to occupation of the development hereby approved, details of access control to the proposed BHM and Rabbi's House shall be submitted and approved by the Local Planning Authority. Further information can be found at the link below:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/478003/NaCTSO_Guidance_Note_1_-_2015_-_Dynamic_Lockdown_v1_0.pdf

Reason: To ensure that the proposals do not compromise local security in accordance with policy CS12 of the Barnet Core Strategy.

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

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

- 17 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. [https://developers.thameswater.co.uk/Developing-a-largesite/ Planning-your-development/Working-near-or-diverting-our-pipes](https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes). Should you require further information please contact Thames Water.
Email: developer.services@thameswater.co.uk

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

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

Reason: To ensure that the development is sustainable and minimises carbon

dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Polices document (2012), Policies SI2 of the London Plan (2021) and the 2016 Mayors Housing SPG.

- 19 The development shall be implemented in accordance with the recommendations set out in the submitted Energy Strategy 2.0 dated 16/11/21 and Sustainability Statement 2.0 dated 26/11/21 by AJ Energy Consultants Ltd (as revised).

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Polices document (2012), Policy SI 2 of the London Plan 2021 and the 2016 Mayors Housing SPG.

- 20 Prior to the first occupation of the new dwellinghouses (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 so that mains water consumption would meet a standard of 105 per head per day or less. 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 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies D7 and H2 of the March 2021 London Plan and the 2016 Mayors Housing SPG.

- 22 There shall be no more than 80 persons on the non-residential premises at any one time, except for the following days where no more than 100 persons shall be on the non-residential premises at any one time: 8 days of Passover, 2 Days of Shavuot, 2 Days of Rosh Hashana, 1 day of Yom Kippur, 9 days of Sukkot, 2 days of Purim

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 and DM04 of the Local Plan Development Management Policies DPD (adopted September 2012)

- 23 The Beis Hamedrash premises and its ancillary facilities (ground floor and above) shall not be used for the purposes of banqueting, wedding receptions or parties.

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

- 24 No amplified music or sound shall be permitted on the BHM and its ancillary facilities (ground floor and above) on any day, except for the 9 days of Sukkot and 2 days of Purim, where the amplified music shall not be permitted after 11:00 pm.

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

- 25 The area marked "BHM" on approved drawing 299_GA_00 revA shall be used for a Beis Hamedrash and its ancillary activities and for no other purpose. Other areas shall be used as self-contained dwellings and for no other purpose (including other uses within Use Class C3 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.

- 26 The non-residential use hereby permitted shall not be carried on before 7am or after 10pm on weekdays, before 9am or after 11pm on Saturday, and not after 9pm on Sundays and Bank and Public Holidays, with the exception of 2 Days of Shavuot.

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

- 27 Notwithstanding the parking layout submitted with the planning application, prior to commencement of the development; a detailed parking layout plan showing the exact dimensions of the proposed off-street parking spaces, existing proposed and any redundant crossovers to be reinstated to footway shall be submitted to and approved in writing by the Local Planning Authority. The applicant will be required to enter into a s184/278 agreement with the council to undertake any works on the public highway.

Thereafter, the 2 off-street parking spaces including 1 disabled bays shall be provided and used for no other purpose than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of

traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 28 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 Authority. Thereafter, before the development hereby permitted is occupied, 23 cycle parking spaces (11 long stay and 12 short stay) in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 29 No works on the public highway including reinstating one redundant crossover to footway and upgrading two existing crossovers, changes to the CPZ parking layout in front of the site on Leaside Crescent and reinstating the footway along the site frontage shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to enter into an agreement with the Highways Authority under Section 278/184 of the Highways Act for these works any and reinstatement of the footway along the site frontage and any consequential damage to the public highway resulting from the proposed development. All off-site highway works shall be carried out fully implemented to the satisfaction of the Local Highway Authority prior to first occupation of the development.

Reason: To ensure that the works on the public highway are carried out to the satisfaction of the highway authority in the interest of highway safety 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

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

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

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

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

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

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

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

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan 2021

- 34 Before the non-residential use hereby permitted is occupied, an updated activities management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should include Traffic Management Measures event days, Street Cleansing, Emergency Evacuation Procedures, Crowd Control Measures, Road Safety Considerations, Annual Review of the Plan. The development thereafter shall only be operated in accordance with the approved events management plan.

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

- 35 a) The non-residential development hereby permitted is required to meet the BREEAM 'Very Good' rating/level.

b) Before the non-residential development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development

Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy SI 2 of the London Plan 2021.

36 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

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

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013, updated 2016).

38 The development shall be implemented in accordance with the recommendations and enhancement measures, contained within Preliminary Roost Appraisal (Arbtech Consulting, February 2022) and the Bat Emergence and Re-entry Survey Report (Arbtech Consulting, August 2022) approved under this consent.

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

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

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

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2021.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

- 3 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Councils refuse collection department is consulted to agree a refuse collection arrangement.
- 4 For works on the public highway, the applicant will be required to submit a Street Works Licence application to the Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW at least 4-6 weeks before the start of works on the public highway.
- 5 To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a

photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works. Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

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

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

- 8 It is important to reiterate that all bat species and their roosts are strictly protected under the Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017 (amended by the Conservation of Habitats and Species Regulations (amendment) (EU Exit) Regulations 2019). Therefore, a European Protected Species Licence (EPSL) will be required to enable the proposed development to be lawfully undertaken, whilst ensuring the favourable conservation status of the species concerned in their natural range. The BMCL application requires that all surveys have been undertaken within the most recent active bat season and planning permission must have been granted and all relevant wildlife-related conditions have been discharged prior to submission." The EPSL must be in the necessary pre-commencement conditions outlined within the licence e.g., bat roost boxes, discharged before any works which would directly impact the bat roost can begin.

The applicant is responsible for submitting the application for the BMCL to Natural England. They as the statutory nature conservation organisation will determine whether the details outlined within the licence application e.g., bat mitigation and compensation measures, are satisfactory to enable approval of the application and submission of the BMCL. The applicant will then be responsible for discharging all conditions of the licence, as per the methods and work schedule stipulated, and within the time frame of the Natural England licence.

- 9 It is advised that those shrubs and individual trees scheduled to be removed to enable the works to be replaced with species of high biodiversity value include fruit/nut producing trees and shrubs e.g. hazel, blackthorn, field maple, pedunculate oak, yew and hornbeam. A best practice approach is to apply a '10-20-30' formula to develop a diverse tree/shrub population - no more than 10% of any species, 20% of any genus or 30% of any family. These species will provide ideal foraging and sheltering habitats for a variety of species including nesting birds, invertebrates, and foraging mammals. Shrub layer planting of native and night scent plants would provide benefit of pollinating insects, birds, and bats (RHS advice page <https://www.rhs.org.uk/advice/pdfs/plants-for-bats.pdf>).
- 10 In the event of any protected species (e.g. hedgehogs, reptiles, badgers, bats) being found works must stop and the project ecologist consulted and the correct level of additional surveys and mitigation applied including any licences that are required to be approved and issued by the Natural England (if required). Following the appropriate level of approval works may resume.
- 11 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure

plant health and 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.

- 12 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.

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

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

OFFICER'S ASSESSMENT

Planning Conditions/Obligations/Contributions:

In accordance with Section 100ZA of the Town and Country Planning Act 1990, the agent has agreed to the pre-commencement conditions.

Recommended obligations are set out below:

The applicant and any other person having a requisite interest in the site are invited to enter into a section 106 Agreement to secure the following:

- The Council's legal and professional costs of preparing the Agreement and any other enabling agreements.
- All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.
- A financial contribution towards carbon off-setting of £20,434 in order to achieve net zero carbon dioxide emissions
- A financial contribution of £5,000 towards Travel Plan monitoring
- Meeting the Council's costs of monitoring the planning obligation
- The applicant will be required to enter into a s184/278 agreement with the council to undertake any works on the public highway, including reinstating of one redundant crossover to footway and upgrading of two existing crossovers, changes to the CPZ parking layout in front of the site on Leaside Crescent, reinstating the footway along the site frontage.
- A legal agreement to deny residents/visitors to the development the right to purchase parking permits

1. Site Description

The application site is located on the eastern side of Leaside Crescent, within the ward of Golders Green.

The site comprises two, two-storey semi-detached buildings which are joined together via a two-storey link extension. Based on the site's planning history, it has been in use as an elderly person's care home since the late 1960s. The site has recently become vacant, with the previous care home ceasing operations at the address.

The application site includes a series of non-original extensions, including a link structure and lift overrun, side and rear dormers and single-storey rear extensions. The site benefits from a large rear garden which back onto Hendon Park Row which connects to Finchley Road and the Temple Fortune Town Centre.

Leaside Crescent and the streets immediately to the north, west and south are predominantly characterised by two-storey residential dwellings. There is a smattering of examples of C2 uses along Leaside Crescent, with the application site previously providing supported living for elderly residents and no.48 (Hanna Schwalbe House) supporting residents with learning difficulties.

The application site is located within 150m of the Temple Fortune Town Centre. Policy DM11 defines an edge of centre site as being within 150 metres of the town centre boundary.

There are no protected trees on site, or on adjacent land, nor does the application site lie within a conservation area or contain a locally or statutory listed building.

The site is located in an area with a Public Transport Accessibility Level (Ptal) of 2 (low), with a CPZ that operates Mon-Fri, 10-11am and 3-4pm. The site is located in Flood Zone 1 (low risk).

2. Site History

Reference: 15/00636/FUL

Address: Clara Nehab House, 13 - 19 Leaside Crescent, London, NW11 0DA

Description: Roof extension involving enlargement of existing side and rear dormer windows creating a side/rear wraparound dormer window

Decision: Refused

Decision Date: 1 April 2015

Reference: 15/04012/FUL

Address: Clara Nehab House, 13 - 19 Leaside Crescent, London, NW11 0DA

Description: Extension to roof including no. 2 new rear dormer windows to extend loft conversion

Decision: Approved subject to conditions

Decision Date: 18 September 2015

Reference: C07975F

Address: Clara Nehab House, 13 / 19 Leaside Crescent, London, NW11

Description: Ground floor front extension to form a boiler room.

Decision: Approved subject to conditions

Decision Date: 24 May 1996

Reference: C07975E

Address: 13 - 19 Leaside Crescent, London, NW11

Description: Erection of two, single storey front extensions

Decision: Approved subject to conditions

Decision Date: 04 October 1995

Reference: C07975C

Address: 13, 15, 17, 19 Leaside Crescent, London, NW11

Description: Single storey rear extension to form sheltered flats, change of use of No. 19 from residential to old persons home in association with Nos. 13, 15 and 17, to provide 3 rooms, single storey rear extension to Nos. 13, 15 and 17 and Front Entrance Porch.

Decision: Approved subject to conditions

Decision Date: 30 July 1986

Reference: C07975B

Address: 19 Leaside Crescent, London, NW11

Description: Change of use from residential to old persons home in connection with nos. 13, 15 and 17 Leaside Crescent, vehicular access and two car parking spaces

Decision: Approved subject to conditions

Decision Date: 23 January 1985

Reference: C07975

Address: 17 Leaside Crescent, London, NW11 Issued in confidence by London Borough of Barnet

Description: Use as old person's home and provision of two car parking spaces.

Decision: Approved subject to conditions

Decision Date: 27 November 1982

Reference: C01387A

Address: 13 & 15 Leaside Crescent, London, NW11

Description: Change of use to Old Persons Home.

Decision: Approved subject to conditions

Decision Date: 30 May 1968

3. Proposal

This application seeks permission for the demolition of existing building and construction of a three-storey building to accommodate a Beis Hamedrash and 1no. 4-bed family dwelling (Use Class C3) together with the construction of a new three-storey building with access from Saffron Close to accommodate 5no. self-contained flats (Use Class C3) with associated amenity space, landscaping, refuse storage, car and cycle parking.

The proposed Beis Hamedrash (herein 'BHM') will predominantly occupy the footprint of Nos 13-15 Leaside Crescent and comprise a two-storey building with a mansard roof form. The main study hall of the BHM would occupy the entire ground floor level, with a part void, part gallery at first floor level. The habitable space provided by the mansard roof would be used as office and ancillary space for the BHM.

The entrance lobby, stairwells, cloakrooms, toilets, and other facilities would largely occupy the plot of what is currently No 17 Leaside Crescent, in a similarly sized two storey

building with mansard roof form, connected by a two-storey link extension (as per the existing design on site).

To the rear of the BHM (Nos 13-17) a single storey ground floor projection is proposed, 3.5m in depth, across a width of 16m. This space would serve as a small hall to the rear of the main study hall.

Adjacent to the above, occupying largely the plot of No 19 Leaside Crescent would be a four-bedroom residential dwelling house, indicated to serve as the accommodation for the Rabbi of the BHM, with living space on the ground floor, three bedrooms over the first floor, and one bedroom in the mansard roof space.

1no. parking space, bin enclosure and cycle store are proposed to the forecourt in front of the Rabbis House, with 1no. disabled parking space, bin and cycle store located at the front of the BHM.

The proposed residential block at the rear of the site comprises a two-storey building with a mansard roof. Two flats are proposed at ground and first floor level, with an additional flat in the roof space. Access to the rear residential block will be from a new access point created on Hendon Park Row, with no through access onto Leaside Crescent or the BHM building at the fore of the site.

The existing rear amenity space would be subdivided to provide for a private rear garden to the rear of the Rabbis House (No 19), an outdoor garden space for the BHM, a private outdoor garden for ground floor flats 1 & 2 respectively, and a communal garden space for the remaining 3 flats.

4. Public Consultation

A site notice was posted on the 3rd March 2022.

Consultation letters were sent to 87 neighbouring properties.

29 responses have been received, comprising 18 letters of objection and 11 letters of support.

A second 28-day consultation process was carried out, due to amended description of development and plans, between the 18th of November 2022 till the 16th of December 2022.

146 responses have been received, comprising 1 letters of objection and 145 letters of support.

Letters of objection:

It is prudent to note that the initial objections received comprise a single petition document signed with 18 signatures and addresses, mostly residents of Saffron Close. It is unclear from the petition whether the objector during the second consultation period is a signatory on the original petition or not.

The objections received can be summarised below:

- The access to Hendon Park Row (Saffron Close) was granted for the elderly residents of the care home specifically. There is no need for this to be maintained.
- The residential block at the rear will result in loss of light and overshadowing to buildings on Saffron Close
- Access from Hendon Park Row will result in additional human and vehicle traffic on Saffron Close. It is inevitable that the Saffron Close will be used as access for the BHM.
- Questions over whether it is necessary for a charity/community to provide residential units.
- Parking on Saffron Close already congested; proposed development would worsen situation, and Saffron Close will become parking area of choice.
- Noise and disturbance from community centre and use, with the risk of amplified music.
- Community currently occupies a building adjacent to properties on Saffron Close. Comments received regarding behaviour of occupiers of this building (note: it is unclear from the comments whether complaints are directed towards the applicant or other tenants of the building)
- A number of points were raised regarding the activities plan and disturbance (with some reading more as comments than objections):
- House of operation of BHM should be limited to 8am-10pm, with reasonable hours for refuse collection.
- No classes or activities should take place on Bank Holidays, with activities restricted on Sundays as well.
- Activities schedule is unclear when lessons to teenagers will take place and end.
- Amplified music should be used only in a closed sound proofed hall, with noisy outdoor activities avoided.
- Residents wish to know what time during the week it will be peaceful and quiet
- Parents should not leave children unsupervised to run around.

Letters of support:

11 comments of support were initially received. During the second reconsultation 145 comments of support were received. It is prudent to note that many of the comments of support come from addresses on Leaside Crescent as well as surrounding streets, e.g. Bridge Lane, Cranbourne Gardens etc.

The letters of support received can be summarised below:

- General statements of support for the proposal
- The current premises are an eyesore and are in desperate need of rejuvenation.
- Happy that community is providing services of education, prayer, social in local area.
- No alternative premises on account of requirement to be within walking distance
- Design is aesthetically pleasing, in proportion and will only add to the neighbourhood appeal.
- Not concerned by traffic and noise levels as community has track record of being considerate and only limited numbers will attend.
- Proposal will enhance the local facilities for people which are disabled as I understand they will have wheelchair access. There are few places with wheelchair access as most study centres were built long ago hence, they are not suitable.
- They will be providing essential services such as education and prayer meetings which will be available to all as it will be wheelchair accessible.

- As a neighbour I have no concerns about increased traffic or noise levels, as numbers will be low on a weekday and at weekends and festivals nobody will be arriving by car.
- The community desperately needs new facilities as their current facilities aren't easily accessible for disabled members of the public and it would be nice to see the youth have a place for educational programs.
- The community it will house is currently using a dark damp premises which does not serve the community needs.
- They are known to be considerate community members so not worried about traffic and noise.
- The area is very family orientated and proposal would enhance the facilities needed and provide for extra-curricular educational activities for local youth.
- Proposal will provide much needed essential services, ie. education, prayer, social activity, which are currently very much limited by the communities currently rented premises, which are not satisfactory for their purposes.
- The community members, which include many neighbours, are well respected and known to be considerate and there need be no concerns regarding undue traffic and noise during weekday which, for this community, is not a factor over the Sabbaths and Jewish Festivals, during which none of the community drive.
- The community are very friendly and its members have already endeared themselves to the locals through their care and consideration
- The proposed project will provide proper facilities for a much needed local institution which is used by many residents.
- The design of new building is modern and aesthetically pleasing and much thought has gone into it.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

Relevant policies:

Policy D1 London's form, character and capacity for growth
Policy D5 Inclusive design
Policy D6 Housing quality and standards
Policy D7 Accessible housing
Policy D11 Safety, security and resilience to emergency
Policy D12 Fire safety
Policy D14 Noise
Policy H8 Loss of existing housing and estate redevelopment
Policy G6 Biodiversity and access to nature
Policy G7 Trees and woodlands
Policy SI 2 Minimising green house gas emissions
Policy SI 13 Sustainable drainage
Policy T4 Assessing and mitigating transport impacts
Policy T5 Cycling
Policy T6 Car Parking
Policy T6.1 Residential parking
Policy T7 Deliveries, servicing and construction

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: CSNPPF, CS1, CS5, CS6, CS9, CS10, CS11
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM08, DM09, DM10, DM11, DM13, DM16, DM17.

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

Barnet's Local Plan (Reg 22)

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

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Impact on character and appearance;
- Impact on amenity of neighbouring occupiers;
- Impact on amenity of future occupiers;
- Impact on highways and parking;
- Impact on trees;
- Impact on biodiversity/ecology;
- Flooding and drainage;
- Security/safety including fire safety;
- Sustainability and Accessibility;
- Refuse and recycling;
- Environmental Health matters;
- Any other material consideration

5.3 Assessment of proposals

Principle of development

The most recent use of the properties at 13-19 Leaside Crescent was as an elderly person's care home (C2).

The LPA understands that the care home use has not been in operation for a period of more than 2 years.

The applicant has submitted a planning statement which addresses the previous use of the site and states that the services previously provided by the care home at the applicant site have been redistributed among other facilities: "the residential care home on-site ceased operation two years ago as it was deemed no longer viable to meet the requirements of modern care, given the buildings are not purpose-built and have become increasingly antiquated by modern legislative standards. A significant amount of investment would be required for the care home to continue functioning given its existing layout which is not Disability Discrimination Act ("DDA") compliant. Even after this outlay the existing fabric of the building would not be conducive to medium to long term care, given the trend of residential care facilities towards providing for high care specialist needs as identified by Barnet's DMP and Draft Local Plan. Given these issues, the decision was made to close the residential care facility with the services being consolidated in other

accommodation under the auspices of Jewish Care. Jewish Care are a charity that provide housing, care and services for the elderly and infirm across communities in the UK."

The existing buildings have been extended by way of single storey and two-storey rear extensions and extensions to the roof. These extensions include a two-storey link element between the two original pairs of semi-detached dwellinghouses.

The proposal would involve the loss of the existing C2 use. This loss is addressed in both Policy DM07 and Policy DM09. Policy DM07 addresses the loss of residential housing by stating that the:

Loss of residential accommodation will not be permitted unless:

- a. the proposed use is for a local facility (children's nursery, educational or health use) provided that it is not detrimental to residential amenity and;
 - b. where need can be demonstrated and;
 - c. the demand for the proposed use cannot adequately be met elsewhere and is in line with other policies
- or;
- d. the location is no longer environmentally suitable and viable for residential use
 - or;
 - e. it involves identified regeneration areas with large scale demolition of housing and estates which provides for the net replacement of the total residential units.

Policy DM09 which also addresses the loss of specialist housing states: Loss of extra care housing will not normally be acceptable and compliance with Policy DM13: Community, Health and Education uses will be expected to be demonstrated where community facilities may be lost.

The relevant section of Policy DM13 referred to states: New community or educational uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres. New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties.

In accordance with the above-cited policy, the loss of the existing specialist housing for elderly persons would only be acceptable where the proposed use is a community, health or education use and is located in an accessible location, with no significant adverse impact on the surrounding highways network or the amenity of residential properties (in accordance with Policies DM07, DM09, and DM13).

The proposal is to demolish the existing building and replace with the proposed construction of a two storey BHM community facility (Class F1 (formerly D1)) with associated facilities and offices, at Nos 13-17, alongside a new two storey residential unit (Rabbi's House) (Class C3) and No 19 Leaside Crescent.

The Design and Access Statement defines a Beis Hamedrash (BHM) as a "Jewish study hall generally located in a synagogue, yeshiva, kollel, or other building. It is distinct from a synagogue, although many synagogues are also used as batei midrash and vice versa." A BHM is understood to have a stronger educational element, compared to a Synagogue which is focused more as a place of worship.

It is prudent to note that the large number of supporting comments received during the consultation period, with the majority of which being sent from addresses on Leaside Crescent itself or surrounding streets. Recurring themes amongst the almost 150

comments include comments from neighbouring residents that the site has been used historically as a care home, and support that the site will continue to be employed in community use, in particular as a BHM for 'Tiferes Yisrael' which provides services and serves as a community for many local residents.

Given the replacement building will be used for a F1 community use, with an identified need and demand as outlined in detail in the applicants planning statement, the principle of the development is thus considered to meet the policy tests and would be acceptable.

The proposal includes the provision of a two storey residential Rabbis house (Class C3), and the construction of a three-storey residential development to the rear of the site, off Hendon Park Row, comprised of five residential apartments (Class C3).

Given the proposed replacement community use, the adjoining residential unit would be considered appropriate for this part of the site. The erection of a new residential use to the rear of the site is considered to be acceptable in principle, given the predominantly residential character of the surrounding area.

The considerations above, however, are subject an acceptable impact on the local character, the amenity of neighbouring residents, a satisfactory level of accommodation for future occupiers of the proposed flats and a number of other material considerations that will be addressed below.

In summary, subject to compliance with the relevant development plan policies, officers find the principle of re-development of the site to provide a Class F1 community BHM, and Class C3 residential units, is considered to be acceptable and appropriate for the site.

Impact on the character and appearance of the area

Relevant policy:

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

"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Policy D3 Optimising site capacity through the design-led approach of London Plan 2021 sets out policies in respect of the design-led approach; form and layout; experience and quality and character.

Policy D5 Inclusive design of London Plan 2021 sets out policies for achieving standards of accessible and inclusive design.

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

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states in point b: "Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the

appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets."

Design process:

Section 4 and 5 of the Design and Access Statement sets out the pre-application advice process the applicant undertook, and the changes made, prior to submission of a formal planning application. This included detailed discussions with the Councils Urban Design officers and Planning Officers.

Appraisal:

13 - 19 Leaside Crescent, BHM:

Leaside Crescent is characterised by two storey pairs of semidetached houses in similar architectural styles, with front bay windows and/or projecting front gables. Properties on the eastern side of Leaside Crescent are relatively uniformly set back from the street, with many benefitting from front forecourts providing off street parking. Frontages are generally open; where boundary treatments exist these consist of low boundary walls.

The proposed replacement building fronting Leaside Crescent would be two storeys and have a mansard roof design, with a set down in the centre to provide a sense of separation between Nos 13-15 and 17-19 which would reflect the massing of the existing building and original semi-detached pair of houses.

The proposed replacement building largely occupies the extensive footprint of the existing properties in situ, and the property maintains the existing front building line and prevailing pattern of development.

Due to the gradient of the land, which slopes gently down from north-east to south-west, neighbouring No 11 sits at a slightly higher level than the applicant site, with their eaves and ridge height rising higher than the eaves and ridge height of the proposed BHM. Neighbouring No 21 would sit at a slightly lower level than the proposed Rabbis House, however this would be no different than the existing relationship in levels that exists between it and No 19 at present. The proposed replacement buildings and accompanying mansard roof would actually have a lower eaves and ridge height, in many parts, when compared to the existing buildings currently in situ.

In regard to the rear of the site, the central single storey protruding element, has been reduced throughout the design process to no more than 3.5m from the rear of the neighbouring property's (whilst being significantly set off the boundaries on both sides). This is in accordance with the depth normally permitted for extensions to semi-detached properties and ensures the development is in keeping with the established building line on this section of Leaside Crescent, whilst also reducing the overall massing and footprint to a level more in keeping with that of the neighbouring properties.

The materiality of the proposed development has been designed to reflect the vernacular of a community building along with the surrounding residential context. The frontage of nos. 13-19 Leaside Crescent is split between the BHM building along nos. 13-15 and the BHM entrance and Rabbi's House at nos. 17-19, in order to create a strong distinction between the two and retains the characteristics and rhythm of pairs of semi-detached properties along Leaside Crescent.

The BHM building at nos. 13-15 is finished in a Jerusalem Stone distinguishing it from the surrounding residential properties as a communal building. It is clear that the proposed materiality would obviously not reflect the traditional palate of materials used in a residential setting. However, due to the buildings standalone design and purpose within its surroundings, it is considered appropriate and acceptable to accentuate the proposed buildings community use, rather than attempt to mimic and take cues from the residential dwellings around it.

The BHM entrance and Rabbi's House at nos. 17-19 will have a brick finish intended to relate to the surrounding residential context with the grouping of nos. 13-15 as distinct from nos. 17-19. The mansard roof of Nos 13-19 will be finished with a zinc cladding and high-quality aluminium windows, with the BHM building having stone fins and a perforated metal sheet adding articulation to this façade.

Overall, officers are satisfied that the design footprint, layout, scale, height, articulation, and roof form, is acceptable and that the replacement building would be a sympathetic addition to the streetscene whilst clearly denoting the community use.

Hendon Park Row:

The residential block to the rear of the site has been designed as a two-storey building with a mansard roof form. The proposed building would relate principally to Hendon Park Row, which would provide access to the residential use.

The rear residential block has been designed to be subordinate in scale to the height of the adjacent flat blocks along Saffron Close and Hendon Park Row, whilst also matching their width ensuring the massing, as well as the scale of the building, is reflective of the eastern side of the site context, which has a different character to the relative uniformity of the Leaside Crescent context.

Hendon Park Row comprises of three storey purpose-built blocks of flats with a mixture of flat and gable ended pitched roofs. A three-storey flat roofed block was initially explored, and though such a scale would not be entirely out of keeping with the surrounding buildings, throughout the design process it was felt to result in substantial bulk and massing at roof level. The proposed mansard roof form softens and integrates the mass of the building better, whilst also matching the roof form of the proposed building to the fore of the site, and is considered acceptable.

The residential block shares many of the same principals as the front BHM building but has brick colour to match the residential blocks along Saffron Drive/Hendon Park Row, along with the addition of zinc clad balconies.

In summary, the proposed development is considered to be acceptable in terms of its impact on the character and appearance of the application site and surrounding area.

Conditions have been recommended to ensure that the materials used for the new building are of an appropriate quality. Conditions are also recommended to ensure that a suitable design and quality of materials are used for the areas of hard and soft landscaping around the new building and means of enclosing the site.

Subject to the conditions recommended, the proposal is found to be acceptable and compliant with the development plan policies that relate to design, character, appearance, and landscaping matters.

Impact on amenity of neighbouring occupiers:

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

No. 11 Leaside Crescent:

To the north-east of the BHM building (No. 13) is No 11 Leaside Crescent, a two-storey semi-detached dwellinghouse. Typical to the properties on Leaside Crescent the front elevation is characterised by way of a large two storey projecting element with bay window and gable roof.

The proposed BHM building is set off the boundary with No 11 by a gap of 0.9m, with a further distance of 0.85m from the boundary to the flank wall of No 11. The front building line of the BHM does not protrude beyond the front building line of No 11, and the main two-storey footprint of the BHM building does not protrude beyond the established rear building line of the adjoining property at no. 11 which has an unobstructed 45-degree sightline from their nearest habitable room window. The ground floor level of the BHM features a 3.5m deep projection, which corresponds to a 3.5m extension beyond the neighbours rear building line. A 3.5m deep single storey rear extension is generally considered acceptable by the Residential Design Guidance in the context of regular semi-detached dwellings and considering that this projection is set off the common boundary by 4m, with unobstructed sightlines from the neighbours rear habitable windows demonstrated, it is not anticipated to give rise to a deleterious amenity impact to the neighbouring occupiers.

No. 21 Leaside Crescent:

Neighbouring No 21, which lies to the south-west of the proposed Rabbi's House (No. 19) is a two-storey semi-detached dwellinghouse. The proposed development would sit 1.6m behind the projecting front building line of No. 21. No 21 benefits from a historic approximately 3.8m deep single storey rear extension. As such, the rear building of the two-storey residential unit would sit 0.9m behind the established building line of neighbouring No 21. The proposed extended depth at ground floor level of the BHM would be situated between 8 -12m from the property at No 21 and would similarly not result in any onerous amenity impact.

No windows are proposed to the first or second floor (mansard roof) side elevation facing No 11, and only 1 side elevation window to the first floor of the Rabbi's House facing No 21. This window is shown to serve a bathroom and would be obscure glazed. As such, officers are satisfied that the proposal would not result in any harmful overlooking or loss of privacy to the neighbouring occupiers.

The proposed massing, scale and bulk of the proposal has been carefully considered, as noted in the section above, to ensure that the new development does not appear overbearing nor result in harmful overshadowing to the neighbouring occupiers. The footprint of the building largely occupies the extensive footprint of the existing properties in situ, and the ridge height of the mansard roof is lower than the ridge height of that of those existing.

Due to the gradient of the land, which slopes gently down from north-east to south-west, neighbouring No 11 sits at a slightly higher level than the applicant site, with their eaves and ridge height rising higher than the eaves and ridge height of the proposed BHM. Neighbouring No 21 would sit at a slightly lower level than the proposed Rabbis House, however this would maintain the existing relationship in levels that exists between it and No 19 at present. Moreover, suitable gaps have been maintained between the boundaries and flank walls of both neighbouring properties, and the proposed mansard roof is set in from the eaves of the building, on all four elevations, by approximately 2m, which serves to significantly minimise any harmful overbearing impact.

A daylight/sunlight report was carried out, based on the Building Research Establishment Guidance (Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice) and BS 8206-2:2008 (Lighting for Buildings, Part 2: Code of Practice for Daylighting) to assess potential impacts and determine the significance of any change in access to daylight and sunlight.

The DSO Report demonstrates, using the 25-degree test and more detailed VSC targets for specified windows, that the proposed development would have no significant impact on the amenity of adjoining neighbours in terms of loss of daylight and sunlight.

In regard to overshadowing of rear amenity space, the DSO Report also provides an overshadowing assessment of surrounding amenity space which demonstrates that each area of amenity assessed would receive at least two hours sunlight across at least half the garden on 21st March, in line with the recommended BRE Guidance.

Residential Block - Saffron Close, Hendon Park Row:

The proposal includes sub-dividing the extensive rear gardens and providing a two storey residential block with mansard roof, to accommodate 5no flats. Access will be provided from Hendon Park Row.

The proposed block is not in immediate proximity to any properties on Leaside Crescent and is situated at a distance of 18m and 13m from the two closest blocks of flats on Hendon Park Row and Saffron Close. The layout and form of the residential block at the rear has been carefully designed to ensure it does not lie directly in, nor obstruct, the sightlines of neighbouring residential properties.

As noted above, a daylight/sunlight report was carried out, based on the Building Research Establishment Guidance (Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice) and BS 8206-2:2008 (Lighting for Buildings, Part 2: Code of Practice for Daylighting) to assess potential impacts. The DSO Report demonstrates, using the 25-degree test and more detailed VSC targets for specified windows, that the proposed development would have no significant impact on the amenity of adjoining neighbours in terms of loss of daylight and sunlight. An overshadowing report carried out found that due to the proposed residential blocks siting to the north of the block on Saffron Close, the proposed development would not give rise to any harmful overshadowing of the neighbouring windows.

Of particular significance to the assessment of the residential block is the potential for overlooking between habitable windows. Barnet's Sustainable Design and Construction SPD (2016) states that in new residential development there should be a minimum distance of 21m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5m to a neighbouring garden.

A distance of 21m has been demonstrated between the ground floor west elevation window of Flat 1 and the rear habitable windows of the proposed Rabbis House, with a distance of 25m to the rear habitable windows of No 21 Leaside Crescent. Similarly, a distance of 21.5m has been demonstrated between the windows facing the rear fenestration of the proposed BHM, and a distance of 25.8m to the rear habitable windows of No 11 Leaside Crescent.

Concerns were raised regarding the first and second floor (mansard roof) windows/balconies on the south-west elevation of the residential block, which would have a distance of less than 21m and be directly overlooking the existing residential properties to the south on Saffron Close. Following a site visit by the case officer, it was confirmed that some of the windows in Saffron Close that would be directly overlooked served habitable rooms.

The proposals were subsequently revised, removing the balconies on the first and second floor of this elevation and introducing oriel windows with a minimum oblique angle view of between 22 - 24m to the windows of the existing flats on Saffron Close. The side of the windows orientated towards Saffron Close at its closest point would be obscured glazed.

These windows and the relevant distances have been demonstrated within the 'Oriel Window' addendum to the Design and Access Statement.

Officers are satisfied that the proposed windows now comply with the relevant guidance and the development would not result in a degree of overlooking that is overly onerous to the amenities of the neighbouring occupiers.

Other neighbourly/amenity issues:

Table 2.4 of Barnet's Sustainable Design and Construction SPD (2016) states that new development should take into account neighbouring properties to ensure that nuisance will not be caused from lighting during night-time hours.

The submitted Sustainability Statement by AJ Energy Consultants Ltd, dated November 2021, states that any external lighting would be designed to minimise impacts on existing dwellings or the proposed development. The guidelines within the Institution of Lighting Engineers' Guidance Notes for the Reduction of Obtrusive Light would be used to minimise the impacts, by using screening, shielding, careful design of mounting heights and appropriate lighting controls as necessary.

Considering the proposed development's relationship with the immediate neighbouring buildings, the application is considered acceptable in terms of impact of lighting during night-time hours.

Impact on amenity of future occupiers:

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

Policy DM02 of Barnet's Development Management Policies Document DPD (2012) states that where appropriate, development will be expected to demonstrate compliance with the

national and London-wide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents.

This includes, amongst other things, London Plan 2021 Policy D6 Housing quality and standards. Barnet's Sustainable Design and Construction SPD (2016) sets out further design standards.

The proposed unit sizes are outlined in the table below:

Unit	Min. Required (sqm) GIA	Proposed (sqm) GIA	+/- (%)
Unit 1 (1b2p)	50 (1 Storey)	50	100
Unit 2 (1b2p)	50 (1 Storey)	50	102
Unit 3 (1b2p)	50 (1 Storey)	57	114
Unit 4 (1b2p)	50 (1 Storey)	51	102
Unit 5 (3b5p)	86 (1 Storey)	91	106
Rabbi's House (4b8p)	130 (3 Storey)	190	152

Planning Officers are satisfied that the proposed units meet the minimum internal space standards for new dwellings as set out in Table 3.1 of the London Plan 2021, as well as built-in storage standards.

The proposed residential units comply with the required minimum, bedroom standards as follows: Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide to comply with the nationally described space standard. Double/twin bedroom: minimum area should be 11.5 m² and minimum width should be 2.75 m to comply with the nationally described space standard and every other double (or twin) bedroom is at least 2.55m wide. The units meet the bedroom floor areas and widths as specified in Policy D6 points (2) and (4) of the London Plan 2021.

The proposed units would be dual aspect, and all habitable rooms would have reasonable outlook. The units would also comply with the requirement for a minimum internal floor to ceiling height of 2.5m for at least 75% of the dwelling, in order address the impacts of the urban heat island effect and provide adequate quality housing, especially in terms of daylight penetration, ventilation and cooling.

The applicant has submitted a 'Daylight, Sunlight and Overshadowing Assessment' by Tetra Tech, dated 8th February 2022, with a revised addendum, ref: 784-B030641, dated 11th November 2022.

Building Research Establishment Guidance (Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice) and BS 8206-2:2008 (Lighting for Buildings, Part 2: Code of Practice for Daylighting) were used to assess potential impacts and determine the significance of any change in access to daylight and sunlight.

Daylight: A total of 52 windows were assessed for Vertical Sky Component. 4 windows of the BHM/Rabbis House and 4 windows of the residential block did not meet the VSC criteria. Of those 8, the 4 rooms that are classed as living spaces or bedrooms, 3 rooms in the residential block and 1 room in the BHM (part of the Rabbi's House), were assessed for ADF (Average Daylight Factor). All 4 rooms assessed passed their respective ADF criteria.

Sunlight: BRE Guidance suggests that sunlight availability is checked at the centre of at least one window to a main living room on each main window wall which faces within 90°

of due south. Sunlight was assessed by comparing the baseline sunlight hours yearly and in the winter months (21st Sep - 21st March) against the proposed development. If the sunlight hours were >25% for the full year between (8:00-18:00) and >5% in the wintering months, then the living space does not meet the criteria set out within the BRE Guidance.

Of all the living spaces assessed, 1 window in the BHM (Rabbis House - ground floor dining room) did not meet the criteria for both the yearly and winter months however, the living space is facing 21 Leaside Crescent and it is unlikely that any window of this floor of this façade would receive adequate sunlight; this living space also is dual aspect, and it can be assumed this living space would receive adequate sunlight during the wintering months.

The residential block had 1 living space that did not meet the ASPH (Annual Probable Sunlight Hours) criteria for the wintering months. This living space has dual aspect windows, and it can be assumed that the living space will still receive adequate sunlight.

Additionally, as stated within the BRE guidance, whilst direct sunlight into rooms is desirable, it is acknowledged that it is difficult to achieve in all living spaces within flats in an urban environment.

Notwithstanding the findings of the 'Internal Daylight and Sunlight Report' glazing to all habitable rooms would not be less than 20% of the internal floor area of the room, as required by Table 2.4 of Barnet's Sustainable Design and Construction SPD (2016).

The revised addendum, ref: 784-B030641, dated 11th November 2022 addresses the 4 oriel windows that are proposed to flat no 3 and 5 on the south-western elevation, which have been introduced to maintain at least a 21-metre distance between the rear residential block and the adjacent residential properties. The document demonstrates that all the rooms served by the proposed oriel windows would still receive adequate daylight, sunlight and outlook.

Overall, officers are satisfied that the proposed habitable rooms will be provided with adequate outlook, daylight and sunlight for potential occupiers and users.

In regard to outdoor amenity space, Table 2.3 of Barnet's Sustainable Design and Construction SPD (2016) states that 85 sqm of outdoor space is required for houses of seven or more habitable rooms. The Rabbis House has been provided with a private rear garden in excess of 90s sqm and would comply with the standards.

For flats, 5 sqm of space per habitable room is required. Appendix 2 - Glossary of Barnet's Sustainable Design and Construction SPD (2016) states that rooms exceeding 20 sqm will be counted as two rooms when defining 'habitable room'. Therefore, considering the proposed living /kitchen/dining areas in the flats exceed 20 sqm in total area, they are considered two habitable rooms.

The minimum required outdoor amenity space for the five flats is thus 15 sqm for Flats 1 - 4 and 25 sqm for Flat 5.

Ground floor flats 1 and 2 of the rear residential block having been provided with private garden and patio areas of 78sqm and 72sqm respectively.

First floor no 4 has been provided with private balconies 5.1 and 5.2 sqm (10 sqm shortfall), whilst Flat 5 has been provided with one private balcony. (The balcony for flat no

3 and the secondary balcony of flat no 5 were removed to be replaced by the oriel windows and prevent overlooking).

Notwithstanding the shortfall of immediate private amenity space for flats 3 - 5, the occupiers of these flats have been provided with an approximately 120sqm communal garden.

As such, on the balance of matters, officers are satisfied that the outdoor amenity space provided is considered acceptable.

Impact on Highways and Parking:

Paragraph 109 of the National Planning Policy Framework (2019) states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Policy T6 Car parking of the London Plan 2021 set out parking policies at London wide level.

It states, amongst other things:

- A Car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity.
- B Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite'). Car-free development has no general parking but should still provide disabled persons parking in line with Part E of this policy.
- C An absence of local on-street parking controls should not be a barrier to new development, and boroughs should look to implement these controls wherever necessary to allow existing residents to maintain safe and efficient use of their streets.
- D The maximum car parking standards set out in Policy T6 .1 Residential parking to Policy T6 .5 Non-residential disabled persons parking should be applied to development proposals and used to set local standards within Development Plans.
- E Appropriate disabled persons parking for Blue Badge holders should be provided as set out in Policy T6 .1 Residential parking to Policy T6 .5 Non-residential disabled persons parking.
- I Adequate provision should be made for efficient deliveries and servicing and emergency access
- L Where sites are redeveloped, parking provision should reflect the current approach and not be re-provided at previous levels where this exceeds the standards set out in this policy. Some flexibility may be applied where retail sites are redeveloped outside of town centres in areas which are not well served by public transport, particularly in outer London.

Policy T6.2 sets out office parking standards and policies. Policy T6.4 sets out hotel and leisure uses parking standards and policies. Policy T6.5 sets out non-residential disabled persons parking standards and policies. Policy T7 sets out policies for deliveries, servicing and construction.

Policy CS9 of Barnet's Core Strategy DPD (2012) sets out the Council's strategic policy in regards to travel and transportation. Policy DM17 of Barnet's Development Management

Policies Document DPD (2012) sets out the Council's policies in regard to travel impacts and parking standards. Point g part 1 of Policy DM17 states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development.

Accompanying the application, the applicant has submitted an Activities Management Plan (AMP), Transport Statement, and Faith Travel Plan.

The LPA's Highways officers have been consulted on the application and provided the following assessment:

The site fronts onto Leaside Crescent but includes a rear garage which is accessed from Saffron Close. The site lies in an area with a PTAL score of 2 (low). The road is in a CPZ that operates Mon-Fri, 10-11am and 3-4pm and near Golders Green Town Centre which has several public amenities. 3 bus routes (460, 102, 82) can be accessed from stops within 3 minutes walking distance of the site. Golders Green tube station and Brent Cross Underground Station are 1.4km and 1.2km respectively from the site.

The proposal seeks to demolish the existing properties on site and to erect a three storey building to accommodate a BHM; a 1 x 4bed dwelling and a 3 storey building containing 5 flats (4x1bed and 1x3bed) with access from Saffron Close along with associate parking landscaping and cycle parking.

Based on policy DM17, the proposed 4 bed house (Rabbi's house) will attract between 1.5 - 2 spaces, whilst the 5 self-contained apartments will attract between 1 - 5.5 spaces.

There are no specific parking requirements for religious centres and each case is considered on its merits. In this instance, a maximum of 100 people are expected visit the BHM any one time and based on similar schemes approved in the borough, it is acceptable to provide 1 space for 10 visitors.

Based on this analysis, a total of between 13-18 spaces is required.

Two parking spaces are proposed, a disabled bay to serve visitors to the BHM and the other to serve the proposed Rabbi's House. The use and operation of the off-street disabled bay should be set out in the travel plan of the site.

No parking is proposed for the 5 flats so potentially 18 vehicles could be displaced on-street by the development.

A parking stress survey was conducted in support of the Transport Statement which highlighted that for roads within a 200m walk of the site, should the parking demand associated with the BHM and residential units both occur at either of the busiest occasions for the BHM (Friday 19:30 or Saturday 12:00), as a worst-case scenario, there will still be at least 22 available spaces to park. For non-residential uses, the survey area can extend to 500m distance from the site and so there is likely to more parking spaces available.

It is also important to note that in practice, during peak periods during the Shabbat (Friday sunset to Saturday Sunset) or during the main festivals, visitors to the BHM will not drive to the site and it is expected that they will travel to the site using active travel modes. Therefore, it is not anticipated that the demand for parking during these periods would have a detrimental effect on the occupancy levels and parking availability.

The proposed parking provision is acceptable subject to a S106 agreement with the Council to deny residents/visitors to the development the right to purchase parking permits and implement the submitted travel plan for the site.

The two parking spaces proposed on site will be fitted with an electric charging unit and acceptable. A condition to secure the provision of proposed charging points will be attached.

Pedestrian access to the proposed BHM and Rabbi's House is from Leaside Crescent. Two of the three existing dropped kerbs along the Leaside Crescent frontage will be retained and upgraded. One will be closed and reinstated to footway. The proposed changes will involve working on the public highway for which approval from the local Highway Authority is required. Highways will request that the footway along the site frontage on Leaside Crescent will renewed.

A dimensioned parking layout plan showing the proposed parking bays, the dimensions of the existing and proposed crossovers including any redundant crossovers to be reinstated to footway bays will be requested by way of a condition.

The changes to the CPZ layout in the in front of the site is needed and the closing on one of the crossovers will create an opportunity to introduce an additional on- street parking bay.

Swept path drawings showing vehicles entering and leaving the proposed off-street parking bays on Leaside Crescent have been provided by the applicant, and following a review are considered to be acceptable.

Vehicle and pedestrian access to the block of flats will be from Saffron Close. No off-street parking is proposed for the block of flats is proposed but the Transport Assessment states that new footway will be constructed on Saffron Close to facilitate pedestrian access from block of flats. Residents will only be able to access the block of flats from Saffron Close. A plan showing details of the new footway on Saffron Close and the adopted highway is required. A clear delineation at the boundary of the adopted footway is needed. To carry out these off-site highway works a section 184/278 agreement will be required. Based on the plans submitted no stopping up of the highway is envisaged.

A plan of the proposed off-site highway works will be required and conditioned. The off-site highway works will include: Reinstating the redundant crossover to footway, Upgrading the existing crossovers, Changes to the CPZ parking layout in front of the site on Leaside Crescent, Reinstating footway along site frontage.

All off-site highway works must be completed to the satisfaction of the local highway authority prior to first occupation of the development.

A construction management plan has been submitted by the applicant and minor changes are needed. Footway closures may need to be reconsidered and there should be no construction related deliveries via Saffron Close. A "before and after" highway condition survey will be requested by way of condition.

Cycle Parking

In relation to cycle parking, provision must be in accordance with minimum London Plan standards. This equates to 8 long stay and 2 short stay spaces for the 5 flats, 2 long stay

spaces and for the Rabbi's house, and 1 long stay and 10 short stay spaces for the Beis Hamedrash.

Cycle parking for all users are proposed externally in a covered and enclosed environment which is acceptable. However further information, such as elevations, type of stands and internal dimensions of the store and any pinch points in the vicinity of the cycle store need to be provided. Cycle parking should be provided in a secure, covered, sheltered and enclosed compound. A suitable condition will be attached require the submission of further details prior to occupation.

Faith Travel Plan

A Faith Travel plan has been submitted by the applicant. Highways officers have reviewed the plan and it is considered to be acceptable.

A section s106 contribution of £5,000 is requested towards travel plan monitoring.

Activities Management Plan

An activities management plan has been submitted by the applicant. Officers have reviewed the plan, and whilst it is generally acceptable in principle, further details are required such as: Traffic Management Measures for event days, Street Cleansing, Emergency Evacuation Procedures, Crowd Control Measures, Road Safety Considerations and an Annual Review of the Plan.

A condition has been attached requiring an updated AMP to be submitted prior to occupation.

Delivery and Servicing

The servicing and delivery requirements for the proposed BHM and residential uses on the Site have been considered in the Transport Statement. The rear residential block is estimated to generate no more than 1 delivery a day from "light goods vehicle or Transit style vans, with many of these travelling in the area already" and in regard to the non-residential development "it is expected that deliveries will be undertaken by Transit-sized vans comprising of supermarket / food, office and cleaning products, miscellaneous supplies, regular post and occasional furniture or large equipment deliveries. It is anticipated that the Beis Hamedrash could generate up to 2 - 3 deliveries per week".

Given that the level of servicing demand generated by the development is unlikely to have a significant network impact on-street servicing it would be acceptable. In principle, however Highways have requested a full Delivery and Servicing Plan (DSP) to be submitted by way of condition.

Impact on trees:

National Planning Policy Framework: Section 131, advises that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees

are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

Policy G7 Trees and woodlands of London Plan 2021 sets out tree policies:

- o London's urban forest and woodlands should be protected and maintained, and new trees and woodlands should be planted in appropriate locations in order to increase the extent of London's urban forest - the area of London under the canopy of trees.
- o In their Development Plans, boroughs should: 1) protect 'veteran' trees and ancient woodland where these are not already part of a protected site
- o 2) identify opportunities for tree planting in strategic locations.

Development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or another appropriate valuation system. The planting of additional trees should generally be included in new developments - particularly large-canopied species which provide a wider range of benefits because of the larger surface area of their canopy

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

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

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

The applicant has submitted an Arboricultural Impact Assessment, Landscape Masterplan, Urban Greening Factor Calculation and Construction Management Plan. The application site is not located within a local nature reserve or green belt land and contains no protected trees.

The application has been reviewed by the LPA's tree officers who have provided the following comments:

The majority of the trees impacted by the proposal are situated towards the easterly portion of the rear garden.

On-site trees being retained will be situated within the communal garden of the proposed three-storey residential building post-development. The proposal does not appear to present a risk to trees either on or off-site, and protective measures stipulated within the TPP appear acceptable. Layouts for new services do not appear to present a risk to retained trees on or off-site. There do not appear to be any level changes associated with this development which would impact trees situated on or off site.

8no trees currently situated in the rear garden (category c and u respectively) have been recommended for removal to facilitate the proposed development:

- o 1no holly (cat c)
- o 1no palm (cat c)
- o 1no cypress (cat c)
- o 1no cherry laurel (cat c)
- o 1no lilac (cat c)
- o 1no hawthorn (cat c)
- o 1no wild cherry (cat u)
- o 1no hawthorn (cat u)

These trees appear to be of low quality and provide limited public amenity to publicly accessible locations. As such, the extent of the removals appears broadly acceptable, however this should be coupled with adequate replacement planting.

The retention of numerous trees around the north-easterly boundaries of the rear garden, coupled with adequate replacement planting, will help soften the aspects of/from adjacent residential properties.

Street

There is 1no bastard service tree situated to the front of the property. According to Construction Management Plan ref: CMP 01 Rev C2 the pavement area to the front of the site is to be fully enclosed using hoarding, which will afford the tree adequate protection from the road-side. The site entrance is to be situated in close proximity to the tree.

Roots are unlikely to be at risk of construction related activities due to the presence of the existing hardstanding, and the location of the tree relative to access/egress routes. Additional protective measures (such as fencing per BS:5837) have not been proposed for this tree. There are 2no existing crossovers which will provide adequate access to the property post-development. The proposal does not appear to introduce post-development pressure to this tree.

Overall, there are no significant arboricultural objections to the application, subject to a revised landscaping plan which demonstrates proportionate replacement planting of native tree species (minimum 8no) to mitigate the loss of trees on site, as well as an updated TPP to incorporate additional protective fencing (per BS:5837) to protect tree T4 from activities taking place within the boundaries of the site hoarding.

Conditions will be attached to secure the submission of the required information.

Impact on biodiversity/ecology:

Policy G6 Biodiversity and access to nature of London Plan 2021 sets out the policies regarding protection for biodiversity and identified/designated sites. Policy DM16 of

Barnet's Development Management Policies Document DPD (2012) provides a similar protection.

The application site is not in a Site of Special Scientific Interest, nor is it in a Site of Importance for Nature Conservation.

The applicant has submitted a Preliminary Roost Assessment dated 26/01/2022, and subsequent to that a Bat Emergence and Re-entry Surveys by Arbtech Consulting, which confirmed a single common pipistrelle day roost.

The Councils ecologist has reviewed the submitted information and provided the following comments:

Bats

The submitted bat emergence and re-entry survey report (Arbtech Consulting, August 2022) contains sufficient detail on the single common pipistrelle day roost confirmed within the building and the required mitigation methods to accompany an application for a Natural England Bat Mitigation Class Licence (BMCL).

It is expected that the proposed installation of two purpose-built bat roost boxes pre-development and the working methods outlined within Table 5 of the submitted bat emergence and re-entry survey report (Arbtech Consulting, August 2022) will be sufficient to satisfy Natural England's requirements under Regulation 55 of the Habitats Regulations to permit the work to occur lawfully.

Birds

The Preliminary Roost Appraisal (Arbtech Consulting, February 2022) identified that the potential for the building to support nesting birds. Likewise, there is the potential that nesting birds may be present within the trees (T5, T12, T13) and scrub that are required to be removed to enable the works. Therefore, any clearance works will need to avoid the active nesting bird season (March 1st to August 31st inclusive).

The provision of the installation of a minimum of two bird boxes e.g. Schwegler No 17 Swift Nest Box, Schwegler 1SP Sparrow Terrace or a similar alternative within the Preliminary Roost Appraisal (Arbtech Consulting, February 2022) is welcome as such enhancement measures will provide ideal nesting opportunities for birds within the site.

Biodiversity Net Gain

The proposed demolition of existing building and construction of a three-storey building to accommodate a Beis Hamedrash and 1no. 4-bed family dwelling form part of the pre-existing development footprint. Therefore, a Biodiversity Net gain Assessment would be deemed disproportionate and is not required. It is expected that the provision of both species rich planting to compensate the loss of individual trees and hedges and the inclusion of species enhancement measures (nest boxes) will be sufficient to provide a net benefit to biodiversity.

Soft landscaping

The provision of wildflower meadow, proposed tree, native shrub and herbaceous planting is considered a positive improvement. It is advised that the proposed amenity grass consist of a ratio of 70/30 native grass to flowering plants as such flowering plant species and grasses provide high value to pollinating insects including bees, butterflies. An

example of a potential species rich seeding mix includes Boston Seed Dual Purposed Wildflower Meadow Seed Mix BSXM 70/30.

It is recommended that those trees proposed to be removed to enable the construction of the new building be compensated with the planting of berry producing shrub species such as hawthorn, blackthorn, spindle, field maple, hazel, and hornbeam. A best practice approach would be to apply a '10-20-30' formula to develop a diverse tree/hedge population - no more than 10% of any species, 20% of any genus or 30% of any family. These species will provide ideal foraging and sheltering habitats for a variety of species including nesting birds, invertebrates, and foraging mammals.

Overall, the information submitted is considered sufficient to support the above application, alongside the attached informatives.

A condition will be attached to ensure that the recommendations set out in the Preliminary Roost Appraisal (Arbtech Consulting, February 2022) and the bat emergence and re-entry survey report (Arbtech Consulting, August 2022) are implemented.

Flooding and drainage:

Policy SI 13 of the London Plan 2021 sets out policies for sustainable drainage. Policy SI 12 of the London Plan 2021 sets out policies for flood risk management.

Policy DM04 of Barnet's Development Management Policies Document DPD (2012) sets out policies in regard to flooding and run off.

The applicant site is located in a flood risk zone 1 (low risk).

Thames Water have been consulted throughout the lifetime of the application and raise no objection to the scheme, subject to the attached conditions and informative.

The applicant has submitted a Storm Water Drainage Strategy Report and Drainage Layout Drawings. Throughout the lifetime of the application, the Sustainable Urban Drainage Team have been consulted and requested various amendments to the submitted drawings and reports.

The revised documents have been reviewed and are now considered acceptable, with a condition attached to secure their implementation.

Security/safety including fire safety:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime. Policy DM02 of Barnet's Development Management Policies Document DPD (2012) states that where appropriate, development will be expected to demonstrate compliance with the national and London wide standards, which includes Secure by Design.

A Design out Crime Officer from the Metropolitan Police Service has assessed the application and entered into discussions with the applicant. The Met officers raised no in principle objections to the proposed scheme, however due but due to the reported issues

affecting the ward and overall crime levels within the borough, advised that the development achieves Secured by Design accreditation, prior to occupation.

A condition has thus been attached requiring details of how the scheme would achieve this as well as details of access control.

In terms of fire safety, Policy D12 of the London Plan (2021) requires major development to be accompanied by Fire Statement providing details of, inter alia; building construction methods, means of escape and access to fire services personnel.

A Fire Strategy (prepared by SWECO, dated 4th December 2021) has been submitted with the Application and provides further information to accompany fire strategy mark-up drawings.

The Fire Strategy confirms that, "It is possible to provide a fire appliance access route to each block with no more than 18m distance from the parking position to the fire main inlet point", whilst, "Building 1 requires a dry riser and access is provided for a fire appliance within 18m of the dry riser inlet". The Fire Strategy also confirms, "In order to satisfy Policy D12, SWECO Fire Engineering has been appointed to review the proposed design from early stages of the design and develop a robust fire safety strategy for each block. This is a continuous liaison with the design team and during construction. The principles of fire safety design for each block, guidance documents followed, and the proposed design approach included in the above sections. In order to satisfy Policy D5, the provisions for safe means of escape for the occupants have been provided".

The Proposed Development would therefore accord with London Plan Policy D12.

Accessibility and Sustainability

The applicant has submitted a Sustainability Statement and Energy Strategy, by AJ Consultants Ltd, dated November 2021, to provide supporting information alongside the application.

BREAAM:

Policy DM02 of Barnet's Development Management Policies Document DPD (2012) states that where appropriate, development will be expected to demonstrate compliance with the national and London-wide standards, which includes BREEAM. Table 2.20 of Barnet's Sustainable Design and Construction SPD (2016) states that development proposals should achieve a minimum "Very Good" rating.

The Sustainability Statement comments that due to the limited size of the BHM building, it is not proposed that a formal BREEAM assessment is undertaken for the scheme.

Nonetheless, officers advise that the non-residential development is still required to meet the BREEAM 'Very Good' rating/level. A condition has been attached requiring certification of the relevant standard before first occupation of the non-residential development.

Carbon Emissions:

Policy SI 2 Minimising greenhouse gas emissions of the London Plan 2021 states:

- 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:
 - be lean: use less energy and manage demand during operation
 - be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
 - be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
 - be seen: monitor, verify and report on energy performance.
- B. Major development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy.
- C. A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:
 - through a cash in lieu contribution to the borough's carbon offset fund, or
 - off-site provided that an alternative proposal is identified, and delivery is certain.

DMP Policy DM04 'Environmental considerations for development' requires "all major development to demonstrate through an Energy Statement compliance with the Mayor's targets for reductions in carbon dioxide emissions within the framework of the Mayor's energy hierarchy".

The applicant has submitted an Energy Strategy Statement that states that demonstrates that the Development would achieve a 11.7% reduction in CO2 emissions over Part L of the 2013 Building Regulations through energy efficiency measures for the residential element and 19.3% for the commercial element.

The Proposed Development will also include air to water heat pumps for the residential elements to provide domestic hot water, air to air heat pumps are proposed for the non-residential elements of the scheme to provide space heating and comfort cooling, with photovoltaic panels at roof level to generate electricity for the site. The combined savings from each stage of the energy hierarchy would total 56.6% for the residential element of the proposal whilst the commercial would be at 60.7%.

In meeting the Zero Carbon Target, the development is therefore required to make an offsetting cash-in-lieu contribution for the shortfalls which is calculated as £20,434, for both the residential and non-residential elements based on a GLA recommend carbon price of £95 per tonne of CO2 over a 30-year period.

This has been attached as an obligation.

Water Savings:

For the residential element of the scheme, Table 2.11 of Barnet's Sustainable Design and Construction SPD (2016) states that: "New dwellings should be designed to ensure that a maximum of 105 litres of water is consumed per person per day." This is reiterated in Policy SI 5 Water infrastructure of the London Plan 2021. A condition will be attached accordingly.

Accessibility:

In regard to accessibility, Policy D7 Accessible housing of the London Plan 2021 states that:

- To provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that:
 - at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings'
 - all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

The agent has advised that all residential the units (5 flats and Rabbis House) have been designed to meet regulations M4(2), whilst unit 01 (ground floor flat) has been designed to meet regulation M4(3). It is considered that the proposed scheme would be in compliance with the relevant policy, and a condition will be attached to secure this accordingly.

Refuse and Recycling:

The application has been considered acceptable by the Council's Recycling Waste and Street Cleaning Services. A condition will be imposed requiring the submission of further details in regard to the dimensions, scale, design and materials of the refuse store to ensure they have an acceptable impact to the front elevation streetscene.

Environmental Health:

In support of the application, the applicant has submitted an Activities Management Plan (Revised Jan 2022) Construction Management Plan by Montway Ltd, Air Quality Assessment by Tetra Tech Ref: 784-B030641, dated 1st November 2021, and an Environmental Noise Survey and Acoustic Design Statement Report Ref: 28044/ADS1 Rev4 dated 10th February 2022.

The application has been assessed by an Environmental Health officer and they have raised no objections in principle subject to conditions.

The Activities Management Plan, alongside the Transport Statement, and Faith Travel Plan, in tandem with the aforementioned Noise Survey, addresses the main impact of the proposed development, which are considered to be the noise and increased comings and goings emanating from activities at the BHM, as well as management strategies to ensure the mitigation of these potential issues.

The applicant has indicated that the proposed F1 use will differ from a traditional synagogue use in that it will predominantly serve as a religious meeting and study rooms and would not host large gatherings and religious ceremonies.

The BHM has a defined activities schedule during a typical week which consists of predominantly educational activities, whilst due to the nature of the facility, activities and events also change throughout the year depending on the season, needs and requirements of the community and members of the TY community. The AMP states that "records demonstrate that during a typical week between Sunday - Friday morning, the number of attendees at educational activities and services ranges between 5 and 40

people. On a typical Friday evening service, the number of people at the BHM would increase to 80 attendees for the 1.5-hour service. A further service with the same number of attendees is also held on Saturday mornings at 09.00am. Over the rest of Saturday further services and educational activities are held throughout the day with attendees ranging from 10-50. During the regularly scheduled activities and services there is no tradition of using amplified music."

The AMP provides a range of physical and operational noise control measures including details on security (which prevents attendees loitering outside the venue), a Neighbour Liaison Warden. Additionally, it is prudent to note that during the busiest times (Friday evenings and Saturdays) motorised transport and amplified music is forbidden by Jewish law, so noise and vehicle traffic would also be minimal.

Following review by Environmental Health and planning officers, a condition will be attached restricting the maximum occupancy level of the BHM to 80 persons, except for specified festivals where the occupancy level will be increased to 100.

As noted in the AMP, during the regularly scheduled activities and services there is no tradition of using amplified music. A condition has been agreed restricting the use of amplified music or sound, with the exception of specified day which will restrict amplified music after 11pm.

The proposal does not include the provision of a specified community or function hall, negating any concerns of large-scale events. A condition ensuring that the BHM shall not be used for the purposes of banqueting, wedding receptions or parties, will be attached to secure this.

Overall, based on the submitted documents, Environmental Health and officers are satisfied that noise and activity level will be controlled appropriately, subject to the recommended conditions.

Conditions:

In accordance with Section 100ZA of the Town and Country Planning Act 1990, the agent has agreed to the pre-commencement conditions.

5.4 Response to Public Consultation

A number of letters of support, objection and comment were received in response to the application. These have been considered and addressed, where possible, through the Officer assessment that forms the main body of this report.

Further to the initial consultation and petition document, the applicant submitted an official response, dated 24/05/2022, ref: 14719, which was reviewed and considered by officers.

The petition received objecting to the proposal was signed predominantly by residents of Saffron Close and Hendon Park Row.

A number of the objections focused on the increase in traffic and access to the development, which have largely been addressed through the Highway Authority's comments, recommended conditions and legal obligations, though will be reiterated below.

- Access from Hendon Park Row (Saffron Close) is proposed for pedestrians and cyclists only with no vehicular access. Furthermore, access from Hendon Park will serve the 5 flats in the rear residential block only. All access to the proposed Beis Hamedrash is from Leaside Crescent. The Proposed Development will also include improvements to the fencing and pavement adjacent to the Site.
- Parking on Saffron Close: As discussed in above, Highways consider a car free development acceptable in this location, subject to conditions and legal obligations
- Questions over whether it is necessary for a charity/community to provide residential units: This is not a relevant material planning consideration. The principle of providing residential accommodation at this site has been addressed within the report and found to be acceptable.
- Loss of light/overshadowing: this has been addressed within the body of the report. A full Daylight, Sunlight and Overshadowing Report has been undertaken and it is considered that the proposed development would not result in any significant harmful impact on the neighbouring residential blocks in Saffron Close.
- Comments regarding the behaviour of occupants of 1117 Finchley Road are not strictly a material planning consideration relevant to this assessment. The applicant has pointed out that the building is occupied by several other tenants as well and the complaints appear to be addressed to other occupiers.
- In response to comments regarding the noise, disturbance and the operational activities of the site, officers have assessed these matters within the body of the report and consider the proposed AMP to be acceptable in principle. A number of conditions have been attached to control occupancy levels, hours of operation, noise amplification and use of the site, and it is considered that noise and activity level will be controlled appropriately, subject to the recommended conditions.

6. Equality and Diversity Issues

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

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

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

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

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning

permission for this proposed development will comply with the Council's statutory duty under this important legislation

The proposed development would provide considerably improved new facilities for an existing community use.

In terms of likely negative impacts, the application has attempted to address these through the design proposal and submission of technical documents. It is suggested that the majority of these impacts can be mitigated through conditions and S106 agreement and that any impacts are unlikely to disproportionately affect any one group with a protected characteristic.

With the S106 and conditions recommended, the proposal is found to accord with development plan policies as they relate to the relevant equalities and diversity matters by providing a high quality inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development. The development would therefore have a positive effect in terms of equalities and diversity matters.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions and obligations to be secured by Section 106, the proposed development is considered to be acceptable and is therefore recommended for approval.

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Notes



LEESIDE CRESCENT

* 02.11.21 Submitted for planning



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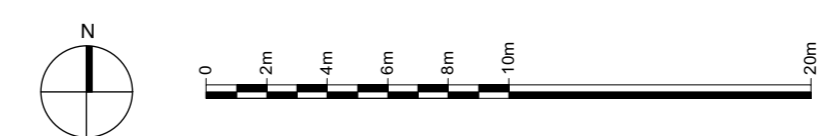
Client
MTT Foundation

Project
13-19 Leaside Crescent
NW11 0DA

Drawing Title
Existing Location Plan
Ground Floor

Status Planning	Drawn HG	Checked PK
Scale 1:250@A1, 1:500@A3	Date JUL 2021	Revision *
Drwg. No. 299_S_EX		

01 Existing Location Plan
S_EX 1:250@A1, 1:500@A3



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