

Meeting

Planning Committee B

Date and time

Monday 23rd January, 2023

At 7.00 pm

Venue

Hendon Town Hall, The Burroughs, London NW4 4BQ

To: Members of Planning Committee B (quorum 3)

Chair: Councillor Claire Farrier

Vice Chair: Councillor Arjun Mitra

Councillors

Nick Mearing-Smith

Gill Sargeant

Tony Vourou

Substitute Members

Richard Barnes

Joshua Conway

Michael Mire

Nagus Narenthira

Danny Rich

Tim Roberts

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

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is Wednesday 18 January 2023 at 10AM. Requests must be submitted to planning.committees@barnet.gov.uk

Andrew Charlwood – Head of Governance

Assurance Group

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

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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.	Application address, postcode (reference number) (Ward)	
7.	Peaberry Court 87 Greyhound Hill London NW4 4JE 22/1437/OUT Hendon	11 - 32
8.	585 Watford Way London NW7 3JG 22/4293/FUL Mill Hill	33 - 56
9.	319 Watford Way London NW4 4TG 22/2889/FUL Hendon	57 - 70
10.	Former Site Of Public Conveniences, Junction Of Great North Road/Station Road; EN5 1ET 22/2716/FUL Barnet Vale	71 - 92
11.	Location 1 Albert Road, Barnet, EN4 9SH 22/3316/FUL East Barnet	93 - 132
12.	27 Ashley Walk London NW7 1DU 22/4491/FUL Mill Hill	133 - 150
13.	84 West Heath Road London NW3 7UJ 22/0228/FUL Childs Hill	151 - 180
14.	111 And 113 Edgwarebury Lane Edgware HA8 8NA 22/2157/FUL Edgware	181 - 216
15.	24B Egerton Gardens London NW4 4BA 22/4186/FUL Hendon	217 - 224

16.	11 Holders Hill Avenue London NW4 1EN 22/5634/HSE Finchley Church End	225 - 232
17.	Any item(s) that the Chair decides are urgent	

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Decisions of the Planning Committee B

14 December 2022

AGENDA ITEM 1

Members Present:-

Councillor Claire Farrier (Chair)
Councillor Arjun Mitra (Vice-Chair)

Councillor Nick Mearing-Smith
Councillor Gill Sargeant

Councillor Tony Vourou

Apologies for Absence

Councillor Melvin Cohen

The Chair welcomed Members, Officers and the public to the meeting and noted that it was being webcast.

They announced the sad passing of a Member of the Committee, the long serving Councillor Melvin Cohen. A minutes silence was held.

1. Minutes of the last meeting

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

2. Absence of Members

Apologies were received on behalf of Councillor Melvin Cohen.

3. Declaration of Members' Disclosable Pecuniary Interests and Other Interests (if any)

There were none.

4. Report of the Monitoring Office (if any)

There was none.

5. Addendum (if applicable)

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

6. 15 The Ridings, Alverstone Avenue, Barnet, EN4 8DR - TPP/0112/22 - East Barnet

The Planning Officer presented the report and addendum.

There were no speakers.

After debate Cllr A Mitra proposed and Cllr T Vourou seconded a move to refuse the application.

For (refusal): 3

Against (refusal): 1

Abstained: 1

RESOLVED that the application was REFUSED as the loss of these trees of special amenity value is not justified as a remedy for the alleged subsidence damage on the basis of the information provided.

7. 66 - 68 High Road, N2 9PN - 22/2862/FUL - East Finchley

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

The Committee received verbal representations from the Agent for the Applicant.

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

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

Votes were recorded as follows:

For (Approval): 4

Against (Approval): 1

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

8. 585 Watford Way, NW7 3JG - 22/4293/FUL - Mill Hill

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

The Committee received verbal representation from Mr Roger Cohen who spoke in objection to the application.

The Committee received verbal representations from the Agent for the Applicant.

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

Following the presentation the Chair reported that the Committee had been unable to complete a site visit due to the snow and proposed that the item be deferred. Cllr G Sargeant seconded the proposal.

Votes were recorded as follows:

For (deferral): 4

Abstention: 1

RESOLVED that the application be DEFERRED to allow a site visit to be completed.

It was noted that it would come to the next meeting. There would be no speakers as they had already been heard and only those present this evening would be eligible to vote on the application.

9. 53 Finchley Lane, NW4 1BY - 22/1959/FUL - Hendon

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

The Committee received verbal representation from Mr Howard Lederman who spoke in objection to the application.

The Committee received verbal representations from the Agent for the Applicant.

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

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

Votes were recorded as follows:

For (Approval): 4

Against (Approval): 1

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

10. Talmud Torah Tiferes Shlomo Boys School, Danescroft Avenue, NW4 2NB - 22/0695/RCU - Hendon

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

The Committee received verbal representation from Mr Ruvi Bloom who spoke in objection to the application.

The Committee received verbal representations from the Applicant.

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

Cllr A Mitra proposed, Cllr G Sargeant seconded that the restrictor on the opening of the windows be applied to the northern elevations.

This was agreed unanimously.

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

Votes were recorded as follows:

For (Approval): 4

Against (Approval): 1

RESOLVED that the application was APPROVED subject to conditions AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations 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)

AND the amendment to condition 4 to read:

As shown on the hereby approved plans, the existing obscure glazing for all the north and south facing windows on the first floor or above of the southern wing shall be permanently retained as such thereafter. All windows in the first floor or above of the southern and northern elevations of the southern wing shall be permanently restricted to opening 75mm or less via the hereby approved windows restrictors within 1 month of this decision notice and permanently retained as such thereafter.

[The Chair briefly adjourned the meeting for a comfort break.]

11. Peaberry Court, 87 Greyhound Hill, NW4 4JE - 22/1437/OUT - Hendon

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

The Committee received verbal representations from the Agent for the Applicant.

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

Cllr G Sargeant proposed deferral to allow a site visit. Cllr A Mitra seconded the proposal.

Votes were recorded as follows:

For (deferral): 3

Against (deferral): 1

Abstention: 1

RESOLVED that the application be DEFERRED to allow a site visit to be completed.

It was noted that it would come to the next meeting. There would be no speakers as they had already been heard and only those present this evening would be eligible to vote on the application.

12. 67 Parkside Drive, Edgware, HA8 8JU - 22/1176/FUL - Edgwarebury

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

The Committee received verbal representations from the Agent for the Applicant.

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

The Committee voted on the Officer recommendation to approve the application as set out in the report.

Votes were recorded as follows:

For (Approval): 5

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

The Chair noted that the next two planning applications were inextricably interlinked. Therefore the presentations, speakers and any discussion for each would be heard separately but consecutively.

This would then be followed by the vote on each of the applications in turn.

13. Newstead Court, 33 Brent Street, NW4 2EF - 22/2650/FUL - Hendon

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

The Committee received verbal representations from the Agent for the Applicant.

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

Following the debate linked to the subsequent item, 35 - 37 Brent Street, NW4 2EF - 22/2138/FUL - Hendon, the Committee voted on the Officer recommendation to approve the application as set out in the report.

Votes were recorded as follows:

For (Approval): 4

Against (Approval): 1

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

14. 35 - 37 Brent Street, NW4 2EF - 22/2138/FUL - Hendon

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

The Committee received verbal representations from the Agent for the Applicant.

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

Following discussions linked to the previous item, Newstead Court, 33 Brent Street, NW4 2EF - 22/2650/FUL, the Committee voted on the Officer recommendation to refuse the application as set out in the report.

Votes were recorded as follows:

For (Approval): 3

Against (Approval): 1

Abstention: 1

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

15. Any item(s) that the Chair decides are urgent

Cllr A Mitra noted that this was the last meeting of the calendar year and thanked the Chair on behalf of Planning Committee B for their stewardship.

The meeting finished at 9.58 pm

Location	Peaberry Court 87 Greyhound Hill London NW4 4JE	
Reference:	22/1437/OUT	Received: 18th March 2022 Accepted: 21st March 2022
Ward:	Hendon	Expiry 20th June 2022
Case Officer:	Josh Mclean	
Applicant:	Blue Box Developments Limited	
Proposal:	<p>Internal alterations to 10no. existing flats; upwards extension of an additional floor and front, side and rear extensions at third, fourth, fifth floor and roof levels to create 29no. additional self-contained flats. Ground to roof front extension to main entrance for the provision of a lift. Provision of plant equipment on the roof. Replacement of existing brick and render facade with new brick and render facade. Provision of balconies, private and communal amenity areas and associated cycle storage and refuse. Reallocation of existing car parking spaces in the basement. Landscaping to be a reserved matter</p>	

AGENDA ITEM 7

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. **Affordable Housing**

Contribution of £50,000.
Provision of early and late stage reviews.

4. **Carbon Off-set**

A carbon offset contribution towards the Council's carbon offset fund.

5. **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.

6. **Section 106 monitoring**

A contribution towards the monitoring of the S106 agreement.

RECOMMENDATION II:

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

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

0616-SA-SP-ZZ-DR-00-20-01 (Location Plan)
0616-SA-SP-ZZ-DR-00-20-01 (Site Plan)
0616PH2-SA-BP-ZZ-DR-A-90-01 P1 (Existing Block Plan)

0616-SA-LP-00-DR-00-20-01 (Existing - Basement Floor Plan)
0616-SA-LP-LGM-DR-00-20-01 P2 (Existing - Basement Mezz Floor Plan)
0616-SA-LP-00-DR-00-20-01 (Existing - Ground Floor Plan)
0616-SA-LP-01-DR-00-20-01 (Existing - 1st Floor Plan)
0616-SA-LP-02-DR-00-20-01 (Existing - 2nd Floor Plan)
0616-SA-LP-03-DR-00-20-01 P2 (Existing - 3rd Floor Plan)
0616-SA-LP-04-DR-00-20-01 (Existing - 4th Floor Plan)
0616-SA-LP-05-DR-00-20-01 P2 (Existing - 5th Floor Plan)
0616-SA-ZZ-RF-DR-00-20-01 P1 (Existing - Roof Plan)
0616-SA-ZZ-ZZ-DR-00-20-10 P1 (Existing Elevations)
0616-SA-ZZ-ZZ-DR-00-20-11 P1 (Existing Elevations)

0616PH2-SA-BP-ZZ-DR-A-90-02 P1 (Proposed Block Plan)

0616PH2-SA-ZZ-00-DR-A-20-01 P5 (Proposed - Ground Floor Plan)
0616PH2-SA-ZZ-01-DR-A-20-01 P3 (Proposed - 1st Floor Plan)
0616PH2-SA-ZZ-02-DR-A-20-01 P3 (Proposed - 2nd Floor Plan)

0616PH2-SA-ZZ-03-DR-A-20-01 P3 (Proposed - 3rd Floor Plan)
0616PH2-SA-ZZ-04-DR-A-20-01 P4 (Proposed - 4th Floor Plan)
PL-105 (Proposed Fifth Floor Plan)
PL-107 (Proposed Sixth Floor Plan)
PL-108 (Proposed Roof Plan)
PL-120 (Proposed North West Elevation)
PL-121 (Proposed Front Elevation)
PL-122 (Proposed North East Elevation)
PL-123 (Proposed Rear Elevation)

Acoustic Assessment Report Ref 11675.RP01.AAR.0 (dated 11/03/2022)
Air Quality Neutral Assessment V3 (dated 08/03/2022)
Daylight & Sunlight Report (dated March 2022)
Design and Access and Planning Statement
Hybrid Parking Survey / Transport Statement
Financial Viability Assessment (dated 14/06/2022)
Fire Planning Statement (dated 14/03/2022)
Sustainable Drainage Assessment (dated 11/03/2022)

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 Application for the approval of the reserved matters, landscaping, must be made before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall begin no later than 3 years from the date of this permission and, in the case of Outline Planning Permission, no later than 2 years from:
- i. the final approval of the last Reserved Matters Application pursuant to Condition 2.

Reason: To comply with the provisions of Section 92 of the Town & Country Planning Act 1990 (as amended).

- 4 a) Prior to installation, details of the materials to be used for the external surfaces of the building and hard surfaced areas hereby approved shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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

of the Development Management Policies DPD (adopted September 2012) and Policy D4 of the London Plan 2021.

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

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

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

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

- 6 a) Prior to occupation of the development hereby approved, a parking management plan detailing the allocation and management of parking spaces to the 29no. new dwellings shall be submitted to and approved in writing by the Local Planning Authority.
- b) The designated parking spaces shall not be used for any purpose other than the 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 Barnets Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 7 a) Prior to occupation of the development hereby approved, details of cycle parking for a minimum of 33 (long stay) and 1 (short stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards - including the type of stands, gaps between stands, location and type of cycle store proposed - shall be submitted to and approved in writing by the Local Planning Authority.

b) Thereafter, before the development hereby permitted is occupied, the approved cycle storage 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 bicycles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnets Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 8 a) Prior to occupation of the development hereby approved, details of refuse storage shall be submitted to and approved in writing by the Local Planning Authority.

b) The development thereafter shall only be operated in accordance with the approved servicing 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

- 9 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 S11 of the

London Plan 2021.

- 10 a) Prior to occupation of the development hereby approved, a report that 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 first occupation of the development and retained as such thereafter.

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

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

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

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

- 12 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the 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).

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

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

- 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 49% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 15 a) Before the development hereby permitted is first occupied, details of privacy screens facing No.75 Greyhound Hill to be installed to the external balconies of proposed units P.03.02 (Proposed Third Floor) and P.04.03 (Proposed Fourth Floor) 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).

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or has not been submitted by 31 January 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 and carbon off-set. 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 DM04 and DM10 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. 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 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.

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.

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk .

6 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.

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

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.

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.

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.

OFFICER'S ASSESSMENT

This application was deferred from the Planning Committee B meeting on 14th December in order for the Committee to undertake a site visit.

This application is being referred to the Planning Committee under the following function of the Council's constitution:

“Any other application of planning matter referred to this Committee by the relevant Chief Planning Officer acting in his or her discretion, after consultation with the Chair.”

1. Site Description

The application site comprises of a part-3, part-4 and part-5 storey mixed-use building which is located on the southern corner of Greyhound Hill and the A41 Watford Way.

The building has a broad 'V' shape footprint with its main elevations fronting onto Greyhound Hill and the A41 Watford Way, with an enclosed communal garden to the rear. The ground floor comprises of a retail unit (Evans Cycles), with residential units to the rear of the ground floor layout and at all the upper floors. The site comprises of a basement mezzanine and basement level which provides car parking for the existing building and is access via a gated under croft off Greyhound hill.

The immediate surrounding area is characterised by two-storey housing, with a mixed parade building located on opposite junction corner. To the east, further up Greyhound Hill, lies Sunnyfields Primary School and Middlesex University. To the west, is the A41 Watford Way and M1, and beyond that, there is significant residential development at Beaufort Park and Colindale Gardens.

The site has a PTAL of 2 and lies within Flood Zone 1.

2. Site History

Reference: 22/1442/OUT

Address: Peaberry Court 87 Greyhound Hill London NW4 4JE

Decision: Pending Consideration

Decision Date: N/A

Description: Internal alterations to 10no. existing flats; upwards extension of an additional two floors and front, side and rear extensions at third, fourth, fifth floor and roof levels to create 49no. additional self-contained flats. Ground to roof front extension to main entrance for the provision of a lift. Provision of plant equipment on the roof. Replacement of existing brick and render facade with new brick and render facade. Provision of balconies, private and communal amenity areas and associated cycle storage and refuse. Reallocation of existing car parking spaces in the basement. Landscaping to be a reserved matter.

Reference: 21/6726/OUT

Address: Peaberry Court 87 Greyhound Hill London NW4 4JE

Decision: Approved subject to conditions

Decision Date: 26/04/2022

Description: Internal alterations to ten existing flats and front, side and rear extensions at third, fourth, fifth floor and roof levels to create nine additional self-contained flats. Ground,

first and second floor front extension to main entrance. Provision of plant equipment on the roof. Replacement of existing brick and render facade with new brick and render facade. Provision of balconies, private and communal amenity areas and associated cycle storage and refuse. Reallocation of ten car parking spaces in the basement. Landscaping to be a reserved matter

Reference: H/01747/08

Address: Peaberry Court 87 Greyhound Hill London NW4 4JE

Decision: Approved subject to conditions

Decision Date: 30/07/2008

Description: Proposed 6 No. additional flats to already approved application (W12867A/03) to be accommodated within the existing roof space (2 at 4th floor and 4 at 5th floor) additional velux windows.

Reference: W12867A/03

Address: Newark Parade Greyhound Hill 236-252 Watford Way London NW4

Decision: Approved following legal agreement

Decision Date: 13/02/2004

Description: Demolition of Newark Parade and 236-252 Watford Way and erection of part four, part five storey building comprising 61no. self-contained flats and 430m² of commercial floorspace at ground level. Provision of 73no. off-street car-parking spaces in basement with access from Greyhound Hill.

3. Proposal

The application seeks outline permission with landscaping to be a reserved matter for the following works:

- Internal alterations to 10no. existing flats with front, side and rear extensions at third, fourth, fifth, sixth and roof levels to create 29no. additional self-contained flats;
- Extension to main entrance;
- Provision of plant equipment on the roof;
- Replacement of existing brick and render façade with new brick façade;
- Provision of balconies, private and communal amenity areas;
- Re-allocation of 10no. car parking spaces in the basement; and
- Provision of additional secure cycle storage and refuse.

Amendments were secured through the application process to reduce the proposed built footprint and massing at proposed fifth and sixth floor levels.

The applicant also provided an updated pack of proposed 5th, 6th, roof and elevations which addressed discrepancies in the previous submitted versions.

4. Public Consultation

Consultation letters were sent to 265 neighbouring properties.

4 responses have been received, comprising 2 letters of objection and 2 letters of support.

The objections received can be summarised as follows:

- Disruption caused by construction works
- Impact of works and noise on personal health

The letters of support received can be summarised as follows:

- The building is in need of updating
- The proposal will be a significant improvement
- Current application is a further enhancement and improvement to the already approved scheme.
- Benefit of an additional lift
- Improve the outlook for both the residents and the local community

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, CS9, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM10, DM17

Supplementary Planning Documents

Affordable Housing (2007)
Delivering Skills, Employment, Enterprise and Training (SEET) (2014)
Green Infrastructure (2017)
Planning Obligations (2013)
Residential Design Guidance (2016)
Sustainable Design and Construction (2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Provision of adequate accommodation for future occupiers;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Highways issues:
- Provision of affordable housing;
- Energy and sustainability; and
- Any other material considerations.

5.3 Assessment of proposals

Impact on the character and appearance of the existing site, streetscene and surrounding area

At present, the site consists of a part-3 to part-5 storey building with the uppermost storey being recessed. There is further accommodation within the existing hipped roofspace. On the Greyhound Hill side elevation, the building steps up from 3 storeys to 5 storeys, whilst the A41 facing side elevation, is 4 storeys with accommodation in the roof.

The layout of the existing building is unchanged as the proposal simply relates to alterations and extensions to upper levels. A recent application (ref: 21/6726/OUT) was approved which altered the existing hipped roof elements and squaring them off which essentially created a new full storey to each element. This resulted in the building being part-4 to part-6 storeys in height.

This proposal seeks to build on the previous permission but with an additional sixth storey (i.e a total height of 7 storeys).

The existing building has since its construction, always been distinctive within its immediate context. Whilst the proposal will result in a further increased scale, massing and height across the site and in addition to the most recent permission, is not considered that it pushes it out of scale within the immediate context. The proposal maintains the stepped approach along Greyhound Hill and the proposed façade colouring, fenestration and balcony detailing help provide visual interest and break up the outward facing elevations. On the Watford Way elevation, further reductions were secured during the application process to the upper levels, setting back the uppermost levels from both the front and side elevations. The whole of the proposed sixth floor would be set back from the principal elevation in order to be subservient to the main building. Overall, these measures are considered to be satisfactory.

The external appearance of the building would be radically altered to a flat roof building of a multi-toned brick construction, whilst retaining the central entrance structure with new metal vertical windows either side. The principle of this design / external was established in the previous application. The existing building appearance is quite dated and weathered and so it is considered that the proposal would create an improved building appearance.

Provision of adequate accommodation for future occupiers

The proposal would alter 10no. existing units and when combined with the proposed new 29no. units, there will be 29 x 1-beds and 10 x 2-beds.

Table 3.1 of Policy D6 of the London Plan 2021 provides minimum internal space standards for new dwellings. Each of the existing and new flats would comply with the minimum space standards. This would be an improvement to those existing units which were smaller than the current standards. The outlook to each flat is considered to be acceptable and again an improvement is made to those units which were previously contained within the existing roof structure which only had rooflights.

The proposal would provide a variety of private and communal amenity areas. Overall, 266sqm of private amenity space and 772sqm of communal amenity is provided within the scheme. This is considered to be acceptable.

Impact on neighbouring residential amenity

There are existing residential properties located to the north, east and south of the application site.

There are further properties to the west, but these are across the A41 Watford Way and are not considered to be impacted directly by the proposed development.

To the north lies a two-storey parade and a row of detached, two-storey houses. The distance between facing elevation is approx. 31m. The proposed additional massing / height and resulting additional flats is not considered to have a detrimental impact on these residential units.

To the east, there is a row of two-storey dwellings parallel to the building, facing onto Greyhound Hill and a different row perpendicular to the rear of the site within Newark Way. The proposal retains the stepped approach adjacent to No. 75 Greyhound hill, with the scale / massing being considered acceptable. There are a limited number of windows proposed at this side elevation serving bathrooms or single bedrooms and are located in approx. the same location which face onto the side elevation of No.75. The private terrace to proposed flat P.04.02 is located to the front of the building and so is not considered to be harmful to neighbouring amenity. At the rear, the additional new small projecting balconies can be mitigated by privacy screening to prevent increased overlooking at a higher level. With regards, Newark Way, there is an approx. 22m separation distance between the facing elevation and the closest rear boundary. This is considered an acceptable distance in terms of overlooking according to the Council's Residential Design Guidance SPD. Due to the site's orientation west of Newark Way, it is not considered that the scheme adversely affects sunlight/daylight or overshadowing of the properties along this street.

To the south, there is a row of two-storey, detached houses which face onto but are set

back from the A41 Watford Way. Due to the topography, the existing building sits at 4 storeys with the hipped roof at this side elevation. The enclosing access road separates the site between No.230. There are only 2no very small side windows within No.230. The additional scale/massing and new windows and balconies is not considered to adversely affect the residential amenity of these properties. The upper levels on this end elevation have been stepped back in order to reduce prominence of massing and height.

The application is accompanied by a Daylight & Sunlight Report and undertook an analysis of the following surrounding properties:

64 - 78 Greyhound Hill;
75 Greyhound Hill;
2 - 4 Newark Way;
230 Watford Way; and
Henley Court, Watford Way.

The report demonstrates that the majority of neighbouring windows/rooms will meet the recommended BRE guidelines for daylight and sunlight. There are a number of factors which can explain or justify the reduction of daylight/sunlight to those affected windows. Overall, it is considered that the proposed development is acceptable in terms of daylight and sunlight to neighbouring properties.

Highways Issues

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.

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

For 1 bedroom units 0.0 to 1.0 space per unit
For 2 and 3 bedroom units 1.0 to 1.5 spaces per unit

Based on the above parking standards the parking requirement for the new residential units is calculated as follows:

29 x 1b	a range of 0.0 to 1.0	0.0 to 29.0 spaces required
10 x 2b	a range of 1.0 to 1.5	10.0 to 15.0 spaces required

This equates to a parking provision of between 10 and 44 spaces to meet the requirements of Policy DM17. The site has a PTAL rating of 2 (low) and lies within a CPZ operating Mon-Fri 10am-5pm and an event day CPZ between 1pm-6pm. The submitted Planning Statement sets out that no additional car parking spaces are being provided but the existing 10no. car parking spaces in the basement allocated to the 10 flats which form part of the application will be allocated to the 8 x 2-bedroom flats and 2 x 1-bedroom flats.

Within Barnet Policy DM17, the supporting text at para 18.8.5 states that development proposals will need to demonstrate through a parking survey that sufficient on-street capacity is available to justify limited or no on-site parking. The applicant has submitted a

Parking Survey which has undertaken an assessment of an area of 200m radius of the proposed development. Surveys were undertaken during July and found that there was an on-street parking stress of 46% with 108 available spaces. Therefore, it has been demonstrated that there is sufficient on street parking capacity and the proposal is compliant with Barnet Policy DM17.

In terms of cycle parking, a minimum of 34 no cycle parking spaces are required in accordance with London Plan standards (33 long stay and 1 short stay). A condition will be attached to secure details of the types of stands to be provided.

The existing refuse stores at the rear of the site is proposed to be expanded to accommodate the additional demand, with existing servicing arrangements to remain. This is accepted by Highways.

Overall, the proposal development is considered acceptable on highways grounds.

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 application was accompanied by a Financial Viability Statement by Avison Young which set out that proposed development was unable to contribute towards affordable housing on site as the scheme generated a deficit of between -£6,344,000 and -£7,875,000.

The Council appointed Savills to independently assess the applicant's FVA. After reviewing the FVA, Savills comment that they agree with the majority of Avison Young's assumptions and agree that the scheme produces a significant deficit. Savills have calculated that the proposal produces a deficit of -£5,250,000 and state that the proposal is unviable to provide a contribution towards affordable housing.

Following this viability review, the process has concluded that there is no level of affordable housing that can be delivered on site. Despite this outcome, the applicant has offered a financial contribution of £50,000 as a gesture of goodwill towards affordable housing.

Energy and sustainability

Energy Statement

An Energy Strategy 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 2013 (with 2016 amendments) of the Building Regulations and in line with the London Plan to achieve a minimum of 49% CO2 reduction for the domestic elements. In order to achieve zero carbon, the developer will need to make a carbon offset contribution to bridge this gap. A contribution towards the Council's carbon off-set fund 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 105 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 no 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 Sustainable Drainage Assessment. The proposal is to maintain the existing drainage onsite, with the below ground drainage and flows into the drainage system are intended to remain identical pre- and post-development. The assessment concludes that runoff from the site, alongside water drained from the basement drainage system, will continue to drain into the public sewer system at a rate determined by the two existing pumps. When compared to the pre-existing situation, this will not result in an increase in the rate or volume of water discharged offsite.

Thames Water have advised that with regard to wastewater network and sewage treatment works infrastructure capacity, they would not have any objection to the planning application, based on the information provided.

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 the completion of a legal agreement and 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. The development is considered to be acceptable on highways grounds. This application is therefore recommended for approval.



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Location 585 Watford Way London NW7 3JG

Reference: 22/4293/FUL

Received: 22nd August 2022

Accepted: 23rd August 2022

Ward: Mill Hill

Expiry 18th October 2022

AGENDA ITEM 8

Case Officer: Stephen Volley

Applicant: Ms JESSICA OSARETIN INEGBENIKI

Proposal: Demolition of the existing dwelling and erection of a two storey detached building with basement level and accommodation in the roof space to provide 6no. self-contained dwelling. Associated parking, cycle/refuse and recycling storage

Preamble

This application was presented to planning committee on Wednesday 14th December 2022, and deferred for a site visit. The report and Officer's recommendation remain unchanged.

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:

The location plan

585WW-PP1-01 - Proposed Block Plan

585WW-PP1-02 - Proposed Ground Floor Plan

585WW-PP1-03- Proposed Floor Plans

585WW-PP1-04 - Proposed front elevation / street elevation

585WW-PP1-05 - Proposed elevations

585WW-PP1-06 - Proposed Tree

Planning Statement

Preliminary Bat Assessment (July 2022)

Tree Survey (August 2022)

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core

Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

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

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

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

- 4 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection measures shown on the approved tree protection plan (22_5837_05_60_TPP_v1) have been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved.

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

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

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

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of

the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

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

- 6 Prior to occupation of the development the proposed parking spaces and access to the parking area from the public highway as shown in Drawing No. 585WW-PP1-01 shall be provided. The access to the parking spaces shall be maintained at all times. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 7 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, before the development hereby permitted is occupied, 12 (long stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of cycles in connection with the approved development.

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

- 8 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;

- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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

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

- 9 Prior to occupation of the development, details of refuse collection must be submitted to and approved in writing by the Local Planning Authority. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to be designed in accordance with the Council's adoptable standards.

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

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

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

- 11 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby

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

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

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

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

- 13 No flat shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority, and have been installed in their entirety; details of privacy screens to adequately screen the private amenity areas/balconies associated with the development, The screens shall be permanently retained as such thereafter. Balcony screening shall be obscured glazed to a height of 1.7 metres.

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

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

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

- 15 The development shall be implemented and thereafter maintained in accordance with the recommendations made within the preliminary bat assessment dated June2022

Reason: To ensure that any protected species present are not adversely affected

by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and Policy G6 of the London Plan 2021.

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

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

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

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

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

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

- 18 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.

19 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016), and Policies D13 and D14 of the London Plan 2021.

20 a) No site works or works in connection with the development hereby approved shall be commenced until a Biodiversity Net Gain Assessment (BNG) using an appropriate Defra Biodiversity Metric to ensure 10% biodiversity net gain has been submitted to and approved in writing by the Local Planning Authority.

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

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

21 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 4 of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

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

Informative(s):

1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the

Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

Please visit

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

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

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

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

Further details and the application form can be downloaded from:

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

- 4 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 5 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway. To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to

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

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

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

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

- 8 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.
For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, (Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and

Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014

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

9 Construction Method Statement

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

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

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

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

- 10 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
- 11 The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide "working near our assets"™ to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other

structures.<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

OFFICER'S ASSESSMENT

1. Site Description

The site is located on the corner of Watford Way and Russell Grove. The host property fronts Watford Way and is known as 585 Watford Way, it benefits from vehicular access from Russell Grove and pedestrian access from Watford Way.

The site comprises a garden to the side of the existing dwelling. The Watford Way frontage comprises dense tree screening.

The surrounding area is residential in character. It contains predominantly detached properties. The site does not contain any listed buildings is not located within a Conservation Area and no protected trees are located within or surrounding the application site.

The site has a PTAL of 2, indicating a relatively poor level of accessibility by public transport.

2. Site History

Reference: 18/3648/LIC

Address: 585 Watford Way, London, NW7 3JG

Decision: Exempt

Decision Date: 2 July 2018

Description: Installation of telecommunication support pole, antenna and 2no microwave dish. Installation of ancillary equipment and 500mm retaining wall.

Reference: 18/3650/LIC

Address: 585 Watford Way, London, NW7 3JG

Decision: Application Returned

Decision Date: No Decision Made.

Description: Pre-Planning Application Consultation. Proposed Installation of telecoms apparatus at Watford Way Barnet NW7 3JG.

Reference: 15/06071/192

Address: 585 Watford Way, London, NW7 3JG

Decision: Lawful

Decision Date: 28 October 2015

Description: Use of one room of dwelling house as office for mini cab administrative purposes

Reference: W02204D/01

Address: 585 Watford Way, London, NW7 3JG

Decision: Withdrawn

Decision Date: 28 February 2003

Description: Construction of front and side boundary fence.

3. Proposal

Planning permission is sought for the demolition of the existing dwelling and erection of a two storey detached building with basement level and accommodation in the roof space to provide 6no. self contained dwellings. The accommodation schedule is as follows:

Unit 1 (ground): 4bed 8person (2storey)

Unit 2 (first): 2bed 3person

Unit 3 (first): 2bed 4person

Unit 4 (first): 3bed 4person

Unit 5 (second/loft): 1bed 2person

Unit 6 (second/loft): 2bed 4person

Private amenity space is provided for units 1-4 with all units having access to a communal garden. To facilitate the development a Lawson Cypress tree is to be removed and replaced by the same specimen in the communal garden area. The existing soft and hard landscaping, including tree screening around the boundary is to be retained and enhancement as appropriate.

A total of 5 on plot car parking spaces are proposed, including 1no. disabled space. The existing access off Russell Grove is to be utilised with an additional access proposed to provide direct access to the disabled space.

4. Public Consultation

Consultation letters were sent to 26 neighbouring properties. In response, 8 letters have been received raising the following objections

- Inappropriate in the context of Russell Grove and does not improve the character or quality of the area
- Visual impact due to poor design, oversized windows
- The entrance will be via Russell Grove, NW7. There are no flats in Russell Grove only detached houses.
- Overdevelopment
- Increased traffic, creating road safety issues
- Parking stress and danger to other road users, occupants and pedestrians
- Impact adversely on the amenity of nearby residents, noise, pollution, loss of daylight and sunlight
- Hard and soft landscaping in the proposal is wholly inadequate
- Too large with too many cars
- Loss of mature tree
- disruption and disturbance to neighbours during development.
- Flats in Russell Grove would be unprecedented all houses are detached
- Application site is materially different to other sites benefitting from flatted development

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

The Plan is part of the statutory development plan for London, meaning that the policies in the Plan should inform decisions on planning applications across the capital. Borough's Local Plans must be in 'general conformity' with the London Plan, ensuring that the planning system for London operates in a joined-up way and reflects the overall strategy for how London can develop sustainably, which the London Plan sets out. The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The relevant London Plan (2021) policies are as follow:

D1, D2, D3, D4, D5, D6,D7, D8, D10, D11; D12; D14; H1; H3; H4; H5; H6; H7, H10; S2; S4; G5; G6; SI 2; SI 3; SI 5; SI 7; SI 12; SI 13; T1; T3; T4; T6; T6.1; HC1.

Barnet's Local Plan (2012)

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

-Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS6, CS9, CS13, CS14, CS15

-Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM11, DM17

Barnet's Local Plan (Reg 22) 2021

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (October 2016)
Sustainable Design and Construction SPD (October 2016)
Planning Obligations SPD (April 2013)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development
- Character and appearance
- Whether harm would be caused to the living conditions of neighbouring residents
- Whether adequate amenity would be provided for future occupiers
- Impact on highway
- Impact on Trees, Landscaping and Biodiversity
- Provision of refuse and recycling storage

5.3 Assessment of proposal

Principle of development

The existing building has no particular designation and there would be no objection in principle to its demolition, subject to the provision of residential accommodation and its replacement with a high-quality building.

The proposal would comprise a flatted use to replace the existing single dwellinghouse. 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. These issues are dealt with in the main body of this report.

In this instance, weight is given to the presence of flatted uses within the local area. The applicant has highlighted examples at 613, Watford Way, No. 137 Mill Way, 104 Mill Way and 587 Watford Way, which are situated on the adjacent corners with Watford Way and have either been the subject of conversions to flats or redeveloped as purpose-built flats. Officers accept that this would provide a precedent for a flatted use in this location.

For all the above reason the principle of redeveloping this site to provide 6no. self-contained

units is considered acceptable.

Character and Appearance

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

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

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

"Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (46); and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

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

Policy CS5 of Barnet's Core Strategy DPD (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high-quality design. Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) states that: "Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets."

The area is predominantly residential with large single-family dwellings, some of them well screened by trees, but most with open frontages and hard surfaces for car parking. While a number of consistent characteristics are evident along Russell Grove, Mill Way and Weymouth Avenue, comprising in the main detached properties, with projecting bays, hipped roofs with projecting gable ends and steep pitched roofs, the built form along Watford

Way is large in scale comprising substantial houses, blocks of flats and converted properties as well as HMOs.

The intention of the design is to take inspiration from the surrounding area. To achieve this, the overall scale of the proposed building, including the width, depth, and roof form, sits comfortably within its plot without breaching the established front building line along Russell Grove or Watford Way. The rear building line along Russel Grove is already breached by the existing building that currently extends beyond the first floor rear extensions of No. 14 and No. 16. The proposed building will better align with this building line and be more in keeping with the shape and orientation of its immediate neighbours. The triangular shape of the site and its corner plot position gives greater flexibility to these issues and greater scope for a stepped first floor rear extension.

A separation distance of 3.3metres to the boundary with No.16 will prevent any sense of enclosure that may otherwise occur. It is to be noted that gaps between buildings throughout Russell Grove are minimal, in many cases less than 1m at the ground and first floors, with many buildings extending up to the boundary line.

To ensure that the overall design concept follows the character and appearance of the surrounding area both the northern and southern parts of the proposal have been set back between 3.5m and 4.2m from the main front elevation to provide a sense of subordination. The three-storey front gables respond to the scale and design of existing flatted development located north of the application site along Watford Way while the variation in roof form match those in Russell Grove, particularly the neighbouring properties. The facing brickwork proposed under a black slate roof with black aluminium framed windows and doors will add visual interest to the building and street scene generally.

The principle elevation is orientated towards Russel Grove whereas the existing arrangement faces Watford Way. In order to achieve high quality inclusive design this arrangement is preferred by Officers as the design and fenestration detailing of the existing principle elevation is lost to the dense foliage along the boundary to Watford Way. The orientation towards Russel Grove will enhance the prevailing characteristics of this street scene.

The proposed lightwells serving the basement are located at the rear of the building and will not be readily visible from the street scene due in the main to landscaping and boundary treatment, which will help to soften their appearance. They will also provide a visual buffer to avoid any adverse impact caused to the amenity of neighbouring properties. The provision of additional living space at basement level and its internal arrangement raises no design concerns.

Following the advice of Officers particular attention has been given to distance from boundaries and adjoining properties, roof design, overall heights, internal layouts and elevation design in order to break up overall mass and introduce architectural features prevalent within the immediate context.

Overall, the proposal is well-designed and enables an efficient redevelopment of an existing residential plot. The proposal is policy compliant in design terms and would bring forward high quality inclusive design in a sustainable location.

Neighbouring Amenity

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

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

Policy CS5 of the LB Barnet; Local Plan (Core Strategy) DPD (2012) and Policy DM04 of the LB Barnet; Local Plan (Development Management Policies) DPD (2012) seek to protect and enhance Barnet's character and identify the environmental considerations for development. Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. Barnet's Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016) sets out guidance. Section 2.14 of The Sustainable Design and Construction SPD identifies noise as having a significant effect on the quality of life and seeks mitigation measures to manage and minimise potential impact.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and that there should be a distance of 10.5 metres between a new development and a neighbouring garden. In addition, new development should ensure that there is no material loss of visual amenity including a sense of enclosure.

Given the siting on the corner of Watford Way and Russell Grove the potential for any impacts on residential amenity is limited to the adjacent property at No.16 Russell Grove. To protect the amenity of this neighbouring dwelling the building is stepped in height with the central two storey element at the rear elevation being 8m from the side elevation of No.16 Russell Grove. Given this separation distance and the fact that the application site is located to the north, it is unlikely that the proposal will have a detrimental impact on the amenities of this neighbouring property in terms of loss of sunlight / daylight and outlook. This is confirmed in drawing number 585WW-PP1-03 (proposed floor plans), which shows that the proposed building will not encroach on a 45 degree line drawn from the first floor rear facing window of No.16. Additionally, to avoid overlooking there are no windows proposed on the side elevation above ground floor level. To prevent any direct overlooking from the proposed balconies at 1st storey level the proposed balustrade will be obscure glazed to a height of 1.7 metres, and this will be secured by a planning condition.

Overall, it is considered that subject to the aforementioned condition, the proposed development would not compromise the amenity of the adjoining neighbours.

Living standards for future occupiers

London space standards contained in the London Plan (2021) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum gross internal area (GIA) space requirements for residential units. A bedroom measuring 11.5m² and above is calculated as a two-person room.

Internal Space Standards:

The proposed units are measured as follows:

Unit 1 (ground): 4bed 8person (2storey) - 407m² provided / 124 m² required
Unit 2 (first): 2bed 3person - 67m² provided / 61m² required
Unit 3 (first): 2bed 4person - 70 m² provided / 70m² required
Unit 4 (first): 3bed 4person - 87m² provided / 74m² required
Unit 5 (second/loft): 1bed 2person - 53m² provided / 50m² required
Unit 6 (second/loft): 2bed 4person - 87m² provided / 70m² required

All proposed units exceed the minimum internal space standards stated above.

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design and Construction 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 proposed bedrooms meet the above standards.

Floor to ceiling height:

Policy D6 of the London Plan (2021) states that a minimum ceiling height of 2.5 metres is required for at least 75% of the GIA of each dwelling.

The appropriate ceiling height has been achieved throughout in compliance with the above standard. The proposed loft plan (drawing number 585WW-PP1-03) for units 5 & 5 confirms 80% GIA compliance, which exceeds the standard.

Light/outlook:

Barnet's Sustainable Design & Construction SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and that bedrooms and living rooms /kitchens should have a reasonable outlook with clear glazed windows. It is considered that the combination of rooflights, dormer windows and dual aspect windows proposed to main habitable rooms would provide the acceptable level of outlook and daylight / sunlight provision required for future occupiers.

Private Outdoor Amenity Space:

Section 2.3 of the Sustainable Design & Construction states that for flats, 5m² of usable amenity space should be provided per habitable room. Any room at 20m² or above is calculated as two habitable rooms.

Para. 2.3.1 of the SPD sets out the options for outdoor amenity space -'For flats, options include provision communally around buildings or on roofs or as balconies. Whatever option is chosen it must be usable'.

Paragraph 8.2 of the Residential Design Guidance SPD (2016) states that:
'Private amenity space for the exclusive use of building occupants is a highly valued asset. Sufficient, functional amenity space should therefore be provided for all new houses and flats wherever possible'.

With a total of 35 habitable rooms being proposed (inclusive of the 11 rooms exceeding

20m²) the minimum standard for outdoor amenity space equates to 175sqm. Unit 1 on the ground floor comprises private amenity space in the form of a garden measuring 161m². Units 2, 3 and 4 comprise private amenity space in the form a balconies. Units 2 and 4 have balconies equating to 4m², which falls marginally under the minimum provision of 5m². Unit 3 comprises two balconies equating to 16m². Units 5 and 6 have no private amenity space.

Although the private amenity space afforded to units 2 and 4 falls marginally below minimum standard, and units 5 and 6 are afforded no private space, the deficit is offset by the communal garden space at the rear of the application site, which amounts to 312m². Para. 2.3.1 of the SPD sets out the options for outdoor amenity space -'For flats, options include provision communally around buildings or on roofs or as balconies. Whatever option is chosen it must be usable'. As the communal area is usable and attractively laid out for the use of all occupiers Officers consider the quantity and quality of the outdoor amenity space being proposed to be acceptable and policy compliant.

Environmental Health officers have been consulted and raise no objection subject to conditions requiring acoustic mitigation measures from the noise and disturbance created by vehicular movement on Watford Way.

Based on the above, it is considered that the proposed development would provide a high standard of accommodation for the future occupiers.

Highway Impacts

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

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

Policy CS9 of 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 maximum parking standards that the Council will apply when assessing new residential developments.

The application seeks to demolish the existing 1x 4bed single family dwelling with 2x off-street car parking spaces and construct a new building in order to accommodate 6x self-contained dwellings (1x 4bed, 1x 3bed, 3x 2bed and 1x 1bed) with the provision of 5x off-street car parking spaces (including 1 disabled space). A total of 12 secure cycling parking spaces are proposed.

The existing vehicular and pedestrian access off Russell Grove is to be retained. A further access, providing direct access to a disabled space is also proposed off Russell Grove. Highway officers have been consulted and raise no objections to this access arrangement, subject to appropriate visibility splays, a minimum gap of 2.4m between crossovers and an access width of 2.4-4.2m, which have all been achieved.

In line with requirements set out on Policy DM17 of the Barnet Local Plan, the required off-street car parking provision is 8 spaces. This means that the proposed is an under provision of 3 spaces when considered against this local plan policy standards. The site lies within a PTAL 2 zone which means that there is poor public transport accessibility to and from the site. Russell Grove is relatively wide and with low traffic, both pedestrian and vehicular.

There is a Controlled parking zone (CPZ) in operation on streets surrounding the site but this is only in effect for 1 hour between 11am-12pm (Zone E). In such circumstances a parking survey is required to ascertain parking stress within the vicinity of the site, which has not been provided.

Notwithstanding the above, Policy T6.1 of the recently adopted London Plan (2021) states that new residential development should not exceed maximum parking standards set out in the plan. As identified in Table 10.3 (maximum residential parking standards) the parking requirements for a development comprising 1 and 2 bedroom units in an outer London authority area with a PTAL rating of between 2-3 should provide a maximum of 'Up to 0.75 spaces per dwelling'. The parking requirements for a development comprising 3+ bedroom units in an outer London authority area with a PTAL rating of between 2-3 should provide a maximum of 'Up to 1 space per dwelling'. Based on the above standards the proposed development must not exceed 5 spaces ($4 \times 0.75 = 3 + 2 \times 1 = 5$). With a maximum of 5 on plot car parking spaces being proposed the application complies with London plan parking standards.

The local plan parking standards set out in DM17 were adopted in 2012. As the London plan parking standards in policy T6.1 were adopted more recently in 2021, Officers consider that more weight should be afforded to this policy, making the number of spaces proposed policy compliant, without the need for a parking stress survey.

Based on the above, it is considered that the proposed development would not compromise highway or pedestrian safety along Russell Grove or Watford Way and is London Plan policy compliant in terms of providing maximum parking.

Arboricultural and Ecological Impact

Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment. London Plan policy G7 states that Development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees.

Policy DM01 of the Adopted Barnet Development Management Policies will be required to include hard and soft landscaping that contributes positively to biodiversity and adequately protects existing trees and their root systems. The policy continues to set out that trees should be safeguarded and that when protected trees are to be felled, they will require replanting with a suitable size and species of tree Core Strategy Policy CS7 seeks to maintain and improve the greening of the environment through the protection of trees.

Ecology:

The proposal seeks the demolition of the existing building and the redevelopment of the site with additional land take. As such, the ecology officer has been consulted and raises no objections on ecological grounds as the findings of the Preliminary Bat Assessment (Astute Ecology, June 2022) did not assess the building as having suitability for roosting bats. The Preliminary Bat Assessment report revealed that the vegetation and buildings on site had the potential to support nesting birds and any works would need to avoid the nesting bird season (March 1st to August 31st) inclusive. The PEA report also stated that surrounding area and landscape had low potential to support foraging and commuting bat. Therefore, the recommended low impact lighting measures will be required as part of the proposed

works to ensure that any artificial lighting will not negatively impact any foraging or commuting bats along the boundary trees/vegetation of the site.

The provision of species enhancement measures within the recommendations of the submitted PEA and PRA, are welcomed. They include the following:

-1x Generalist Schwegler 1B nest boxes (with a 32mm entrance)

-1 x Artificial bat boxes/bricks/tube placed high up on the south/eastern elevation on a site building/trees

Biodiversity Net Gain:

No Biodiversity Net Gain calculation and assessment has been submitted with the application. In the absence of a BNG assessment it cannot yet be determined if the proposed works will result in a net gain, no net loss or net loss in biodiversity. The requirement for developments to ensure 10% biodiversity net gain is due to come into force as of winter 2023 as outlined in Schedule 14 of the Environment Act 2021. The requirements for developments to seek measurable biodiversity net gains is further outlined with National Planning Policy Framework (Section 180) and the London Local Plan 2019 (Policy G6).

As recommended by the Ecology officer, a Biodiversity Net Gain Assessment (BNG) using an appropriate Defra Biodiversity Metric will need to be submitted prior to commencement of development and this can be secured by a planning Condition.

Trees and landscaping:

There are significant mature trees on site, especially towards Watford Way, Russell Grove and at the rear of the site, along the boundary with no.1 Weymouth Avenue. These trees are an important site feature. As stated in the Arboricultural Impact Assessment, only one tree is proposed to be removed as the footprint of the proposed building will encroach into the root protection area. All other trees can be retained and protected throughout the demolition and construction process. The tree to be removed is a Lawson Cypress. It is not protected by a tree preservation order and no objections to its removal have been made by the Arboricultural Officer as a like for like replacement is proposed within the communal garden.

The existing site is largely paved and the proposal will incorporate significant soft landscaping, with permeable paving in the driveway and parking areas. The Arboricultural Officer has advised that any future planting schedule for the amenity lawn 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 and butterflies. It is recommended that hedge and tree planting should consist of berry producing shrub species such as hawthorn, blackthorn, spindle, field maple, hazel, and hornbeam. All these measures can be secured by condition.

Conclusion:

Subject to a suite of planning conditions being imposed to enhance landscaping measures and to mitigate against potential impact on Ecology & Biodiversity, Officers consider the application to be acceptable.

Refuse and Recycling

Refuse and recycling storage will be provided in accordance with Barnet's Recycling and

Waste Guidance, 2021. The refuse store is located along the Watford Way frontage, in a sympathetic location, with a policy compliant short drag distance to the roadside.

Surface water run off

The application site is not susceptible to flooding. The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Thames water have been consulted and raise no objection subject to the developer following the sequential approach to the disposal of surface water contained in the informative.

5.4 Response to Public Consultation

Concerns raised have been addressed above in the assessment of the proposal with the conclusion being that the redevelopment of the site has been carefully conceived to prevent adverse impact on the character and appearance of the area, neighbouring amenity and highway safety. Through replacement tree planting, soft landscaping measures and ecological improvements the application site will see a net gain, while softening the impact of the development. Planning conditions are to be attached to the permission to mitigate against noise and disturbance during the demolition of the existing building, as well as controlled working hours, however it is accepted that there will be disruption and disturbance to neighbours during development.

6. Equality and Diversity Issues

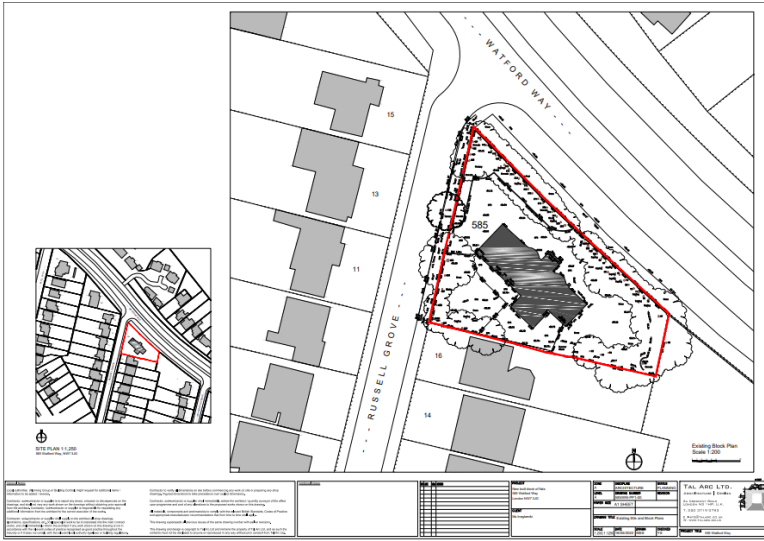
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

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 nor future occupiers. The proposal is not considered to harm highway safety and will replace and enhance existing landscaping features.

This application is therefore recommended for APPROVAL, subject to conditions.

Location Plan



Location 319 Watford Way London NW4 4TG

Reference: 22/2889/FUL

Received: 30th May 2022

AGENDA ITEM 9

Accepted: 30th May 2022

Ward: Hendon

Expiry: 25th July 2022

Case Officer: Mansoor Cohen

Applicant: Mr S Harris

Proposal: Change of use of the property from a single family dwelling (Class C3) to a 9 bedroom House in Multiple Occupation (HMO) (Sui Generis) for 9 people including first floor rear extension (Amended Description)

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

Site location plan

22/104/1

22/104/2

22/104/3

22/104/4

22/104/5

22/104/6A

22/104/7

22/104/8

22/104/9

22/104/10

22/104/11

22/104/11A

22/104/12

A103

SI-100

SI-101

Planning Statement

Hybrid Parking Survey/Transport Statement, by Green Rhino Planning
Hanover Chase Properties Estate agents letter dated 19 May 2022
S H Properties Estate agents letter dated 18 May 2022
Winkworth Estate agents HMO Demand letter dated 19 May 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 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 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

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

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

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

5 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.

6 a) Before the development hereby permitted is first occupied, cycle storage facilities for at least 9no cycles shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy T5 and Table 10.2 of The London Plan (2021) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

7 Before the development hereby permitted is first occupied or the use first commences, the parking spaces shown on Drawing No. SI 100; 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 T6.1 of the London Plan 2021.

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

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

- 9 The House of Multiple Occupation hereby approved must be occupied by no more than 9no persons at any time.

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 2016).

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

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

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

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

The development shall be maintained as such in perpetuity thereafter.

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

- 12 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).

- 13 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 shall be placed at any time in the side elevations of the extension hereby approved, facing either No 317 or No 321 Watford Way

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).

Informative(s):

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

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

- 4 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay.
- 5 If a concrete pump lorry is operated from the public highway, surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 6 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licences or email highwayscorrespondence@barnet.gov.uk.

OFFICER'S ASSESSMENT

1. Site Description

The application site contains a semi-detached dwellinghouse situated to west side of Watford Way, No.319. The site benefits from a roof extension involving a hip to gable and sizeable rear dormer window carried out through permitted development rights.

The site has a PTAL rating of 1b which indicates poor accessibility to public transport.

The site is not within a conservation area, nor is it a listed building.

2. Site History

Reference: 21/1676/FUL

Address: 319 Watford Way, London, NW4 4TG

Decision: Approved subject to conditions

Decision Date: 2 September 2021

Description: Change of use of the property from a single family dwelling (Class C3) to a House in Multiple Occupation (HMO) (Class C4) for up to 7no. people

Reference: 22/0154/192

Address: 319 Watford Way, London, NW4 4TG

Decision: Lawful

Decision Date: 11 March 2022

Description: Roof extension involving hip to gable, rear dormer window, 1no front facing rooflight and new side gable window

3. Proposal

The application seeks planning consent for the 'Change of use of the property from a single family dwelling (Class C3) to a 9 bedroom House in Multiple Occupation (HMO) (Sui Generis) for 9 people including first floor rear extension'.

The application site benefits from an extant permission (21/1676/FUL) for its conversion into a 7 person C4 HMO.

The first floor rear extension would measure a depth of 3.3m, a width of 3.3m and would stand with a set down hipped roof measuring a maximum height of 6.4 when measured from ground level.

4. Public Consultation

A site notice was erected on 09.06.2022.

Consultation letters were sent to 72 neighbouring properties. 25 letters of objection were received summarised as follows:

- concerns of drainage
- concerns of parking, congestion and safety
- concerns of refuse provision and increased litter, waste and flytipping
- out of character and overdevelopment of the site
- extension will be overbearing, visually obtrusive and result in a loss of outlook, loss of light and sense of enclosure
- loss of privacy and overlooking
- Council has duty under Human Rights Act for a person to have peaceful enjoyment of their home
- site subject to enforcement action
- over-intensification of the site
- noise and disturbance concerns by use
- proliferation of HMOs in the area
- Previous permission had a limitation of 7no. occupiers
- tree impact concerns
- room stacking and sound proofing concerns
- concerns over ventilation requirements of bathrooms
- fire safety concerns
- structural safety concerns
- need for HMO has not been demonstrated
- loss of family housing

Internal consultees

HMO Licensing Team:

On the basis of the information provided in the proposed plans and Planning Design & Access Statement, we would not have any objection to the level of occupation as per the planning application.

Highways - no objections subject to conditions

London Fire Brigade - no comments received.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM09, DM17.

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

Barnet's Draft Local Plan (Reg 22) 2021

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

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

Supplementary Planning Documents

- o Sustainable Design and Construction SPD (adopted October 2016)
- o Provides detailed guidance that supplements policies in the adopted Local Plan and sets out how sustainable development will be delivered in Barnet.
- o Residential Design Guidance SPD (adopted October 2016)
- o Adopted Standards for Houses in Multiple Occupation (2016).

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle of an HMO in this location;
- The impact on the appearance and character of the area;
- The impact on the amenities of neighbouring occupiers;
- Whether the proposal provides satisfactory living accommodation for future occupiers;
- Parking and Highways.

5.3 Assessment of proposals

- The principle of HMO's in this location:

Core strategy policy CS4 aims to maximise housing choice by providing a range of sizes and types of accommodation that can meet aspirations and increase access to affordable and decent new homes. Barnet's growing and increasingly diverse population has a range of needs that requires a variety of sizes of accommodation. HMO's are recognised as an important source of low cost, private sector housing for students, those on low incomes and those seeking temporary accommodation.

The principle of an HMO in this location is established by virtue of the extant permission (21/1676/FUL) which consented a C4 HMO for 7 persons. Within the consented scheme, 3 letters from independent local estate agents substantiated the need for HMO's in this location with an acute shortage of supply. Updated letters within this submission from these estate agents have been provided to re-substantiate the need for HMOs in the locality. The application site is also within short walking distance to Middlesex University and it is noted that a number of HMO consents have been granted along Watford Way.

As such and as previously, the principle of an HMO in this location is considered acceptable.

- The impact on the appearance and character of the area:

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

The proposal incorporates a first floor rear extension which would measure a maximum depth of 3.3m from the original rear wall of the building. This only marginally exceeds the 3m depth stipulated by Residential Design Guidance. Furthermore, the properties to the immediate south consist of recessed building footprint, the proposed first floor extension would approximately align with the rear elevation of these neighbouring properties and therefore maintain a uniform rear building line.

Additionally, its significant set down from the ridge of the main roof and relatively narrow width would ensure it would feature as a proportionate and subordinate addition to the dwelling. It is noted that neighbouring dwellings also benefit from similar enlargements and therefore it is not considered that in cumulation with existing extensions the proposal would be deemed as disproportionate or an overdevelopment of the site.

In respect of the HMO, the proposal would provide an HMO consisting of 9 single person bedrooms. This represents an increase of 2no. persons/bedrooms above the extant permission. It is not considered that the marginal increase in occupancy would alter the functionality of the site to an extent that would harm the character of the area. It is highlighted, that this section of Watford Way although predominantly residential in character, is mixed in typology consisting of detached and semi detached single family dwellings, purpose built flatted development and properties which have been subdivided into flats or HMOs. Based on the mixed character of the area and the nature of Watford Way which consists of a busy ambient environment, it is not deemed that the introduction of a HMO (as previously considered) would harmfully alter the character of this section of Watford Road.

- The impact on the amenities of neighbouring occupiers:

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan) in respect of the protection of the amenities of neighbouring occupiers.

The proposed first floor rear extension would project for a depth of approximately 2.4m from the existing bay window and would be set some 3m away from the adjoining neighbour no.321 Watford Way, the significant separation distance would ensure this element would not result in an overbearing appearance, loss of outlook, sense of enclosure or significant overshadowing.

To the side facing no. 317, given the recessed footprint of this neighbouring building the proposed extension would not extend beyond the rear elevation of no.317. As such, no harm would arise in terms of outlook or a sense of enclosure.

The proposal would not facilitate any new windows within the flank elevations that would raise any additional concerns of overlooking or loss of privacy. It is noted that the existing relationship results in a level of mutual overlooking by way of facing flank windows at ground

floor level. The proposal would not alter this existing relationship and is comparable to the extant scheme. As such, officers do not raise concerns in this respect.

The proposal would result in an intensification of the site consisting of up to 9 occupants, however this represents a modest uplift in 2 persons from the extant permission. Furthermore, given the mixed character of the area and the high ambient noise levels along Watford Way, it is not considered that any arising levels of intensification would result in significant noise and disturbance to neighbouring occupiers. In addition, a condition will be imposed to limit the occupation to a maximum of 9 persons at any time.

- Whether the proposal provides satisfactory living accommodation for future occupiers:

The Council's HMO Licensing team who have been consulted in regards to this application commented that subject to the restriction of one person per bedroom with only communal kitchen space, they would have no objection to the proposal.

The Council's Adopted Standards for HMO stipulates minimum standards for rooms.

The adopted HMO standards stipulates the minimum room floor area required where the kitchen is in a separate room as is the case for the subject site; For 1 person it is 10m² (8.5m²) and for 2 people the requirement is 14m² (12.5m²).

The proposal consists of the following:

- Bedroom 1 (ground floor) - 1 Bedroom/ 1 person - 12.5m²
- Bedroom 2 (ground floor) - 1 Bedroom/ 1 person - 12m²
- Bedroom 3 (ground floor) - 1 Bedroom/ 1 person - 12m²
- Bedroom 4 (first floor) - 1 Bedroom/ 1 person - 10m²
- Bedroom 5 (first floor) - 1 Bedroom/ 1 person - 10m²
- Bedroom 6 (first floor) - 1 Bedroom/ 1 person - 12m²
- Bedroom 7 (loft floor) - 1 Bedroom/ 1 person - 9.9m²
- Bedroom 8 (loft floor) - 1 Bedroom/ 1 person - 10m²
- Bedroom 9 (loft floor) - 1 Bedroom/ 1 person - 10m²

Adopted HMO standards states "Where there are five or more occupiers each separate household shall, where practicable, be provided with a wash hand basin".

All rooms would meet the minimum space standards required. With the exception of the loft level bedrooms which would benefit from a communal bathroom, all other rooms would feature en-suite facilities.

The adopted standards state kitchens for communal use may be provided for a maximum of five persons and no less than 6m². Depending upon the circumstances it may be possible to have two sets of kitchen facilities in the same kitchen. In such an instance, no more than two sets of facilities (each provided for a maximum of five persons) shall be provided in any one shared kitchen and in such an instance the kitchen must have a floor area of not less than 12m².

The proposal would provide a kitchen at ground floor level and first floor level each with a floor area of approximately 15sqm and therefore would exceed the minimum standard required.

Outlook/Light:

Bedrooms 1 to 8 and kitchen spaces would benefit from a good level of outlook and light, whilst it is noted that bedroom 9 would only be served by rooflights, given the layout of this room and the size and positioning of the two rooflights on balance this would be acceptably.

Amenity:

Whilst there are no prescribed standards for outdoor amenity space for HMO's, the proposal would provide private outdoor amenity space for two of the ground floor bedrooms and the remaining sizeable garden space would feature as communal amenity space. Details of the subdivision of the garden would be secured through a condition. The site also lies in close proximity to Sunny Hill Park which can be accessed via the adjacent pedestrian subway connecting both sides of Watford Way.

- Impact on parking and highways:

The site fronts directly onto Watford Way (A41). The site is not in a CPZ and it lies in an area with a PTAL score of 1b (poor). However, there are 2 bus routes (113, 186) which can be accessed from stops within 5 minutes walking distance from the site. The site would also have use of the pedestrian subway located directly outside the subject site and thereby providing connectivity to the adjacent site of Watford Way.

The change of use from the existing family dwelling to a 9 bed (HMO) will attract a maximum parking provision of between 0-9 spaces based on Policy DM17. Given the site's poor PTAL score of 1b, Highways would recommend the provision of 8 spaces. The planning statement indicates that 3 car parking spaces will be provided on the existing front forecourt and swept path analysis has been provided to demonstrate this can be accommodated. It is noted that the parking provision aligns with the extant scheme. Highway officers consider this to be acceptable.

A parking survey has accompanied the application showing an average parking stress of 60% which falls well below the 90% threshold. This equates to an average of 57 available spaces. As such, it is accepted that any potential overspill could easily be accommodated on street without resulting in congestion or harm to the highway network.

Refuse/recycling:

The plans indicate a refuse store to be located within the front curtilage of the site and this arrangement does not differ to the previous consented scheme, however the increase in occupancy may require additional bin space. Notwithstanding this, the spacious site benefits from ample space to accommodate the required provision and therefore it is considered acceptable to secure these details via a condition, which will detail store and bin provision as well as a refuse collection point.

Subject to these details, it is not considered that the proposal will result in waste concerns.

5.4 Response to Public Consultation

Mainly addressed in the report.

-concerns of drainage

The site lies within Flood Zone 1 which means there is a low risk of flooding. A condition will be placed to minimise water consumption in line with the optional requirement of building regulations. In addition, there is nothing before the LPA to substantiate concerns of sewage and drainage.

-Concerns of parking, congestion and safety

This has been reviewed by the councils highway officer who has not raised any concerns.

-Council has duty under Human Rights Act for a person to have peaceful enjoyment of their home

The proposal has been considered to have an acceptable impact on the amenities of neighbouring occupiers, as such this it would not breach the requirements of the Humans Rights Act.

-Site subject to enforcement action

The enforcement case (ENF/0697/22) has been closed as off 21/06/2022 - the loft extension was considered to be built in accordance with the plans.

-proliferation of HMOs in the area

The application has been assessed on its own merits, it is not considered that there is an over concentration of HMOs in the immediate vicinity.

-Previous permission had a limitation of 7no. occupiers

The uplift in occupancy has been duly assessed and considered acceptable.

-tree impact concerns

There are no trees with a tree preservation order, nor any trees of special amenity value. In any event, the proposed development would not impact any trees.

-Room stacking and sound proofing concerns

Stacking is broadly like for like and sound insulation certificates will be imposed by way of condition to mitigate any noise transfer.

-Concerns over ventilation requirements of bathrooms; Structural safety concerns

These are not a material planning considerations.

-Fire safety concerns

This will largely be governed by the HMO licensing team and Building Regulations, however it is noted that a fire statement (in response to Policy D12(A) of the London Plan) has been provided.

-Need for HMO has not been demonstrated; loss of family housing

By virtue of the extant scheme, the principle of the HMO is acceptable and supporting evidence (as previously) has been provided to demonstrate need.

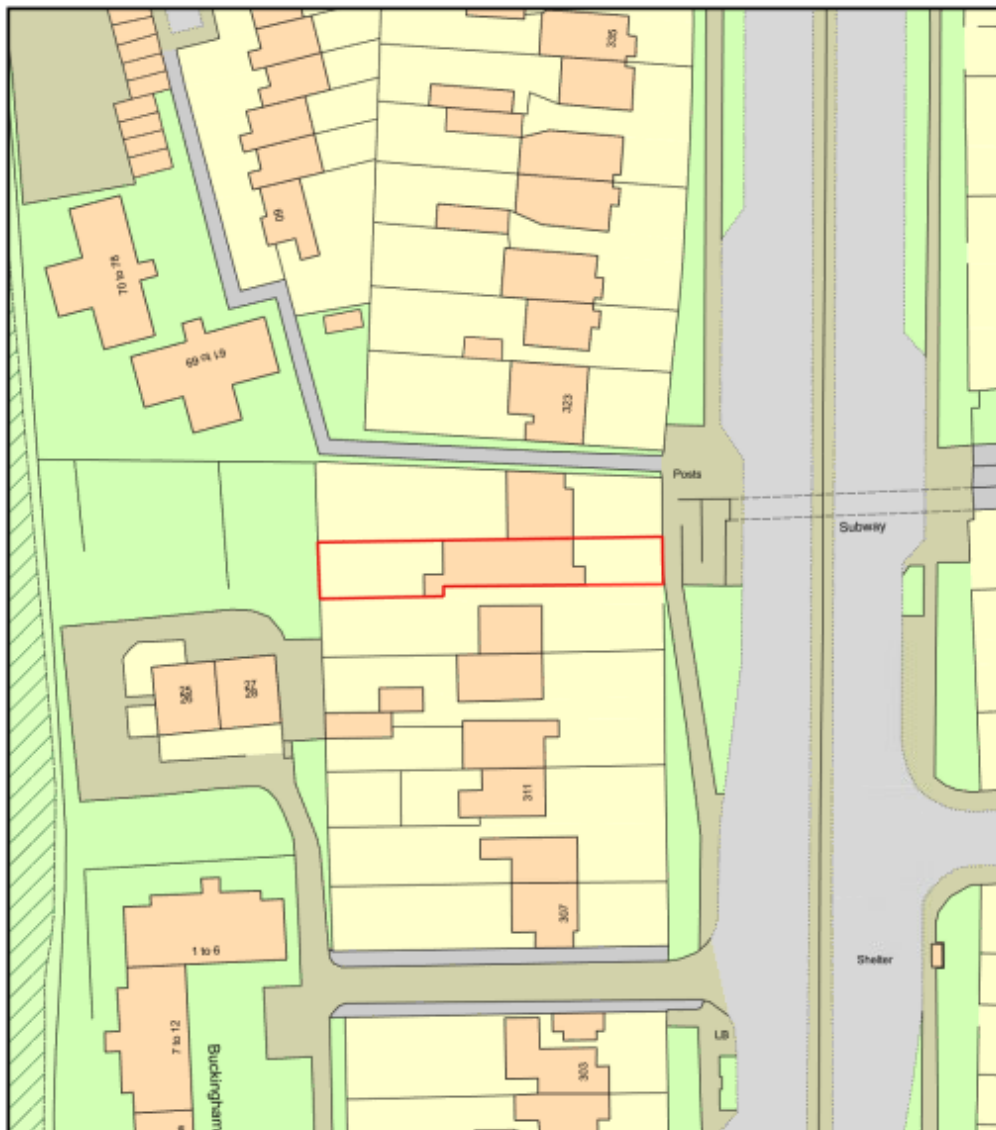
6. Equality and Diversity Issues

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

**Former Site of Public Convenience, Junction of Great North Road,
London, EN5 1ET**

AGENDA ITEM 10

Reference:

	Received:	20.05.2022
22/2716/FUL	Accepted:	20.05.2022
Ward: Barnet Vale	Expiry	15.07.2022

Applicant:

CONNECTIONS
LTD

Proposal:

Demolition of the existing single storey building and erection of a two storey building for use as internet cafe/coffee bar with provision of outdoor seating. Associated cycle parking, refuse and recycling store and associated landscaping

Recommendation: Approve subject to conditions

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

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

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

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

-Drawing numbers: 1809-E01-00; 1809-E02-00 Rev 1; 1809-E03-00 Rev P1; 1809-E03-00 Rev p1

-Proposed: 1809-P02-00; 1809-P02-01; 1809-P03-03; 1809-P03-01; 1809-P03-02; ;1809-P03-00

-Planning and Heritage Statement by Apcar Smith Planning dated May 2022

- Design and Access Statement by Vivendi Architects dated 30 July 2021

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

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

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

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

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

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

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

5. a) 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).

6. a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the 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.

7. 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).

8. No advertisement displays or structures shall be added to the elevations of the building at any time.

Reasons: To ensure the proposal would not be harmful to the character and visual amenities of the area, and in the interest of highway safety, in accordance with policies D1, D4 & T4 of the London Plan (2021); and policies DM17 & DM17 of the Development Management Document (2012).

9. The opening hours for the internet café and coffee shop shall not be permitted outside these following hours:

- o 6.30-23.00 Monday-Friday
- o 8.00-22.00 on Saturday, Sunday and Bank holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with policies D14 of the London Plan (2021) & DM04 of the Development Management Document (2012).

10. 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).

11.a) No development or site works (other than demolition works) shall take place on site until a Delivery and Servicing Management Plan for the proposed use has been submitted to and approved in writing by the Local Planning Authority.

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).

Informatives

1. In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. 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. Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
3. The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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.

4. Your attention is drawn to the need to provide facilities for the disabled, as set out in Building Regulation Part M Access & Facilities for Disabled Persons. A copy of Part M is available via the Planning Portal at <http://www.planningportal.gov.uk/buildingregulations/>.
5. The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

6. Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public

highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

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

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

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

8. 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.

9. The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licences or email highwayscorrespondence@barnet.gov.uk.
10. Any gates must open inwards and not out onto the public highway for health and safety reasons.
11. 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.
12. 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.

13. The applicant is reminded that this permission is granted based on the existing plans and elevations submitted as part of this application. If any other developments are subsequently carried out at the property, whether by grant of planning permission or as 'permitted development', then the development the subject of this permission may no longer be lawful and a fresh application may be required.

Officers Assessment

Site Description

The site is located on a triangular-shaped traffic island at the junction of Station Road and the Great North Road. The site is accessed from pedestrian crossings from both roads. The site is located within the Oakleigh ward.

The site contains an existing single-storey building formerly in use as public conveniences. It is understood that the building is currently vacant.

The traffic island is at the edge of a commercial area with the Everyman Cinema (Grade II Listed Building) is almost directly opposite to the west and, to the north of that, the Queen's Arms public house and a petrol filling station. To the south/south east are shops on both sides of the Great North Road continuing around the junction with Station Road. These are identified in the Local Plan as local frontages. To the north/northeast is residential development. Barnet fire station is in close proximity on the northern side of Station Road.

The site is not within or in proximity to any Conservation Area.

The site has a PTAL rating of 4 (on a scale of 1 being extremely poor and 6 being excellent) which means it has very good access to public transport.

Site History

Ref: N14408A/05

Description of development: Demolition of existing building and erection of a two-storey building to provide an internet cafe.

Decision: Approved subject to Section 106 Agreement and legal agreement

Decision date: 02 Nov 2005

Ref no: N14408/04

Description of development: Demolition of existing building and erection of two-storey building to provide florist and internet cafe.

Decision: Refused

Decision date: Fri 24 Dec 2004

Proposal

The proposal is for the demolition of the existing single storey building and erection of a two storey building for use as internet cafe/coffee bar with provision of outdoor seating. Associated cycle parking, refuse and recycling store and associated landscaping.

The proposal café falls within use class E of the Use Class Order, and the opening hours would be 6.30-23.00 Monday to Friday; 8.00-22.00 on Saturdays; Sundays and bank holidays.

The application site area is approximately 70sqm. The GIA area of the existing building to be demolished onsite is 14sqm, and the proposed two storey building would be approximately 50sqm GIA.

At ground floor level, the proposal includes a coffee bar; 4 x no cycle Sheffield stands; seating areas; high level planter to boundary wall; and covered and secure refuse and recycling facilities (directly north and west of the site boundary).

The proposal includes an Internet Café on first floor level.

Public Consultation

Consultation letters were sent to 72 neighbouring properties on 23rd May 2022, and re-consultation letters were sent on 09th September 2022.

The Local Planning Authority received 6 letters of objection, which are summarised as follows:

- Overlooking to properties at Homestead Court.
- The proposed land use would encourage anti-social behaviour. crime and present safety concerns
- Loss of daylight to properties at Homestead Court
- The proposed refuse and recycling facilities, to service the café would attract pests to the area and eventually into Homestead Court.
- Congestion
- Increased pressure on car parking.
- Inadequate cycle storage to accommodate the land use.
- The proposed seating area would cause a distraction for vehicles turning from the main road onto East Barnet Road.
- A Heritage Impact Assessment has not been submitted to the Local Planning Authority which considers the impact the proposal would have on the setting and views of the Grade II Listed cinema.
- Arrangements for increased numbers of pedestrians, cyclists and vehicles delivering goods or collecting waste are unclear.
- No provision for an accessible WC or vertical circulation is made for disabled users.
- The proposal does not provide details on environmental standards for energy conservation, ventilation and air quality.
- All the surfaces appear to be hard, thereby losing all the greenery (bar a tiny hedge) and rainwater absorption. This would increase pressure on the drainage network and should be rethought
- The proposed IT cabling, kit and the design of the upper floor has not been discussed within the applicant's submission documents.
- Parts of the exterior of the building may be used for adverting.
- Negative and dominating impact on the setting of the Grade II listed art deco cinema, and aesthetics of rows of traditional town centre buildings with unusually thriving shops on both side of the road that define the area and compliment the Grade II art deco cinema.

- Pedestrian movements would be increased by this proposal, which could compromise highway safety.
- The large expanse of glass and its proximity to the seating areas would make the latter unusable in even moderate sunlight.
- Sustainability - The extent and orientation of glazing would also load the environmental impact and carbon footprint of the structure by relying on excessive heating in winter and cooling in summer in what is already a high energy consumption facility.
- The proposal lacks facilities for staff and users with disabilities in particular with respect to equal access to the primary facilities on the first floor.

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

Planning Considerations

Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

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

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

The relevant London Plan (2021) policies are as follow:

- Policy D1 London's form, character and capacity for growth
- Policy D2 Infrastructure requirements for sustainable densities
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D11 Safety, security and resilience in emergency
- D12 Fire Safety
- D14 Noise
- T2 Healthy Streets
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking
- M1 Monitoring
- SD6 Town Centres and high streets
- SD7 Town Centres- development principles and development plan documents
- SD8 Town Centre Network
- SD9 Town Centres- local partnership and implementation
- SD10 Strategic and local regeneration

Barnet's Local Plan (2012)}

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development

- CS NPPF
- CS1 Barnet's place shaping strategy
- CS5 Protecting and enhancing Barnets character to create high quality places
- CS6 Promoting Barnet's town centre
- CS7 Enhancing and protecting Barnet's open spaces
- CS10 Enhancing inclusive, integrated community facilities
- CS14 Dealing with own waste

Management Policies Development Plan Documents. Both were adopted in September 2012.

- DM01 Protecting Barnet's character and amenity

DM02 Development Standards
DM03 Accessibility and Inclusive Design
DM04 Environment considerations for development
DM06 Barnet's heritage and conservation
DM11 Development principles for Barnet's town centres
DM12 Maintaining our local centres
DM17 Travel impact and parking standards

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.

Main issues for consideration

The main issues for consideration in this case are:

- The principle of the proposed land use onsite
- 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.
- Environmental impacts (noise and air pollution)
- Impact on the local highway
- Energy and Sustainability

The principle of the proposed land use onsite

The proposed development involves the demolition of the existing single-storey building. Given that the existing building is vacant and there is no designation on the building, Officers do not object to its demolition.

Planning permission was previously consented on the site for a two-storey building with a similar internet café use. Although this consent was never implemented, the principle of an internet café and coffee shop has already been established onsite.

The site is not located within a designated Town Centre, and the proposal would not detract from the vitality and vibrancy of the nearby local parades.

The proposal would make provision for 2 full time staff and 4 part time staff, which is welcomed by Officers.

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

High quality design underpins the sustainable development imperative of the NPPF and policies D1, D5, D6, D7 and D8 of the London Plan (2021). Policy CS5 of Barnet's Core Strategy (2012) seeks to ensure that development in

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

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

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

The proposed height, scale and bulk is considered to be appropriate for the site and would have a positive contribution to the character of the streetscene and the local area. It is considered that the proposed development would be of high quality in terms of design and would greatly improve the existing appearance of the site, by comparison.

The siting of the development and footprint onsite is respectful of the site's constraints and context. The proposed height, scale, bulk and massing and appearance is considered to be acceptable and would improve the appearance of the site; and would be respectful of the character of the streetscene and area.

The proposed contemporary design approach to the site is welcome. The materials to the elevation treatment include powder coated cladding; glazing to the shopfront; sliding glazing entrance doors, railing to the front of the building which adds to the overall design quality and visual interest of the building. Moreover the proposed materials are energy efficient and sustainable.

The proposed high-level planter for screening to soften the visual impact to the front elevation.

Notwithstanding, no development other than demolition works shall take place until full details of the materials (including specifications) 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. This is to safeguard the character and visual amenities of the site and wider area and would be secured by way of a planning condition.

Whether harm would be caused to the setting of the Grade II Listed Everyman Building

Policies DM06 and CS6 of the Local Plan (2012) and HC1 of the London Plan (2021) seek to ensure that development does not compromise the setting of listed buildings; Conservation Areas and other heritage assets.

The NPPF defines "setting" as: "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its

surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance or may be neutral. As such, when assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change".

The Everyman cinema, is a grade II Listed Building, located opposite the site, approximately 45 metres from the proposed building between the listed building and the application site is the Great North Road itself and the service road that runs in front of the parade of shops to the southeast and continues in front of the cinema, the adjacent public house to the northwest and the petrol station beyond that.

As a result of these wide stretches of roadway between the two sites and the cars parked both sides of the service road between the listed building and the application site, it is not considered that there is any visible link between the two sites. The proposed development would be both lower and of smaller footprint than the previous planning permission with that clearly having previously been considered to be acceptable in terms of its impact on the setting of the heritage asset. The current proposal would have even less of an impact. It would not obscure any long views of the heritage asset with it not being considered that it would have any more of an impact on the setting than does the existing building that it would be replacing. The proposal would therefore not lead to or result in substantial development or substantial harm to the listed building or its setting. LBB Conservation Officer has reviewed the application and confirm the proposal would not have a detrimental impact on the setting of the Everyman cinema.

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

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

Given the height, scale and distance of the development to properties on the opposite site of the road, the proposal would not result in the loss of daylight and sunlight to nearby residential properties, including those at Homestead Court.

Privacy

The Residential Design Guidance SPD advises that in new residential development privacy can be safeguarded by achieving minimum window to window or window to balcony distances between buildings 21m between facing habitable room windows, and 10.5m to a neighbouring gardens. These

distances relate particularly to typical two-storey development, where first floor windows can overlook neighbouring properties.

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

The proposed development is located more than 21 metres to the nearest residential development at Homestead Court and would therefore not result in the loss of privacy to these units.

Environmental impacts (noise and air pollution)

Policies D14 of the London Plan (2021) and policy DM04 of the Development Management DPD (adopted September 2012) seeks to ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

LBB Environmental Health have reviewed the proposal and confirm they do not raise any objections subject to the following three conditions:

1. Prior to the commencement of development, a Demolition and Construction Management Plan shall be submitted to and approved by the Local Planning Authority in the interest of highway safety, noise, and air quality.
2. An Assessment of the impact of the noise from ventilation and extraction plant on development shall be submitted to and approved in writing prior to the occupation (prior to use) of the development. This is to ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.
3. A compliance condition would be attached which requires 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. This is to ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

The full wording of these conditions is included with the conditions.

Impact on the local highway

The site has a PTAL rating of 4, (on a scale of 1-6, 1 being extremely poor and 6 being excellent) which means that it has good access to public transport.

The applicant is not proposing to make provision for any off-street car parking. The site lies within a PTAL 4 zone, which means that there is above average public transport accessibility to and from the site.

Car Parking

There is no policy requirement to make provision for car parking for the proposed development.

The proposal does not make provision for on or off streetcar parking, which is considered acceptable.

Cycle facilities

Policy T5 of the London Plan (2021) stipulates that cycle parking spaces for proposed new development, including café uses. The proposed makes provision for 4 x no cycle storage spaces in a safe and secure location to the northwest within the site boundary, which is considered acceptable to accommodate the development. .

Refuse and recycling storage facilities

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

The proposal makes provision for covered and secure refuse and recycling storage within the north eastern corner of the site boundary. The existing refuse/recycling collection will be maintained as existing along Station Road and collected by the local authority's waste management division."

LBB Highways team have advised that the proposed refuse and recycling storage location is deemed acceptable on highways grounds. The refuse collection areas would be located within 10 meters of the Public Highway on collection days, which is acceptable in highways terms.

Response to Public Consultation

All planning matters raised have been considered and addressed as part of the assessment and decision-making process for this planning application.

The objections and concerns raised from residents and the local community have been considered within the evaluation above, and all representations received from residents were fully considered in the assessment of the application.

The proposal would not result in an over intensification of the use onsite and would not compromise the amenity of local nearby properties.

The proposal is of high design quality and would have a positive impact on the streetscene and character of the area. The proposed powder coated cladding and glazing are both energy efficient and sustainable.

The proposal would not have a negative impact on the setting of the Everyman Cinema, a grade II Listed Building.

It is considered that concerns related to traffic disturbance, noise and air pollution would be sufficiently mitigated against by way of planning conditions as set out within the report.

With reference to concerns relating to noise disturbance specifically relating to the structure of the building, sound insulation is a matter adequately addressed by the Building Regulations.

The proposal makes provision for an accessible w/c at ground floor level, which is considered sufficient for the proposed use.

The proposal would not result exacerbate existing congestion. Staff and patrons of the internet café and coffee shop would travel either by public transport; cycle or walking, and the proposal would not have a detrimental impact on the highway.

Dust and Air Pollution- The applicant would be required to submit a Demolition, Construction and Logistic Management Plan to be approved in writing by the Local Planning Authority, prior to the commencement of works onsite. This would include details of sustainable and efficient means of suppressing dust, including the adequate containment of stored or accumulated materials so as to prevent it becoming airborne at any time and giving use to nuisance. Moreover, details of all noise mitigation measures from the operational plant and processors during the demolition and Construction process are required for approval, in the interest of high safety, noise and air quality.

Advertisement displays- There are no advertisement displays proposed to the elevations of the building. Notwithstanding, a compliance planning condition would be attached which require that no advertisement displays, or structures shall be added to the elevations of the building at any time. This is to ensure the proposal would not be harmful to the character and visual amenities of the area, and in the interest of highway safety.

Anti social behaviour: There is no evidence to suggest that the proposal would promote or result in instances of anti-social behaviour and crime onsite, or in the local area. The hours of opening would be conditioned. The café would not be open past 11pm on any night. Moreover, given that the site (a traffic island) is highly visible, the proposal has sufficient natural surveillance which should act as a deterrent for anti-social behaviour.

Insufficient information on Delivery and Servicing for the proposed use: Prior to commencement of works (excluding demolition) onsite, the applicant shall submit a Delivery and Servicing Management Plan to be approved by the Local Planning Authority, in consultation with the Local Highway Authority. This will be secured by way of a planning condition, in the interest of highways safety.

Poor sunlight to outdoor seating area: The outdoor seating area would not receive adequate sunlight. It is not considered to be the case, well designed, and given that the development is only 2 stories in height, the outdoor area would not be overshadowed.

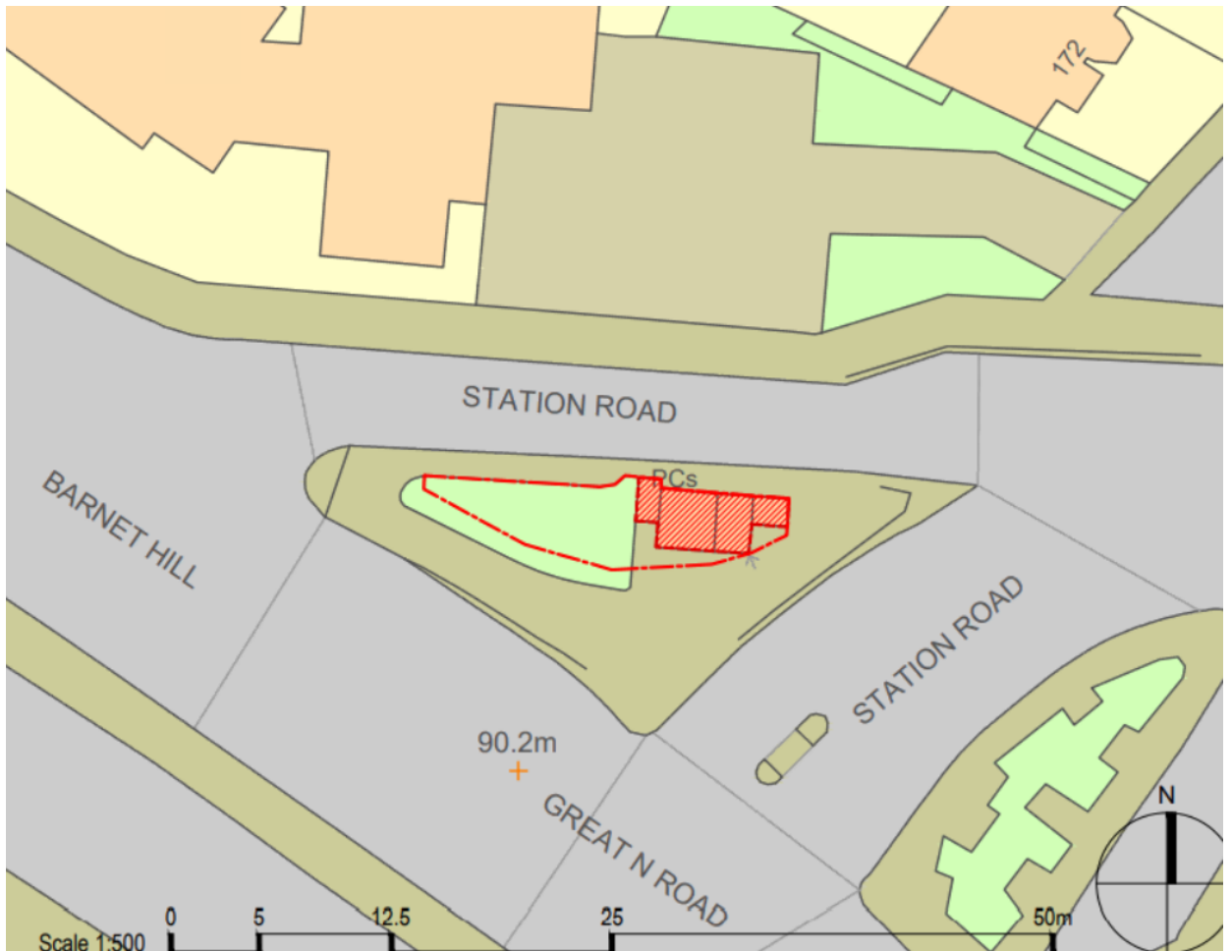
Equality and Diversity Issues

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

Conclusion

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

Site Location Plan



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Location **1 Albert Road, Barnet, EN4 9SH**

AGENDA ITEM 11

Reference:

	Received:	13.07.2022
22/3316/FUL	Accepted:	13.07.2022
Ward: East Barnet	Expiry	07.09.2022

Applicant:

C/O UPP Architects
& Town Planners

Proposal:

Demolition of the existing buildings and erection of a part 4 storey, part 5 storey building to provide 9no. self-contained residential units, together with basement car park, cycle storage, external amenity space and refuse & recycling facilities.

Recommendation: Approve subject to conditions

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

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

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

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

Location Plan: 01AR-A-01-001

Existing drawings: 1AR-A-02-001; 01AR-A-02-002; 01AR-A-03-001; 01AR-A-05-001 & 01AR-A-06-001

Proposed drawings: 01AR-0-03 101; 01AR-A-03-102; 01AR-A-03-103; 01AR-A-03-104; 01AR-A-03-105; 01AR-A-03-106; 01AR-A-03-107; 01AR-A-05-101; 01AR-A-06-101; 02AR-A-06-102; 01AR-02-101; 01AR-A-02-102; 01AR-A-02-103; 01AR-A-02-104

- o Planning, Design and Access Statement by UPP Architects and Town Planners
- o Summertime overheating analysis by O G Energy
- o Noise Impact Statement dated 14th January 2022 (Report no: VA3981.220111.NIA) by Venta Acoustics
- o Arboricultural Impact Assessment Method Statement and Tree Protection Plan by Trevor Heaps Arboricultural Consultancy Limited dated 3rd July 2021
- o Phase 1: Desk Top Study by JC Consulting Report ref no: JCCGE022-001-01-sts Revision 01 January 2022
- o Transport Statement by Crosby Transport Planning dated October 2021
- o Bat Survey Report by Eco Assistance dated 02 August 2021
- o Preliminary Ecological Appraisal by Eco Assistance dated 01 July 2021 (and associated appendices)
- o Daylight and Sunlight Assessment by L16 Design dated July 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).

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

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS

NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies D4, D5, D8 and G7 of the London Plan 2021.

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

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

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

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

6. (a) Prior to occupation of the development, 6 parking spaces and a new and redundant access shall be implemented in accordance with the approved plans.
- (b) Thereafter, the parking spaces and crossover shall be used only as agreed and not to for any purpose other than the parking and access/turning of vehicles in connection with approved development.

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

7. No works on the public highway including creation or modification of a vehicular access as a result of the proposed development shall be carried out until detailed design drawings of the proposed access and dropped kerbs in the vicinity of the site have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to enter into an agreement with the Highways Authority under Section 184 of the Highways Act, for these works and will be liable for the reinstatement of any redundant crossovers to footway and make good any consequential damage to the public highway as a result of the proposed development including renewing of the footway along the site frontage. All offsite highways works must be completed to the satisfaction of the Local Highway Authority prior to 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 in accordance with London Borough of Barnets Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

8. (a) Prior to commencement of development onsite, full details of cycle parking including the type of stands, internal dimensions and spaces between bicycles stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority. The type of stands used must allow both wheels and the frame of the bicycle to be locked.

(b) Prior to the occupation of the first residential unit hereby approved, a minimum of 17 cycle parking spaces (15 long-stay and 2 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.

9. 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.

- 10.** 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 1 active and 5 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 and T6 of the London Plan (2021).

- 11.** (a) Prior to the occupation of the development, a Manufacturer's warranty, Specification, a Maintenance Agreement and repair response times for the operation of the car lifts shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 12.** (a) Prior to the occupation of the development, a plan showing car lifts, indicator warning lights, remote controlled roll-up shutter shall be provided to ensure that access to the car park is controlled, maintained and monitored at all times.

(b) The approved details of the car lift in accordance with part a, shall be implemented, maintained, and retained in perpetuity.

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

- 13.** The details hereby approved within the Noise Impact Assessment dated 14th January 2021 (by Venta Acoustics) Report VA3981.220111.NIA (dated 12 January 2022), including all mitigation measures proposed, shall be full implemented and retained 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).

- 14.** 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.

- 15.** 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).

- 16.** (a) 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.

(b) 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.

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

Reasons: In the interest of good air quality in accordance with policies SI 1 of the London Plan (2021) and DM04 of the Development Management Document (2012).

- 17.** 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).

- 18.** a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

19. a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

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

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

21. 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 rainwater 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).

- 22.** 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).

- 23.** 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.

- 24.** (a) No impact 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 sewerage infrastructure, and the programme for the works) for the development has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.
- (b) Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To prevent any damage to nearby underground utility infrastructure in accordance with policies SI 13 of the London Plan (2021); CS13 of the adopted Core Strategy (2012) and DM04 of the Managing Development Document (2012).

- 25.** Prior to the occupation of the development, petrol/oil interceptions shall be fitted in all car parking/washing/repair facilities and retained thereafter.

Reason: To ensure that the risk of oil polluted discharges entering the local watercourses.in accordance with policies SI 17 of the London Plan (2021);

CS12 & CS13 of the Core Strategy (2012) and DM04 of the Development Management Document.

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

The above conditions would be required, pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01 & DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G6 and G7 of the London Plan 2021.

- 27.** 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.

- 28.** The details hereby approved within the Arboricultural Impact Assessment , Method Statement Report produced by Trever Heap Associates dated 2nd July 2021 and the Tree Protection Plan (drawing no: TH/A3/2947/TPP) shall be full implemented throughout all development phases.

Reason: To ensure the visual amenities and health of identified trees are protected in accordance with policies DM01 & DM16 of the Local Plan-Development Management Document (2012).

- 29.** (a) Prior to the commencement of works onsite, full details of the Green Wall maintenance Plan shall be submitted to and approved by the Local Planning Authority in writing.

(b) The details hereby approved shall be full implemented, retained and maintained in perpetuity.

Reason: To safeguard the character and visual amenities of the site and wider area; promote biodiversity; 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), Policies DM01 and DM16 of the Development Management Policies DPD (adopted September 2012) and Policy D4 of the London Plan 2021.

30. a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers, including the rooftop communal amenity and child play area 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 SI1 of the London Plan 2021.

31. Prior to the commencement of development, a Summertime Overheating Assessment shall be submitted to and approved by the Local Planning Authority in writing, to demonstrate the following:

a. The risk of overheating has been reduced as far as practical and that all passive measures have been explored, including reduced glazing and increased external shading.

b. Outline Strategy for residents to cope in extreme weather events; passive and mechanical ventilation's, with a commitment to providing guidance to residents on reducing the overheating risk in their home in line with the cooling hierarchy.

The details hereby approved shall be implemented and retained thereafter.

Reason: To ensure the development would minimise the adverse impacts on the urban heat island through design, layout, orientation, materials and incorporate of green infrastructure in accordance with policies D6 & SI 4 of the London Plan (2021), and DM03 of the Development Management Document (2012).

32. a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise from both Public House directly to the north

and south of the site on the development, including the rooftop communal and play area and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

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

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

Informatives

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

Please visit

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

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

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

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

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

4. 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. 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.

6. The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.
7. If a pump lorry is to be operated from the surface of the public highway, any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
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/>

9. 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."

10. The applicant is advised to consult Fire Safety Guidance Note (dated 29 January 2019) on Fire Brigade Access similar to that in B5 of the Building Regulations.
11. Thames Water would advise that with regard to sewerage infrastructure capacity.
12. Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
13. The applicant is encouraged to develop a Voluntary Travel Plan to promote more sustainable forms of travel. Further advice can be sought via developmenttravelplans@barnet.gov.uk or Tel: 020 8359 7603".

Site Description

The application site relates to a two-storey detached property which has been converted into 2no. self-contained flats. To the rear of the site is an additional building which is used as a self-contained dwelling. The property is located on the west side of Albert Road, close to the junction with East Barnet Road. The section of the road of which the site forms a part is a one-way street with cars moving from north to south.

The surrounding area is predominantly by residential development. Directly north of the site is a public house (Building Arms) and further north is a 5-storey flatted development at no 9 Albert Road.

The site has a Public Transport Accessibility of 3, which means it has moderate access to public transport, (on a scale of 1 being extremely poor and 6 being excellent).

The site is not located within a Conservation Area, and there are no listed buildings onsite, or within the vicinity of the site

Site History

Ref no: 21/5554/FUL

Description of Development: Demolition of the existing buildings and erection of a part 4 storey, part 5 storey building to provide 9no. self-contained residential units, together with basement car park, cycle storage, external amenity space and refuse and recycling facilities

Decision date: 21 April 2022

Decision: Refused

Reasons for refusal:

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

2 The proposed integrated communal play and amenity space, by virtue of its siting and design, would result in a sub-standard environment through exposure to unacceptable noise and poor air quality, to the detriment of the residential amenity of future occupiers and contrary to Policies D6, D14 and S4 of the London Plan (2021), Policy DM02 of the Local Plan: Development Management Document (2012), Sustainable Design and Construction SPD (2016) and the Residential Design Guidance SPD (2016).

3 Insufficient information has been submitted to demonstrate that the proposed units would not be exposed to the risk of overheating, to the detriment of the residential amenity of future occupiers, and that the units would adequately ventilated without adverse impact on the urban heat island from an over reliance on energy intensive mechanical cooling systems, contrary to Policies D3, D6 and SI 4 of the London Plan

(2021), Policies CS4 & CS13 of the Local Plan: Core Strategy (2012) and Policies DM01, DM02 & DM04 of the Local Plan: Development Management Document (2012).

Ref no: 19/3432/FUL

Description of development: Use of existing two storey building with a rear single storey outrigger as a three- bedroom residential dwelling house with associated internal/external alterations. Associated cycle store, amenity space, refuse and recycling store.

Decision: Refused

Decision date: 15/08/2019

1. The proposed dwelling would, by reason of its use, design, siting within close proximity to the rear garden area of No. 1 Albert Road would result in overlooking of and loss of privacy to the existing occupiers of No. 1 Albert Road and future occupiers of No.1A Albert Road contrary to Policy CS5 of the Barnet's Local Plan (Core Strategy) 2012 and Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD 2012, SPD: Sustainable Design and Construction (Adopted 2016) and SPD: Residential Design Guidance (Adopted 2016).

2. The proposed dwelling by reason of the insufficient quantity and quality of private outdoor amenity space would result in a substandard form of accommodation for the future occupiers of this unit. The proposal would be contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (September 2012), Policy DM01 and DM02 of the Development Management Policies DPD (September 2012), the Sustainable Design and Construction SPD (October 2016) and the Residential Design Guidance SPD (October 2016).

3. Insufficient information has been submitted to show that the development can be accommodated without harmfully increasing the demand for on street parking, contrary to policy DM17 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted 2016) and the Sustainable Design and Construction SPD (adopted 2016).

Ref no: 18/7357/FUL

Description of development: Use of existing two storey building with a rear single storey outrigger as a three-bedroom residential dwelling house with associated internal alterations. Associated cycle store, amenity space, refuse and recycling store.

Decision: Refused

Decision date: 06/02/2019

Reasons for Refusal:

1. The use of the building as a residential dwelling by reason of its siting adjacent to noise generating uses comprising of two public houses with heavily used external gardens and its close proximity to a railway line at the rear would result in unacceptable level of noise and disturbance and provide poor quality amenity for the future occupiers of this dwelling.
2. The proposed dwelling would, by reason of its use, design, siting within close proximity to facing habitable room windows, result in overlooking of and loss of privacy to the existing occupiers of No. 1 Albert Road and future occupiers of N0.1A Albert Road
3. The proposed dwelling by reason of the lack of adequate outdoor amenity space and failure to provide a reasonable degree of outlook because of its single aspect in nature would result in a sub-standard form of accommodation for the future occupiers of this unit.
4. Inadequate information was submitted to show that the development can be accommodated without harmfully increasing the demand for on street parking.

Ref no: 18/6585/191

Description: Two storey building with a rear single storey outrigger.

Decision: Lawful

Decision date: 29/11/2018

Ref no: 18/5973/191

Description: Two storey dwelling house with a rear single storey outrigger.

Decision: Unlawful

Decision date: 01/11/2018

Ref no: 18/6585/191

Description of development: Two storey building with a rear single storey outrigger.

Decision: Lawful

Decision date: 29/11/2018

Ref no: 18/5973/191

Description of development: Two storey dwelling house with a rear single storey outrigger

Decision Unlawful

Decision date: 01/11/2018

Proposal

The proposal is for the demolition of the existing buildings and erection of a part 4 storey, part 5 storey building to provide 9no. self-contained residential units, together with basement car park, cycle storage, external amenity space and refuse and recycling facilities

The application proposes the demolition of the existing building and the erection of a part 4 storey, part 5 storey building to provide a total of 9no. residential units (2 x

studio, 3 x 1 bed, 1 x 2 bed and 3 x 3 bed), together with 6no. car parking spaces at basement level, accessed by a car lift, 22no. cycle storage and associated refuse & recycling, private and communal external amenity space.

The proposal is to create two residential buildings of varying building heights (4 storeys at the front and 5 storeys at the rear) which are linked via a central, enclosed stair core.

At basement level, there is 6 no car parking spaces and plant room, which can be access internally within the development via pedestrian lift and internal stairway and externally via a car lift, which is accessed off Albert Road at ground floor level.

22 x no cycle storage spaces and 4 bin store area are located on the ground floor at block A (fronting Albert Road), and to the rear at block B, there is a 1 no 3 bed residential unit and associated private amenity area at ground level.

All remaining 8 no residential units are on the upper floors to blocks A and B. The proposed communal amenity area is proposed at the rooftop of the 4-storey building at block A.

The "link building" in the centre which adjoins both blocks A & B provides direct pedestrian access between both buildings for both future occupiers and for maintainers workers within the building when required.

Public Consultation

Consultation letters were sent to 35 neighbouring properties on 04.11.2021, and advertised onsite (site notice) on 11.11.2021

12 responses have been received, comprising 11 letters of objection, and 1 letters of comment.

The objections received can be summarised as follows:

- o The formal submission of the full planning application was not accompanied by a Noise Report.
- o Exacerbate existing air and noise pollution in the area.
- o The proposal would result in sub- standard accommodation. The proposed rear balconies and habitable windows would be exposed to excessive noise disturbance from the railway and adjacent Public House; some units may experience poor outlook, overheating; poor daylight and sunlight levels; overlooking and sense of enclosure between proposed blocks A and B.
- o The proposed green walls may not be retained adequately in the future.
- o The units may be subjected to overheating during the summer months.
- o The location of the communal amenity space area/child playspace area at roof top level is inappropriate; may not be usable; and would have no natural surveillance for parents to oversee and safeguard their children whilst utilising this space.

- o Excessive density of residential development onsite, culminating in overdevelopment of the site.
- o The scale and height of the development is excessive, and not in keeping with the character and appearance of the nearby area.
- o There is an under provision of family houses proposed with garden space/private amenity areas.
- o The proposal would set an unwanted precedent for future residential development of this scale within the immediate and local area, in the future.
- o There is an under provision for cycle storage proposed onsite.
- o Exacerbate the existing problems associated with traffic congestion on roads of East Barnet/New Barnet/Cockfosters and neighbouring areas.
- o The proposal, which includes 6 no car parking spaces would increase traffic on the roads; compromise pedestrian and vehicular highway safety; and would contribute to undue noise and air pollution causing health issues for the local population.
- o The proposal does not make adequate provision for electric vehicle charging points and other energy efficiency measures
- o The proposal application does not provide sufficient details of landscaping works, including tree replacement at ground/street level onsite.
- o Increase pressure on existing social infrastructure, such as schools, hospitals, Doctor GP Surgeries
- o The proposed development would result in the loss of the daylight and sunlight to the rear outdoor amenity area to the neighbouring Public House known as Builders Arms. This would reduce the amenity value of the rear outdoor amenity area for customers at this Public House.

All of the above objections received have been considered during the assessment of this planning application and addressed further within this Committee report).

Statutory consultees

LBB Highways comments

LBB Highways team raise no objections to the proposal subject to the following conditions:

- o The proposed 6 no car parking spaces, and a new and redundant access shall be implemented in accordance with the approved plans.

o Full details of the design of the proposed access and dropped kerbs in the vicinity of the site have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

o Full details of 17 cycle parking spaces ((15 long-stay and 2 short stay), including the types of stands, gaps between stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the LPA.

o Demolition and Construction and Logistic Management Plan

A before and after condition survey of the agreed route to be utilised by all construction traffic.

o Full details of the electric charging points to be installed

o A manufacturer's warranty, specification, a maintenance agreement, and repair response times for the operation of the car lifts must be submitted to and approved in writing by the Local Planning Authority.

o Full details showing car lifts, indicator warning lights, remote controlled roll-up shutter shall be provided to ensure that access to the car park is controlled, maintained, and monitored at all times.

(Officers comment: The above conditions would be secured to ensure that there is adequate and satisfactory provision is made for the parking of vehicles and in the interests of pedestrian and highway safety and the free flow of traffic)

LBB Environmental Health have reviewed the proposal, including the submitted Noise Impact Assessment and confirm they have no objections, subject to the following conditions.

o Full compliance with the noise & vibration mitigation measures proposed within the Noise Report

o Demolition and Construction Management Plan

o Full details of ventilation measures and extraction plants

o Compliance with appropriate noise levels for the basement plant room and car lift

o All Non-Road Mobile Machinery used during the course of the demolition, site preparation and construction phases shall comply with the adopted emission standards.

o Full details of the land contamination report, including any mitigation or mediation works if necessary.

(Officers comment: The above will be secured by way of planning conditions).

Ecology

LBB Arboricultural and Ecology Officers raise no objection, subject to the following condition:

Trees

1. The development is implemented in accordance with the submitted Arboricultural Method Statement & Impact Assessment; and Tree Protection Plan to development does not compromise the health of the existing trees. This would be secured by way of a planning condition.

Ecology, including Bat survey

The applicant has submitted a Bat survey report which concludes that during the emergence survey no bats were recorded or observed by any of the surveyors or their bat detectors. No bats were observed emerging from the building. No bats were observed at emergence time near to the building. In accordance with local policy DM16, Regional policy G6 and national policy the development must deliver some biodiversity gains. This could include swift or bat boxes within the building

The applicant would be required to submit full details of biodiversity improvements onsite (which may include the installation of bat boxes) prior to commencement of development, in consultation with the Councils Ecology team. This would be secured by way of a planning condition.

Thames Water

Surface Water Drainage

Thames Water raise no formal objections to the proposal, subject to the following conditions:

Surface Water Drainage

1. 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 would be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.

Waste Water Network and Sewage Treatment Works

2. A compliance condition, which requires that, prior to the occupation of the development, petrol/oil interceptions should be fitted in all car parking/washing/repair facilities to ensure that the risk of oil polluted discharges entering the local watercourses.

(Officers comment: The above will be secured by way of planning conditions).

London Fire Authority

No comments received.

Planning Considerations

Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

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

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

The relevant London Plan (2021) policies are as follows

D1; D2; D3; D5; D6; D7; D8; D10; D11; D12; D13; D14; H1; H4; H6; H7; H10; S3; S4; SI 1; SI 2; SI 3; SI 4; SI 5; SI 8; SI 12; T1; T3 ; T4; T5; T6

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS9, CS13, CS14, CS15.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM08, DM14, DM16, DM17.

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

Supplementary Planning Documents

- o Residential Design Guidance (2016)
- o Sustainable Design and Construction (2016)

Main issues for consideration

The main issues for consideration in this case are:

- Whether the design would cause harm to the openness of the site and character of the area
- Impacts on amenity of neighbouring occupiers and properties
- The standard and quality of accommodation proposed, including environmental impacts
- Impact on the local highway
- Energy and Sustainability
- Trees and Ecology

Assessment of proposals

Whether the design would cause harm to the openness of the site and character of the area

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

character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces, and streets.

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

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

The character of the Albert Road has underdone and continues to be changing, and heights of developments are increasing. Most notably, at no 9 Albert Road, there is an existing 5 storey building which provide 9 self- contained flats, with basement car parking, which was approved in 2017 (Ref no:17/ 6422/FUL)

The siting of the development and footprint onsite is respectful of the site's constraints and context. The front building line is set back and broadly in keeping with building line of the approved scheme at no. 9 Albert Road. The rear building line has also been amended and would have a distance of approx. 3.2m from the western boundary of the site allowing for a bigger amenity space. There is no clear glazed windows proposed to the southern elevations to ensure that the development potential of the neighbouring land to the south would not compromised.

The proposal treatment of height to the three adjoining elements of the overall development is successful as it provides a well design transition, setting the tallest element of the development, further away from the streetscene. Block A which fronts onto Albert Road is four storeys in height which allows for a better integration of the building into the street and the character of the emerging area; the link building steps up in height, and the 5-storey residential building (Block B) at the rear.

The treatment of bulk and massing of the proposal is supported by Officers. The depth of the balconies remains subordinate features within the front and rear elevations, would soften the relationship with the main building and would allow for a softer integration within the façade. Moreover, the proposed variation in materials and layouts of bricks in various parts of the building, would further serve to break up the massing as it would create different elements of the proposal. The upper floors recessed from the front building line would appear more subordinate to the main development, whilst reducing the footprint of the top floors with lightweight materials (glazing to commercial amenity area at rooftop of block A).

The bulk of the building is located away from the main frontage so that the highest part of the dwelling (5 storeys) is located at the rear of the site adjacent to the railway line. The lightweight link which partially connected the two elements of the building has been replaced with a purpose-built structure with 'green' walls. The materials/cladding on the main buildings have also been reconfigured as a means to break up the massing of the building. Additionally, the upper floors of both blocks have been recessed from the main frontages to add to the appearance of subordination.

The rear element (Block B) would be constructed with the same materials as the recessed third floor to the front, creating a continuity within the fabric of the building, whilst the varying building heights would ensure that it does not appear bulky or dominant. The communal terrace and glazing are appropriately set back from all sides which reduces bulk and visibility from street level. In addition, the perception of bulk and massing is greatly reduced by the green external walls of the link building. The proposal also includes a green full height external walls to the link building on both the northern and southern elevations. This would enhance the overall visual appearance and add visual interest to the building, whilst also promoting biodiversity onsite. The applicant would be required to submit a Green Wall Maintenance Plan prior to commencement of works onsite. The details approved would be required to be fully implemented and retained thereafter. This would be secured by way of a planning condition.

The applicant would be required to submit full and specifications of materials to the Local Planning Authority, prior to the commencement of works onsite. This would be secured by way of a condition.

Overall, the proposal (including scale, siting, footprint, height, bulk, mass and appearance) is of high design quality; and would contribute positively to the streetscene and in keeping with the emerging character and appearance of Albert Road.

Impact on amenity of neighbouring occupiers and properties

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

The Residential Design Guidance SPD advises that in new residential development privacy can be safeguarded by achieving minimum window to window or window to balcony distances between buildings of 18-21m between facing habitable room windows, and 10.5 m to a neighbouring garden. These distances relate particularly to typical two-storey development, where first floor windows can overlook neighbouring properties.

Public houses directly to the north and south of the site

The two closest neighbours to the site are Public Houses. The BRE guidance suggests that non-residential neighbours can be assessed if their use would have a clear need for daylight but does not provide examples of what these uses might be. It is acknowledged that the proposal would reduce the daylight and sunlight levels to this rear amenity space at the Public House, but it would not be significant. In the majority of instances through the year, most people visit pubs in the evening or at night, (outside prime daylight and sunlight hours.) BRE Guidelines regarding daylight and sunlight levels to an outdoor amenity area are not afforded the same

material weight as a rear garden to a residential dwelling. This is primarily because occupying a residential development is more "permanent" in nature, in so far as that people spent a considerable amount of time within their dwellings, Conversely, patrons and visitors would occupy an outdoor space ancillary to the public house in a very temporary and transient form of nature. Further, the proposal would not result in the loss of privacy to the Public Houses as there are no balconies; habitable rooms, or clear glazed windows proposed to the northern elevation, and therefore the proposal would not result in overlooking or loss of privacy to this space.

No 9 Albert Road

Further north, the site at 9 Albert Road has recently been developed into residential units and the assessment has primarily considered the impacts on this block. The applicants Daylight and Sunlight report has assessed: (a): the existing daylight and sunlight levels to 11 no south facing windows to habitable rooms (b): the daylight and sunlight levels to these rooms as a result of the proposed development on this subject site.

All windows retain in excess of 80% of their current values, or a Vertical Sky Component (VSC) in excess of 27%. Moreover, all of the assessed windows retain 25% of the available annual sunlight hours and 5% of winter hours. In other words, the proposed development would not have an unacceptable impact on the daylight and sunlight levels to no 9 Albert Road. The scheme is therefore compliant with BRE recommendations in relation to daylight and sunlight impacts to neighbouring properties.

Impacts on outlook and privacy to no 9 Albert Road

There are no habitable windows proposed on the northern elevation. The only north windows proposed are to the link building between Block A and B, which would be obscured. These obscured windows serve to provide natural daylight to the internal corridors and hallways only. As such, the proposal would not compromise the privacy of residents at no 9 Albert Road. The proposed has an acceptable distance away and the design of the northern elevation is articulated well with interesting materials and therefore south facing habitable rooms at no 9 Albert Road would continue to receive good outlook, which is welcomed by Officers.

Standard and quality of residential accommodation proposed

Dwelling mix

Policy H10 of the London Plan (2021) requires new residential development to provide a suitable and varied dwelling mix which meets local needs. Moreover, policy DM08 of the Local Plan (2012) relates to dwelling mix and requires all new residential development to provide a mix of dwelling sizes and types to cater for a range of housing needs in the area. LBB set a dwelling size mix requirement for new development in the borough with homes of 3 bedroom or more the priority.

The proposal makes provision for 2 x studio, 3 x 1 bed, 1 x 2 bed (4 [person) and 3 x 3 bed units. Officers welcome the number of 3-bedroom units (33 % of total number of units proposed) which helps deliver much needed family sized

accommodation within the Borough, in accordance with DM08 of the Local Plan (2021)

Room size standards and layouts

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

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

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

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

All of the proposed residential units would meet or exceed the minimum size standards as set out below:

Unit 1:	3 bed (4 person)	Policy requirement:	84m ²	Proposed	97m ²
Unit 2:	3 bed (5 person)	Policy requirement	93m ²	Proposed	93.9m ²
Unit 3:	1 bed (2 person)	Policy requirement	50m ²	Proposed	64.4 m ²
Unit 4:	Studio (1 person)	Policy requirement	39m ²	Proposed	39m ²
Unit 5:	Studio (1 person)	Policy requirement	39m ²	Proposed	40m ²
Unit 6:	1 bed (2 person)	Policy requirement	50 m ²	Proposed	64.4 m ²
Unit 7:	1 Bed (2 person)	Policy requirement	50m ²	Proposed	56.5 m ²
Unit 8:	2 Bed (4 person)	Policy requirement	70m ²	Proposed	70m ²
Unit 9:	3 Bed (4 person)	Policy requirement	84m ²	Proposed	86.3m ²

As illustrated above, the proposed size of all the residential units are in full accordance with the Councils adopted SPD on Residential Design Guidance.

Private amenity space

The Council's adopted Supplementary Planning Document entitled Residential Design Guidance requires the provision of 5 sqm of amenity space for each habitable room for flats. Where rooms are over 20sqm, they would be considered as two habitable rooms. This applies to one, two, and three bed flats. For houses, the following standards apply:

- o 40 m² of space for up to four habitable rooms
- o 55 m² of space for up to five habitable rooms (5 habitable rooms are proposed)

- o 70 m2 of space for up to six habitable rooms

The proposal unit sizes and minimum policy size requirements for the respective units are set out below.

	Dwelling mix	Policy Requirement	Private amenity
Unit 1:	3 bed (4 person duplex unit)	20sqm	26.7sqm
Unit 2:	3 bed (5 person duplex unit)	25sqm	30.7sqm
Unit 3	1 bed (2 person unit)	10sqm	10sqm
Unit 4	Studio (1 person)	5sqm	5sqm
Unit 5	Studio (1 person)	5sqm	5sqm
Unit 6	1 bed (2 person)	10sqm	10sqm
Unit 7	1 bed (2 person)	10sqm	17sqm
Unit 8	2 bed (4 person)	15sqm	15sqm
Unit 9	3 bed (4 person)	20sqm	59.2 sqm

All units provide appropriate private amenity space, in accordance with policy.

The size of the three bedroom units would greatly exceed the provision of private amenity space.

The proposed benefit would be the delivery of family sized accommodation. The proposal has therefore resolved reasons for refusals no's 1 & 2, as the development now exceeds the minimum policy requirement for private amenity space. As such, there is no requirement for a communal amenity area and/or child play area, particularly as the proposal would not be deemed as a "major" development.

The 3 bedroom unit (unit no 9) at rooftop level is set back on all sides from the building line with acoustic glazing wall of 1.7 metres in height. This would be to ensure that there would be no direct overlooking to the neighbouring public house and that future occupiers would not be subjected to/exposed to unacceptable noise disturbance.

Outlook/privacy/daylight and sunlight

The proposed layouts of these units and associated windows to the western elevation of block A and the eastern elevation to block B would ensure no direct intervisibility of habitable rooms occurs. This is achieved by obscured windows to bathrooms and obscured secondary windows to some of the habitable rooms. As such, the proposal would not result in undue overlooking or loss of privacy to the proposed residential units. Moreover, the majority of the units would have dual aspect, many habitable rooms contain two windows.

The applicant has submitted a Daylight and Sunlight Assessment to determine the quality of sunlight and sunlight levels which future occupiers would experience. The

Average Daylight Factor (ADF) values have been calculated for all habitable rooms in the proposed new units, in accordance with BRE methodology. The benchmark values for each room type recommended by the BRE Guidance and BS8206 are:

- o Kitchens: 2%
- o Living Rooms: 1.5%
- o Dining Rooms: 1.5%
- o Bedrooms: 1%

The report illustrates that all occupiers of the dwelling would achieve good quality internal daylight and sunlight, in accordance with BRE Guidelines.

Noise and Vibration

The proposed balconies and windows to the rear at block B are set approximately 20 metres from the railing line further west which is considered to be sufficient distance to ensure that future occupiers would not experience undue noise disturbance, subject to planning conditions. The proposed mitigation measures as detailed with the submitted Noise Assessment must be fully incorporated into the design and retained thereafter. The applicant would be required to ensure that All Non-Road Mobile Machinery used during the course of the demolition, site preparation and construction phases complies with the adopted emission standards. Moreover, full details of the proposed ventilation measures; extraction plant, and car lift must be submitted prior to commencement of development on site, to be secured by way of planning conditions.

The impact on the new residential units from the existing proposed public House directly to the north and south of the site have been reviewed by the Councils Environment Health team. They have confirmed they are satisfied with the internal noise criteria can be achieved through the proposed mitigation measures in place, as outlined within the applicants Noise Assessment.

As for the comments from Weatherspoon. BS4142 assessment would only need to be completed by the applicant if external plant is proposed by the applicant and its impact on nearby residential receptors assessed. In the case of plant noise from Wetherspoons this would have been included within the measured background noise.

Impact on the local highway

The site fronts directly onto Albert Road, a narrow one-way, no through road with double yellow lines on both sides to deter obstructive parking. Albert Road connects Victoria Road to the south which joins onto Station Road (A110), and it is flanked by a mixture of residential, light industrial and office premises.

The site lies in an area with a PTAL rating of 3, which mean it has moderate/average access to public transport. There are 6 bus routes which can be accessed from stops within 4-5 minutes walking distance of the site. New Barnet Station is within 6

minutes walking distance. The site is not in a CPZ but there are yellow lines and parking bays in the vicinity.

Car parking

Policy DM17 states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

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

The site has a Public Transport Accessibility Level of 3, which meaning it has moderate access to public transport (PTAL 1 being very poor and 6b being excellent access to public transport).

Based on the proposed dwelling mix (2 x studios; 3 x 1 bed; 1 x 2 bed and 3 x 3 bed) , the proposal development consists of 2xstudio, 3x1 bed, 1x2bed and 3x3bed. According to the Councils Local Plan Development Management Policy DM17, the proposed development would need to provide between 4 - 11 off-street parking spaces. Based on the PTAL rating for the site assessed as 3 (average), approximately 7 off-streetcar parking spaces would be acceptable. 6 no car parking spaces are proposed, and LBB Highways team have confirmed they do not object to the quantum of car parking spaces provided onsite.

Vehicular access to a site will is via a slightly reposition crossover which leads to and serves a signal-controlled car lift. The traffic signals would prioritise inbound movement and vehicles leaving the car park will be able to wait in the central aisle of the basement car park to allow inbound vehicles to pass before proceeding. Given the number of car parking spaces proposed the use of a single car lift and priority arrangements for vehicles entering and leaving the basement car park is considered acceptable. However, a manufacturer's warranty, specification, maintenance agreement, repair response times and details of the traffic light system to be installed are requested by way of a planning condition.

The internal layout of the basement car park is acceptable but the modifications to the access would involve work on the public highway for which a s184 licence will need to be obtained from the council by the applicant. Minimum pedestrian visibility splays must be ensured at the site access and so details of boundary treatment and visibility splay drawing shall be provided.

Electric car parking spaces

Based on minimum London Plan standards, 20% active and 80% passive spaces should be

provided. For the 6 car parking spaces proposed, this equates to 1 active and 5 passive spaces. The applicant proposes 2 active and 4 passive spaces which is acceptable. Details of electric vehicle charging points are requested by way of a planning condition

Cycling Parking

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

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

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

Short stay (e.g., for visitors or customers)

5 to 40 dwellings: 2 spaces

Based on London Plan standards, a minimum of 15 long stay and 2 short stay cycle parking spaces are required for this development. The applicant proposes 22 internal cycle parking spaces. The cycle storage would be provided by way of two-tier racks. However, the applicant has not provided internal dimensions and spacing between bicycles which is a requirement under the London Plan. . Whilst the number of cycle parking spaces proposed is acceptable, the short stay cycle parking should be separated where possible. The applicant would be required to submit details of the types of stands used to enable both the wheels and the frame of the bicycle to be locked. This would be secured by way of condition.

Refuse and Recycling

Policies S1 8 of the London Plan (2021) and CS 14 of the Core Strategy (2012) seek to ensure that adequate waste and recycling provision is made for all developments in secure; and accessible locations for days of collection.

It is anticipated that refuse collections will continue take place on Albert Road as existing and the proposed refuse storage is within a 10m distance of the road to facilitate collection. The proposed bin storage location is within the 10m drag distance and thus acceptable. In general, existing servicing arrangements are expected to remain largely unchanged and this is acceptable. A construction logistics plan and a before and after highway condition survey is requested due to the location of the site and both can be secured by condition.

Energy and Sustainability

Policies SI 16 of the London Plan (2021) and policy CS13 of the Barnet Core Strategy (2012) requires residential developments with water saving and other measures to encourage the efficient use of water. Policies SI 1 and SI 2 of the London Plan (2021); policies DM01 & DM02 of the Development Management Document (2012) seeks to achieve specific levels of improvement in carbon dioxide emissions when compared the minimum Target Emission Rate requirements of the 2010 Building Regulations.

In terms of water consumption, it is proposed that all residential units will obtain 100% of their water supply through water metres. Notwithstanding, a condition would be attached to a planning permission to require each unit to receive water through a water meter and be constructed with water saving and efficiency measures to encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy SI 16 of the London Plan (2021).

In order to increase the sustainability of the building it is proposed that photovoltaic panels will be placed on the roof. These panels have been cited in the most appropriate location to ensure the building can maximise the benefits from the solar energy. Green walls are proposed at the centre of the plot, where both residential blocks face each other. Green walls can dampen noise pollution from the neighbouring public houses and railway, as well as improve air quality, while providing aesthetic value to the building.

The new building would be constructed to ensure that it contains carbon dioxide emission reduction measures to achieve an improvement in carbon dioxide emissions. A condition would be attached which requires that, prior to the first occupation of the development, it must be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 25% in carbon dioxide emissions (when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations). The development shall be maintained as such in perpetuity thereafter. This is to ensure that the development is sustainable and minimises carbon dioxide emissions.

Heating/cooling

Policies D6 & SI 4 of the London Plan (2021), and DM03 of the Development Management Document (2012) seek to ensure that development would minimise instances of overheating and would not have an adverse impacts on the urban heat island through design, layout, orientation, materials and incorporate of green infrastructure.

The applicant has submitted a Summertime Overheating Analysis by O G Energy, which was reviewed by Councils Energy and Sustainability Officer. An assessment of the building performance has been undertaken against the current design summer year for London (DSY1) and demonstrates compliance thereby ensuring that mechanical ventilation is not necessary for the residential units.

The building's overheating risk category, based on location, is 'Moderate risk'. In relation to overheating, the site does not risk adding to the Urban Heat Island Effect. Notwithstanding, the applicant would be required to demonstrate that the risk of

overheating has been reduced as far as practical and that all passive measures have been explored, including reduced glazing; increased external shading; and mechanical ventilation. The applicant is also required to provide an outline strategy for residents to cope in extreme weather events and should commit to providing guidance to residents on reducing the overheating risk in their home in line with the cooling hierarchy. This would be secured by way of a planning condition to ensure the development would minimise the adverse impacts on the urban heat island through design, layout, orientation, materials and incorporate of green infrastructure in accordance with policies D6 & SI 4 of the London Plan (2021), and DM03 of the Development Management Document (2012).

Trees and Ecology

The importance of trees, ecology and landscape is recognised at every policy level, Nationally NPPF chapter 15; regionally London Plan policy G5, G6 & G7 of the London Plan (2021) and locally within Barnet Council's adopted policies DM01, DM04, DM15 & DM16 all require developers to consider, trees, ecology and landscape which builds biodiversity. In addition, the following references are also considered; Circular 06/2005: Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System, ODPM, 2005, London Biodiversity Action Plan, London Plan, 2016, London Regional Landscape Framework, Natural England, 2010.

Policy DM01 of the adopted Barnet Development Management 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. 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

The submitted Tree report and Tree Protection Plan has been reviewed by the LPA Arboricultural Officer who has confirmed that there are no trees of "any significance would be affected by the proposal provided within these documents and plans are fully implemented throughout all development phases. This would be secured by way of condition, to ensure the visual amenities and health of identified trees are protected.

Ecology

The submitted Bat survey report concludes that during the emergence survey no bats were recorded or observed by any of the surveyors or their bat detectors. No bats were observed emerging from the building. No bats were observed at emergence time near to the building. Notwithstanding, in accordance with local policy DM16, London Plan policy G6 and National policy, the development should deliver some biodiversity gains and should consider including swift or bat boxes within the proposed buildings.

The applicant would be required to submit for approval by the Local Planning Authority, full details of measures to improve biodiversity on the site in accordance with guidance set out within BS42040:2013: Biodiversity - Code of practice for planning and development, and guidance documents provided by the Chartered Institute of Ecology and Environmental Management (CIEEM) for approval by the Local Planning Authority, and implemented thereafter. This would be secured by way of a planning condition.

{b 5.4 Response to Public Consultation}

All planning matters raised have been considered and addressed as part of the assessment and decision-making process for this planning application.

The objections and concerns raised from residents have been considered within the evaluation above, and all representations received from residents were fully considered in the assessment of the application and are available to view online at the Councils website.

It is considered that concerns related to traffic disturbance, noise and air pollution would be sufficiently mitigated against by way of planning conditions as set out within the report.

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

Exacerbate congestion- LBB Highways team do not consider that the proposal, including no 6 cars onsite would unduly exacerbate the existing problems associated with congestion on the roads of East Barnet/New Barnet/Cockfosters and neighbouring areas. LBB Highways have recommended a list of planning conditions to mitigate against the impact on highway safety as set out with the recommendation section of this report.

Electric charging points- A planning condition would be attached which requires that, 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 1 active and 5 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. This is to ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles.

Noise Assessment- Following the formal submission of the full planning application in November 2021, the applicant subsequently submitted a Noise Impact Assessment, which was made available to view on the Councils website on 19th January 2022. This report has been reviewed by the Councils Environmental Health

team, and the proposed noise and vibration mitigation measures are considered acceptable. Importantly, LBB Environmental Health team have raised no objections on grounds of air pollution excessive noise and vibration disturbance from the railway line, subject to conditions as set out within this Committee report.

Quality of accommodation- The standard of accommodation is supported by Officers and is in accordance with policy. All residential units meet minimum and would receive good outlook, daylight, and sunlight levels, and would not be subjected to loss of privacy or undue noise and air pollution from the railway line (approximately 20 metres away); the neighbouring pub (Builders Arms) and vehicle traffic on Albert Road.

Maintenance of Green walls- The applicant would be required to submit a detailed Maintenance Plan for the proposed green wall to the Local Planning Authority for approval in writing, prior to commencement of development works onsite. The details approved would be required to be maintained and retained thereafter. This would be secured by way of a planning condition.

Roof top Communal amenity space/integrated child play area- The location and quality of the proposed communal rooftop amenity space is considered acceptable, functional, and usable as discussed within the report. It is increasingly accepted and commonplace for flatted developments for locate communal amenity space/ and or child play area (particularly for 0-11 age cohort) at roof top level across London.

Excessive density and Overdevelopment- It is considered that the proposed density is suitable for this site, and the overall design ensures that the proposal would not present any symptoms associated with overdevelopment of the site, such as sub-standard accommodation, inadequate daylight, sunlight levels, poor outlook and privacy to future occupiers and/or loss of amenity to existing residential properties nearby. On the contrary, this Committee reports affirms that the proposal provides good amenity to future occupiers and does not compromise the existing amenities to nearby properties at no 9 Albert Road.

Design Scale and height of the development-. Whilst an objector noted that the prevailing heights of buildings generally within East Barnet Ward arranging from between 2-4 storeys in height, the proposed height of this development (part 4, part 5 storeys is not excessive on Albert Road, and the proposed scale, height and footprint is broadly in keeping with the nearby development at no 9 Albert Road, and in also in keeping with the existing and emerging character of both Albert Road and the local area. Overall, it is considered that the proposal is of high design quality and would have a positive contribution to the streetscene, local character and appearance of the area, whilst also optimising the potential of the site to accommodate and sustain an appropriate amount and mix of development, in accordance with planning policy.

It is acknowledged that the scale and height of the proposed development is larger the neighbouring Public House building (Builders Arms). In design terms, this matter has been fully considered within the assessment of this proposal. The scale of development for residential flatted developments is generally different to the scale of

development required to operate a public house. As such, the proposed land use broadly informed the scale of development proposed onsite, whilst being cognisant and respectful of the site context and constraints. The proposal would not result in a loss of privacy to outdoor space at the rear of the public house. All other amenity considerations on the impacts to the public house have been addressed within this report.

Family accommodation- The proposal makes provision for 3 no x three-bedroom units, which would provide suitable family accommodation. This equates to 33% of the total number of residential units proposed onsite, which is a public benefit and assists in the delivery of much needed family sized accommodation within the borough. In addition, the proposal makes provision for 1 no x two bed (4-person unit). In recent years, 2 bed (4 person) units are increasingly considered to provide suitable accommodation for families and indeed, there is growing demand for this form of family accommodation, as evidenced with the Council's Strategic Housing Needs Assessment. Whilst one family unit would provide private amenity space which doesn't meet the minimum size standards, the other family units provide private amenity space areas which either broadly meet or greatly exceed the minimum size standards. On balance, the overall provision of private amenity and communal amenity space is acceptable onsite, as discussed within the report. Overall, the proposed public benefits of the proposal in its delivery of family sized accommodation would outweigh any concerns residents may have with the proposed development.

Dust and Air Pollution- The applicant would be required to submit a Demolition, Construction and Logistic Management Plan to be approved in writing by the Local Planning Authority, prior to the commencement of works onsite. This would include details of sustainable and efficient means of suppressing dust, including the adequate containment of stored or accumulated materials so as to prevent it becoming airborne at any time and giving rise to nuisance. Moreover, details of all noise mitigation measures from the operational plant and processors during the demolition and Construction process are required for approval, in the interest of high safety, noise and air quality.

Increased pressure on local social infrastructure including schools and GP doctor surgeries: The applicant would be required to make appropriate Levy payments towards local social infrastructure such as schools and doctors' surgeries to mitigate against the impact it would have on existing facilities, in accordance with Community Infrastructure Levy (CIL) requirements and regulations. The CIL is a planning charge that Local Authorities and the Mayor of London set on new development to help pay for community infrastructure.

Overheating of units- There has been no evidence submitted to support this assertion. The proposed design incorporates sustainability and energy efficient measures, which are discussed within the report, and where necessary, conditions have been attached accordingly.

Noise disturbance: As for the noise report, LBB Environment Health team are satisfied that the internal WHO noise criteria can be met with the proposed mitigation.

in place. As for the comments from Weatherspoon. BS4142 assessment would only need to be completed by the applicant if external plant is proposed by the applicant and its impact on nearby residential receptors assessed. This would not be required as the plant room, is located internally in the basement. In the case of plant noise from Wetherspoons this would have been included within the measured background noise.

Loss of daylight and sunlight to amenity area Public House at Builders Arms- It is acknowledged that the proposed would reduce the daylight and sunlight levels to this rear amenity space at the Public House, but it would not be significant. In the majority of instances through the year, most patrons visit pubs in the evening or at night, (outside prime daylight and sunlight hours. BRE Guidelines regarding daylight and sunlight levels to an outdoor amenity area are not afforded the same material weight as a rear garden to a residential dwelling. This is primarily because occupying a residential development is more "permanent" in nature, in so far as that people spent a considerable amount of time within their dwellings, Conversely, patrons and visitors would occupy an outdoor space ancillary to the public house is very temporary and transient in nature. There are no balconies; habitable rooms, or clear glazed windows proposed to the northern elevation, and therefore the proposal would not result in overlooking or loss of privacy to this space.

Loss of viability to both Public Houses (Wetherspoons & Builders Arms)- There is no evidence or any information submitted within this objector's representation to support the claim that the proposal would have negative ramifications for the continued viability and operation of the public house; which could ultimately lead to its closure. This assertion is unfounded. Conversely, it is likely that the increase in population (as a result of this development) could have a positive contribution to the business as Public Houses within residential areas are primarily visited by local residents and continue to be in demand as it provides a social facility to the local residential area.

Equality and Diversity Issues

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

Conclusion

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

Site Location Plan



Location 27 Ashley Walk London NW7 1DU

Reference: 22/4491/FUL

Received: 6th September 2022

Accepted: 7th September 2022

Ward: Mill Hill

Expiry: 2nd November 2022

Case Officer: Dominic Duffin

Applicant: Mr Cavusoglu

Proposal:

Reconfiguration of existing single storey dwelling to create two storey building, with hipped roof and single storey rear projection to provide 2no. self contained flats. Associated parking, amenity space, refuse/recycling and cycle

AGENDA ITEM 12

OFFICER'S RECOMMENDATION

Refuse

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

- 1 The proposal would result in the loss of a dwelling to flats in a road characterised by houses and consequently would harmfully increase noise and disturbance by virtue of increased coming and going and associated general activity and result in an over-intensive use that will have an adverse effect on amenity, contribute towards change in the function and character of the street and be out of character with the established pattern of development, contrary to Policies D3 and D14 of the London Plan (2021), Policies CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM02 and DM04 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted 2016) and the Sustainable Design and Construction SPD (adopted 2016)
- 2 The proposed development, by reason of its scale, height, design and siting, would have an imposing and overbearing impact, leading to an unacceptable loss of outlook, and increased sense of enclosure to the neighbouring property at No 84 Oakhampton Road, to the detriment of the residential amenities of these neighbouring occupiers and contrary to Policy DM01 of the LB Barnet Development Management Policies DPD (2012), Policy CS5 of the LB Barnet Core Strategy DPD (2012), Policy D3 and D6 of the London Plan (2021) and the Sustainable Design and Construction SPD (2016)

Informative(s):

- 1 The plans/documentation accompanying the application are:

Location & Site Plans - A100
Existing Ground Floor Plan - A101
Existing Roof Plan/Existing Section AA - A102
Existing Front & Side Elevations - A103
Existing Rear & Side Elevations - A104

Proposed Ground Floor Plan - A105 Rev C
Proposed First Floor Plan - A106 Rev C
Proposed Floor Plans - A107 Rev A
Proposed Section AA & BB -A108 Rev A
Proposed Front & Side Elevations - A109 Rev A
Proposed Rear & Side Elevations -A110 Rev A

Existing & Proposed Site Plans - A111
Existing & Proposed Views - A112
Details of Bin & Cycle Storages - A113
Ecological Enhancement Methods - A114
Soft Landscape - A115 B
Materials - A116
Boundary Treatments - A117
Surfacing - A118

Design & Access Statement (ADP - Sept 2022)
Ecological Appraisal (Cherryfield Ecology) - October 2022
3D Visualisation Document
PARKING STRESS SURVEY. Cover Letter, 27 Ashley Walk, London, NW7 1DU
Parking Survey Summary Sheet - Yes Engineering (Location: 27 Ashley Walk, London, NW7 1DU
Survey Dates: Wednesday 23rd / Thursday 24th February 2022)
Brick Detail - Technical Sheet
Front Entry Door details - Aluprof technical sheet
Tile/Paving Technical details sheet

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

The applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

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

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

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

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

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

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

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

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

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

Please visit

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

OFFICER'S ASSESSMENT

This application has been brought before the Committee as one of the objections received during the public consultation is from a planning officer of the LPA who is a local resident

1. Site Description

The application site comprises a single-storey bungalow-style dwellinghouse situated on the eastern side of Ashley Walk, within the Mill Hill ward, set behind a deep grassed verge. The property is at the end of Ashley Walk, near the junction with Oakhampton Road. The site benefits from hardstanding to the front providing off-street car parking and a garden to the rear. The front elevation faces the tree lined boundary of Hendon Golf Club, which runs along the roadway of Ashley Walk. The Golf Course is within the Metropolitan Green Belt. The site is not within a conservation area, nor does it contain any listed buildings.

2. Relevant Site History

Reference: 16/5866/191

Address: 27 Ashley Walk, London, NW7 1DU

Decision: Unlawful

Decision Date: 11 October 2016

Description: Single storey side extension

Reference: 17/3508/FUL

Address: 27 Ashley Walk, London, NW7 1DU

Decision: Approved subject to conditions

Decision Date: 7 August 2017

Description: Single storey side extension (Retrospective Application)

Reference: 22/4491/FUL

Address: 27 Ashley Walk, London, NW7 1DU

Decision: Refused

Decision Date: 02.08.2022

Description: Demolition of existing dwelling. Erection of a three-storey dwelling containing 3no self-contained flats. Associated amenity space, refuse/recycling, and cycle store

Reasons for Refusal:

1. The proposal would result in the loss of a dwelling into flats in a road characterised by houses and consequently would harmfully increase noise and disturbance by virtue of increased coming and going and associated general activity and result in an over-intensive use that will have an adverse effect on amenity, contribute towards change in the function and character of the street and be out of character with the established pattern of development, contrary to Policies D3 and D14 of the London Plan (2021), Policies CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM02 and DM04 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted 2016) and the Sustainable Design and Construction SPD (adopted 2016)

2. The proposed development, by reason of its size, siting, bulk, height and design, would result in a discordant, visually dominant and overbearing development, which would fail to respect the appearance, scale, mass, height and pattern of surrounding buildings, to the detriment of the character and appearance of the application site and the street scene, contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet Local Plan: Core Strategy (2012) and Policy DM01 of the LB Barnet Local Plan: Development Management Policies (2012)

3. The proposed development, by reason of its scale, height, design and siting, would have an imposing and overbearing impact, leading to an unacceptable loss of outlook, loss of daylight/sunlight and increased sense of enclosure to the neighbouring property at No 84 Oakhampton Road, to the detriment of the residential amenities of these neighbouring occupiers and contrary to Policy DM01 of the LB Barnet Development Management Policies DPD (2012), Policy CS5 of the LB Barnet Core Strategy DPD (2012), Policy D3 and D6 of the London Plan (2021) and the Sustainable Design and Construction SPD (2016)

4. No Preliminary Ecological Appraisal or Preliminary Roost Assessment has been undertaken and as such the Local Planning Authority is therefore unable to properly assess the likely presence/absence of protected species, including bats, and therefore any potential impact on protected species and their habitats. In the absence of detailed information it is considered that the proposed development could cause undue harm to protected species contrary to the duty conferred by Section 40 of the Natural Environment and Rural Communities Act 2006, policy CSNPPF of Barnet's Adopted Core Strategy (2018), as well as policies DM01 and DM16 of the Adopted Development Management Policies DPD (2012), and Policy G6 of the London Plan (2021)

Reference: 22/5387/PNV

Address: 27 Ashley Walk, London, NW7 1DU

Decision: Pending Consideration

Decision Date: N/A

Description: Additional storey at first floor level to provide 1no. self-contained flat

3. Proposal

Consent is sought for the reconfiguration of the existing single storey dwelling to create a two-storey building, with hipped roof and single storey rear projection, to provide 2no. self-contained flats, associated parking, amenity space, refuse/recycling and cycle spaces.

2 No. residential flats (1 x two bedroom/3 person, and 1 x three bedroom/5 person).

The building would be finished in brick to match the existing, with a hipped, tiled roof. A single storey side/rear extension would have a flat roof finish. The access to the building would be from a communal front entrance.

The building footprint would have a total width of 10.25m and a total depth of 13.69 (to end of single storey projection), and a total height of 8.8m. The new first floor would have a total depth of 8.8m and a total width of 9.38m and would be set in 1.0m from the adjoining neighbour at No.26.

A sub-divided amenity area to serve each unit would be provided to the rear, with one parking space and refuse storage and cycle parking provision provided to the front.

4. Public Consultation

Consultation letters were sent to 60 neighbouring properties. 36 responses were received comprising 32 letters of objection. The response received can be summarised as follows:

- The proposed development would be a structure out of keeping with the traditional family houses that already exist
- This area is not meant for flats, there are suitable areas for that type of building in other areas of Mill Hill
- Flats not in keeping with this area. Doing so would set a precedent for other properties to be turned into flats
- The bungalow is built on a small piece of land which was part of the garden belonging to 84 Oakhampton Road
- The loss of the only bungalow in this area would be discriminatory to any disabled or elderly person searching for a single level easy access home
- Out of keeping with the traditional family houses that already exist
- Allowing this type of construction to go ahead on such a peaceful country road as Ashley Walk, will set a dangerous precedent for this area
- The above proposal is not in keeping with the nature and culture of the road
- Overbearing and oppressive additional building blocking views of trees
- The rear windows in the proposed development would overlook my back garden, patio and rear of the house
- Complete loss of privacy as both my house and garden would be overlooked
- Lack of parking to serve this development
- This would cause extra noise and privacy issues to neighbouring properties
- Impact on light and privacy of neighbours
- This would result in light being lost and privacy being compromised, due to the proposed height of the proposed building
- This current property was clearly designed for the space it uses, built on a small piece of land that belonged to 84 Oakhampton Road NW7. A bungalow would have been approved

to ensure the light and privacy of the surrounding properties would not have been compromised

-The provision of one parking space for 2 flats is obviously inadequate and would lead to further street parking on a dangerous corner which already has poor visibility

-Construction of the property would reduce the amount of garden available to the existing bungalow - the project therefore has an adverse environmental impact

-I have read the parking survey however I think the summary is unrealistic due to many other "free" parking spaces are elsewhere in the neighbourhood

Comments have been received from No.84 Oakhampton Road, the occupant of this property is a Planning Officer within the Planning Department of Barnet Council. The comments received were as follows;

1) The proposed two storey side extension and reconfiguring of the existing bungalow to facilitate two flats, appear to be a brand new two storey double bay frontage building.

2) The contemporary design of the previously refused scheme has been replaced by a large, albeit more traditional building, which results in a bulky and incongruous structure which will adversely impact the character and appearance of the proposal site and current streetscene. It is out of keeping with the character and design of the properties on both Ashley Walk and Oakhampton Road.

3) The planning history for both Ashley Walk and Oakhampton Road online at www.barnet.gov.uk, lists one application for conversion of the single family dwelling into two flats under reference W07906, refused in 1986. All other applications are mainly to facilitate proportionate extensions at the single family dwellinghouses on both roads. Therefore, notwithstanding the reduction of the amount of flats in comparison to the refused scheme, the principle of flats is still considered to be out of character with the single family dwellinghouses in the vicinity.

4) With regards to the design, character and appearance of the proposed building, it is considered large and bulky and does not harmonise with other properties in the area.

5) When viewed from the rear elevation and garden of no. 84 Oakhampton Road, the flank wall of the proposed property at no. 27 Ashley Walk, would result in loss of light, overlooking and loss of privacy. It would be overbearing and unduly obtrusive.

6) Loss of outlook would be caused to the habitable rooms upstairs and downstairs including the bedrooms and dining room situated at the rear of no. 84.

7) The proposed building could have an obtrusive impact on no. 26 Ashley Lane due to its' size and siting.

8) The previous application was unanimously refused at committee for four reasons: 1: Loss of dwellinghouse, 2: Building was visually dominant and overbearing, 3: Imposing and overbearing impact, leading to an unacceptable loss of outlook, loss of daylight/sunlight and increased sense of enclosure to the neighbouring property at No 84 Oakhampton Road - and 4: Lack of Ecological Appraisal.

The current application does not appear to have overcome the reasons for refusal.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

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

The Mayor's London Plan 2021

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS14.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM16, DM17.

Barnet's Local Plan (Reg 22) 2021

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

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

Supplementary Planning Documents

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

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 application site, the street scene and wider locality;
- Green Belt location;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Other material considerations

5.3 Assessment of proposals

Character and appearance

Character

This application follows a recent refusal of consent at Planning Committee B, in a meeting held on 20 July 2022, the details are recorded in the Planning History section above.

With regards to the principle of flats at this location, the report to committee recorded the following:

...."Both Ashley Walk and Oakhampton Road consists entirely of single family dwellinghouses.

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

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

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

The council has concern that the proposed flatted use would be out of keeping with the established character of the area and would set a harmful precedent for conversions on Ashley Walk. It is therefore considered that the development of a flatted scheme would be out of character, resulting in an intensification in use which would cause harm to this established character.

The proposed flatted use would not be in keeping with the established character of the area. The increased comings and goings, requirements for parking, refuse storage, deliveries, and other associated impacts would be detrimental to the local character.

Ashley Walk and Oakhampton Road have a strong identifiable character which consists of single-family dwellings arranged in a block system. This is a characteristic of the area which is worthy of preservation. This could not be achieved with the introduction of a flatted development which would appear discordant and distinctly out of character. The general principle of the scheme cannot be accepted"....

It is accepted that the number of proposed units under this application has been reduced, and that the external appearance of the building has been significantly altered (discussed below) to be more in keeping in terms of appearance with the character of the wider area. However, the character of the street is primarily one of family dwellings in terms of character and appearance and this contributes to the local distinctiveness of the area. These houses represent good quality living accommodation in a high-quality, low-density environment, the character of which should be protected.

The National Planning Policy Framework (the Framework) makes it clear that an area's character is defined by more than visual appearance, recognising that the way it functions, local identity and the connections between people and places can contribute to its character. The density of development, use and activity are all factors which in addition to physical features, contribute to the character of an area. A suburban character comprised of single-family houses has a different character to one made up of flats. The proposal would add an additional household into the building, increasing the density of occupation of the site resulting in increased levels of activity including more people movements, increased car movements, the sub-division of the rear garden, and the more intensive use of open space and noise and general disturbance.

In addition, a single family would only have one set of refuse facilities and most likely fewer cars. The occupants of two separate households are also more likely to be coming and going at different times compared to a single family thus increasing activity. Furthermore, the occupants of two smaller flats may have a different lifestyle compared to a single family which could also result in activity at different times of the day/evening. The proposed use would, therefore, be materially more extensive than that associated with a single household. This would harm the character of this established residential area which is predominately comprised of single-family homes.

Furthermore, whilst it cannot be certain that the approval of this scheme would directly lead to further sub-divisions in the vicinity; it must be recognised that it would make it more difficult for the Council to resist further applications for conversions which would have a cumulative harmful effect on the suburban character of the street.

Design

As detailed above, the council acknowledges the role that flatted development can play in the provision of housing for residents of the borough. The council will also look for

opportunities to optimise the capacity of a site, and to ensure that previously developed land is utilised, where possible, to increase housing supply.

However, a fundamental consideration will be how any new development would assimilate into the existing character of an area. The area around the site has a strongly identifiable character of single family dwellinghouses, almost exclusively two storey, save for the application site, and the block system and adjacent Golf Club has a sub-urban character that is easily identifiable.

Once again, the proposal would involve significant physical change to the existing built form on site. The application site contains a single storey structure and does therefore differ to some degree from the two storey properties that prevail.

The new building would be detached, but there is an existing two storey detached property at No.84 Oakhampton Road. Whilst concern has been raised in third party representations that the proposed building would appear out of keeping, bulky and incongruous, it is not considered that an additional detached building would look seriously out of place. The building would be double bay, but the materials palette and hipped roof finish found locally would be retained, and the site benefits from its bookend position on Ashley Walk and at a pivot location where Ashley Walk and Oakhampton Road. The existing building line along Ashley Walk would be maintained.

Policy D3 of the London Plan 2021 requires that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. It is considered that, notwithstanding the policy issue with a flatted scheme, the site could accommodate a two-storey structure. The building would retain a gap to both flank boundaries at first floor level such that it would not appear cramped within the plot/streetscene. A two-storey single family dwelling could be accommodated on the plot.

However, as detailed above the character of an area relates to more than the aesthetic appearance of its buildings. The incumbent changes in creating a flatted scheme would cause harm to the character of the area. There is further concern with regards to the subdivision of the garden space which will impact the character of the area, the block system and sub-urban character would be further eroded by this alteration to the plot, and this scheme would cause harm to the established character, which is worthy of preservation.

Green Belt Location

The site is opposite the boundary to the Metropolitan Green Belt, at this location this takes the form of Hendon Golf Club's course, which is opposite the site. Para. 138. of the NPPF outlines that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Given the development would be contained within the site, and would be viewed in the context of wider development, it is not considered the above aims would be offended. Therefore, it is not considered the proposal would have any appreciable adverse impact on the openness of the Green Belt, given the open character at this location would still be maintained; secured through the existence of Hendon Golf Club's open character.

Neighbouring Amenity

Paragraph 2.7.1 of Policy DM01 states that;

Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the borough's residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

Previously concern was raised that the development of a three storey block of flats close to the common boundary would have a detrimental impact on the amenity of residents at No.84 Oakhampton Road, located to the south of the site. Given the orientation of the sites, the rear garden area of no.84 abuts the flank boundary of the application site.

This development proposal has been altered with the full third floor replaced with a hipped roof. This reduces the level of impact. The first floor also retains a gap of 1.0m to this common boundary. The boundary is demarcated with a screen of hedging, any two-storey building will be visible above this.

Whilst more balanced with this reduction, it is considered the location of a flank wall so close to the common boundary will impact on the amenity of existing residents of this property excessively, leading to a development which would appear overbearing from the rear amenity area, and resulting in a loss of outlook from rear facing windows. There would continue to be overshadowing of the rear garden area in the later part of the day, and the scheme would have a relatively imposing impact when viewed from this adjoining neighbour.

No.82 Oakhampton Road, located to the east, adjacent to No.84, shares a common boundary with the rear of the site, the lower section of the garden's side boundary adjoins the rear boundary of the application site. The creation of a two-storey dwelling would have no serious impact on residents of this property.

The ground floor rear corner of the building would once again extend 2.6m beyond the rear elevation of No.26 Ashley Walk, located adjacent to, and north of the site, the first floor 0.30cm beyond the rear corner. This extension beyond the building line would not be overbearing and there would be no serious impact on the light received to rear facing windows. The existing garage at No.26 again provides a buffer to the main living quarters of the house.

A window at first floor level could be reasonably conditioned as obscure glazed, A further condition would be required to ensure the accessible section of the first-floor roof, was not used as a balcony by occupants of the second floor flat. The rear patio area that is proposed is essentially the retention of an existing scenario which would be replicated on this scheme.

The introduction of a flatted use, which would entail a greater level of activity and intensity of use at the site, would result in increased noise and disruption to adjacent neighbouring occupiers, particularly those at 26 Ashley Walk and 84 Oakhampton Road. The subdivision of the garden into two areas of private amenity space would entail a more intense use of this space, also to the detriment of neighbouring amenity, as discussed within the "character" section of this report.

Living standards for future occupiers

Floor Area:

The London Plan (2021) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum gross internal area (GIA) space requirements for residential units. A bedroom measuring 11.5m² and above is calculated as a two-person room.

The proposed dwellings would be required to meet the minimum internal space standards as demonstrated below:

Two bedroom/3 person - 61 sq. m
Three bedroom/5 person - 86 sq. m

The units meet the requirement;

Two bedroom/3 person - 70 sq. m
Three bedroom/5 person - 96 sq. m

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

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

All proposed bedrooms meet the above standards.

Floor to ceiling height:

The London Plan states that a minimum ceiling height of 2.5 metres is required for at least 75% of the gross internal area of a dwelling.

The proposed dwellings meet the above standard.

Light/outlook:

Section 2.4 of Barnet's Sustainable Design & Construction SPD (Oct 2016) states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and should provide reasonable levels of outlook to all habitable rooms.

It is considered that each habitable room would benefit from an acceptable level of outlook and daylight / sunlight. All units are dual aspect. The scheme provides a good standard of outlook for future residents.

Amenity Space:

The Sustainable Design and Construction SPD advocates that suitable outdoor amenity space should be provided for all new residential units. The SPD specifies that 5sqm of outdoor amenity space should be provided per habitable room. A room measuring 20m² or more is calculated as two habitable rooms.

The proposal shows a rear garden space sub-divided to provide two separate private amenity areas which would provide good levels of amenity space for future occupants, albeit there are character concerns with regards to this sub-division.

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

Highways

The Local Highway Authority provided the following initial comments:

Proposal

The applicant is proposing to reconfigure the existing 1x 4bed single family dwelling into 2x self-contained units (1x 3bed and 1x 2bed units) with the provision of 1x off-street car parking space.

Car Parking

The site lies within a PTAL 0 which means that there is very poor public transport accessibility to and from the site. In line with requirements set out on Policy DM17 of the Barnet Local Plan, the required off-street car parking requirement for this proposal is 3 off-street car parking spaces. Therefore, the proposed means an under-provision of 2x off-street car parking spaces. The London Plan, Policy T.6.1, would have a requirement of up to 3 spaces.

The applicant has provided the results of an on-street car parking survey, which demonstrates that there is an average of 53% on-street car parking stress. Therefore the potential overspill of 2x car parking spaces is deemed acceptable on Highways grounds.

Vehicular Access

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

Refuse

The proposed refuse storage is located less than 10m from the public footway and at ground floor level and is therefore deemed acceptable on highways grounds.

Cycle

Cycle parking needs to be provided in accordance with the requirement of the London Plan cycle parking standards. For the proposed development, a minimum of 4x cycle parking spaces are needed. Cycle parking should be provided in a secure, covered, lockable and enclosed compound.

Recommendation

The application is recommended for approval by highways subject to conditions.

It is considered that the parking requirement generated by the development could be accommodated within the surrounding streets and would not lead to a position of local parking stress. The London Plan espouses maximum parking standards, the requirement for this development would be a maximum of 3 spaces. Opportunities to reduce car dependency should however be sought. Therefore, the proposed 1 parking space, given on street capacity, can be accepted.

Refuse

The proposed development is required to comply with Barnet's Waste and Recycling Strategy (2018). The proposed refuse and recycling bins are to be located to the front of the properties within the site. It is considered that the proposed development would comply with the highlighted standards and the waste strategy for this application is acceptable to the Street Scene collections team.

Trees and Landscaping

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that trees should be safeguarded and that proposals will be required to include hard and soft landscaping. This policy also states that when considering development proposals, the Council will seek the retention and enhancement, or the creation of biodiversity.

The following trees could potentially be impacted by the proposal:

- Cypress overhanging rear garden
- Ash situated in neighbouring garden, adjacent to driveway
-

Neither of these tree/shrubs would merit special protection via a new TPO.

The ash is situated in close proximity to existing hardstanding, which is to be replaced as part of the new proposal. Section 7.4.2.3 of BS5837: 2012 'Trees in relation to design, demolition and construction - Recommendations' states:

"New permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA".

As the majority of impacted ground is surfaced, this recommendation will not be exceeded as part of this proposal. Any impact to the aforementioned trees/shrubs can be managed through the submission of (and adherence to) an arboricultural impact assessment, method statement and tree protection plan. These details could be secured by condition on any approved scheme.

Ecology

An Ecological Appraisal has been submitted (Cherryfield Ecology). A summary of the findings conclude;

The site consists of one detached dwelling (B1), a shed (B2), hardstanding, amenity grassland and introduced shrub.

- No protected species or evidence of protected species were found on site at the time of the survey.
- The site provides negligible potential for badger, Great Crested Newt (GCN) and reptiles due to the lack of suitable habitat and limited connectivity to more suitable habitats.
- The building (B1) and Shed (B2) provides negligible potential for roosting bats due to the lack of roosting features and access points throughout the building.
- B1 provides Low potential for breeding birds.

Badger - No further surveys are necessary; however, if any badger setts are found throughout works, all works must stop, and advice sought.

Bats - No further surveys are necessary; however, if bats are found throughout works, all works must stop, and advice sought.

Breeding Birds - No further surveys are recommended; however, the development should take place outside the nesting season (March to August). If this is not possible, it is recommended that a qualified ecologist is on site to ensure the building/vegetation is not occupied by breeding birds, prior to demolition. Should an occupied nest be found, a buffer zone would need to be created until the nest is no longer in use.

Great Crested Newt (GCN) - No further survey is necessary; however, if GCN are found onsite, all work must stop and advice sought.

Reptiles - No further survey is necessary; however, if reptiles are found onsite, all works must stop and advice sought.

Habitats - All habitats found are common and widespread, no impacts are foreseen. No impacts are foreseen; however, if any protected species are found during the development, all works must stop, and advice sought.

Enhancements and mitigation are recommended (section 4.4 of the report), this could be agreed by condition on any approved scheme.

Accessibility and Sustainability

The application scheme is required by Policy D7 of the London Plan (2021) to meet Building Regulation requirement M4(2), a condition, in the event of a recommendation for approval, would be attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the scheme has to be designed to achieve a 10% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy SI(2) of the London Plan (2021) and a condition, in the event of a recommendation for approval, would be attached to ensure compliance with these Policies.

In terms of water consumption, a condition, in the event of a recommendation for approval, would be required for each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy S.I 5 of the London Plan (2021).

5.4 Response to Public Consultation

Most issues have been dealt with above.

-The proposed development would be a structure out of keeping with the traditional family houses that already exist

-This area is not meant for flats, there are suitable areas for that type of building in other areas of Mill Hill

-Flats not in keeping with this area. Doing so would set a precedent for other properties to be turned into flats

- The bungalow is built on a small piece of land which was part of the garden belonging to 84 Oakhampton Road
- Out of keeping with the traditional family houses that already exist

Officer Report: Addressed within the character section of the report.

- The loss of the only bungalow in this area would be discriminatory to any disabled or elderly person searching for a single level easy access home

Officer Report: it is not considered that the loss of this unit would be discriminatory, and this concern would not amount to a sustainable reason to refuse permission. Policy DM08 points to a medium priority for 3-bedroom units. The site would retain a 3 bed unit as part of the redevelopment.

- Allowing this type of construction to go ahead on such a peaceful country road as Ashley Walk, will set a dangerous precedent for this area
- The above proposal is not in keeping with the nature and culture of the road
- Overbearing and oppressive additional building blocking views of trees

Officer Comment: Ecological surveys have been submitted and enhancements can be agreed. It is not considered the alterations would have an ecological impact, and there would be no impacts on any protected species, as confirmed within the report. There is no right to a view of trees under the planning system.

- The rear windows in the proposed development would overlook my back garden, patio and rear of the house
- Complete loss of privacy as both my house and garden would be overlooked
- This would cause extra noise and privacy issues to neighbouring properties
- Impact on light and privacy of neighbours
- This would result in light being lost and privacy being compromised, due to the proposed height of the proposed building
- This current property was clearly designed for the space it uses, built on a small piece of land that belonged to 84 Oakhampton Road NW7. A bungalow would have been approved to ensure the light and privacy of the surrounding properties would not have been compromised

Officer Report: Amenity issues addressed within that section of the report.

- The provision of one parking space for 2 flats is obviously inadequate and would lead to further street parking on a dangerous corner which already has poor visibility
- Construction of the property would reduce the amount of garden available to the existing bungalow - the project therefore has an adverse environmental impact
- I have read the parking survey however I think the summary is unrealistic due to many other "free" parking spaces are elsewhere in the neighbourhood
- Lack of parking to serve this development

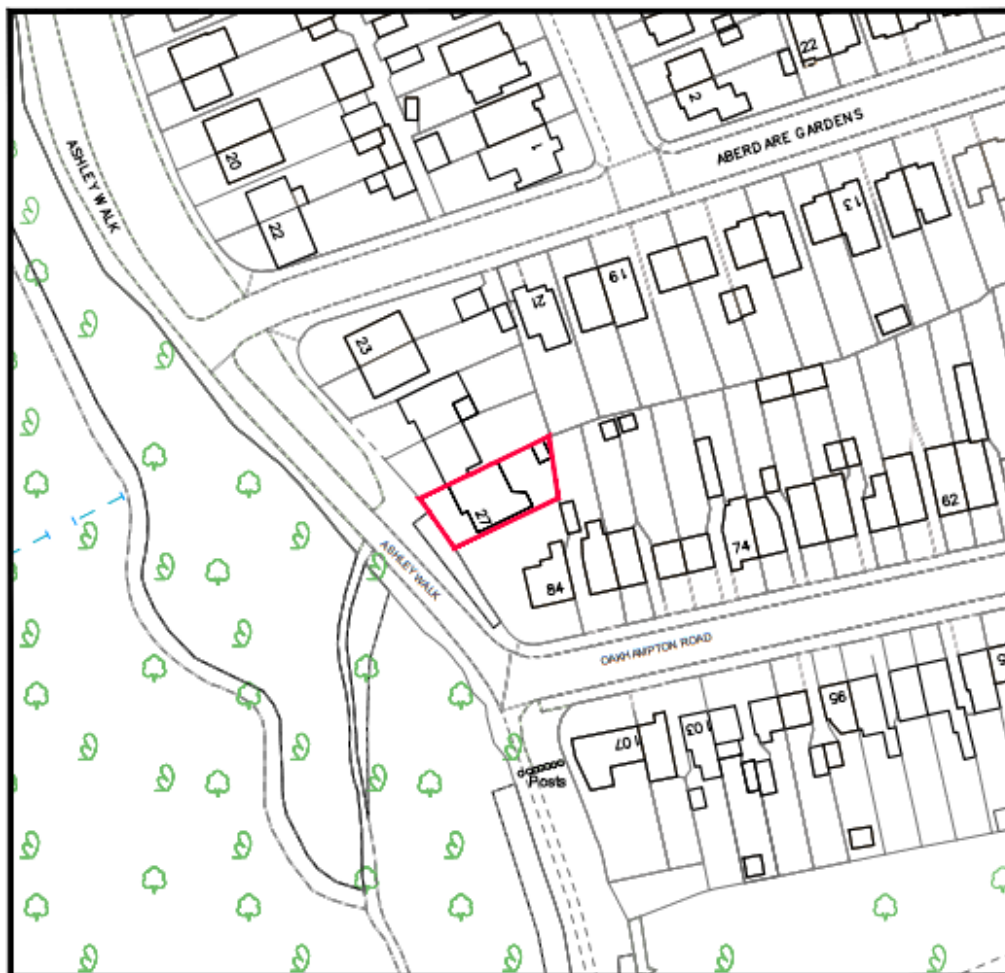
Officer Report: The submission has been reviewed by the Highways Department who raise no highway safety issues. The submission of a Parking Stress Survey demonstrates available on street parking to serve the development.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would have an unacceptable impact on the character and appearance of the application site, the street scene and the locality and would be harmful to the amenity of neighbouring occupiers. This application is therefore recommended for REFUSAL



LOCATION: 84 West Heath Road
London
NW3 7UJ

AGENDA ITEM 13

REFERENCE: 22/0228/FUL Validated: 02.02.2022

WARD: Childs Hill Expiry: 04.05.2022

APPLICANT: SM Planning

PROPOSAL:

Demolition of existing building (Class C2) and erection of five storey (plus lower ground floor) building for use as a care home (Class C2) comprising living accommodation and ancillary communal space

RECOMMENDATION

Recommendation 1

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

1. Legal Professional Costs Recovery

The Council's legal and professional costs of preparing the Agreement and any other enabling arrangements will be covered by the applicant

2. Enforceability

All obligations listed to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.

3. Indexation

All financial contributions listed to be subject to indexation.

4. Travel Plan

Plan to be secured including £10,000 monitoring fee and incentives of £150 per staff member for use on sustainable transport modes.

5. Section 184 Agreement

The provision of dropped kerbs and tactile paving at the existing entrance and an upgrade/modifications of the existing access

6. Local Employment Agreement

A Local Employment Agreement is to be entered into with the LPA in accordance with the requirements of the Employment and Skills SPD.

7. S106 Monitoring Fee

£2000

Recommendation 2

That upon completion of the agreement specified in Recommendation 1, the Service Director Planning & Building Control or Head of Strategic Planning to approve the planning application reference 22/0228/FUL under delegated powers, subject to the conditions set out within this report.

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

Relevant Planning Policy

Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is the London Plan and the development plan documents in the Barnet Local Plan.

These statutory development plan documents are the main policy basis for the consideration of this planning application.

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

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

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

The London Plan

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

Barnet Local Plan

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

Barnet's Local Plan (Reg 19) 2021

Barnet's Draft Local Plan 2021-Reg 19 was submitted for examination in November 2021. It is Barnet's emerging Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals, including the Barnet Draft Local Plan 2021, which is currently under examination by the Inspectors

National Planning Guidance:

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

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

The Community Infrastructure Levy Regulations 2010:

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

PLANNING ASSESSMENT

1.0 Site Description

- 1.1 The application site is located on the north-east side of West Heath Road at the corner of Eden Close and measures approx. 0.4 hectares.
- 1.2 The site is currently occupied by a large detached building located centrally on the site with direct access from West Heath Road. The building itself rises to a maximum of 2 storeys with additional accommodation within the roof.
- 1.3 The surrounding area is characterised by large scale residential plots with dwellings that vary between 2 and 4 storeys in height.
- 1.4 The site is not located within a conservation area, nor is the building statutorily or locally listed. In that regard, it is noted that the Secretary of State for Digital, Media and Sport declined to list the property in April 2022 following consultation with Historic England. The effect of this that the property benefits from a Certificate of Immunity from listing for a period of 5 years (from April 2022).
- 1.5 There are TPO designations around the site boundaries. The site is located within Flood Zone 1 and has a PTAL rating of 3.

2.0 Proposed Development

2.1 Permission is sought for the demolition of existing building (Class C2) and erection of five storey (plus lower ground floor) building for use as a care home (Class C2) comprising living accommodation and ancillary communal space.

2.2 The development would provide 80 bedrooms, with 12 bedrooms on the ground floor, 21 bedrooms on the first floor, 27 bedrooms on the second floor and 20 bedrooms on the third floor along with ancillary communal space incorporating the following facilities:

- Cinema
- Activity Room
- Great Room & Bar
- Communal Toilets
- Private Dining Room
- Restaurant
- Grand Lobby
- Spa Bathrooms
- Household Dining/Activity Rooms
- Quiet Rooms
- Seating Areas
- Library
- Hair Salon
- Therapy Rooms
- Orangery
- Landscaped Garden

2.3 The proposed building will be centrally located within the site and access to the site would be through the existing vehicular gates from West Heath Road.

2.4 It is noted that the scheme has been amended during the course of the application to align with both officer and consultee comments. Members attention is drawn to the Design & Access Statement Addendum which highlights a reduction in the depth of the south-east elevation and the introduction of a green wall system to encourage both biodiversity net gains and significant visual/amenity improvements.

3.0 Relevant Planning History

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

- 3.2 On 6 March 1974, full planning permission was granted for the erection of a staff room under application reference C04794. It is understood that, at this time, the site was in active use as a care home for the elderly.
- 3.3 On 24 April 1974, full planning permission was granted for the erection of a fire escape under application reference C04794A. As above, the site was in active use as a care home at this time.
- 3.4 On 10 November 1995, full planning permission was granted for alterations to the building elevations, front entrance ramp, fire escape staircases and general refurbishment works under application reference C04794B. The application confirmed that the site remained in active care home use at this time.
- 3.5 On 3 July 1996, a full planning application for alterations to the home, including the erection of a two-storey rear extension, was refused by the Local Planning Authority under application reference C04794C.
- 3.6 On 27 January 2017, a lawful development certificate application for the proposed internal conversion of the property and its use as a boarding school was granted by the Local Planning Authority under application reference 16/5298/192.
- 3.7 On 12 October 2020 a planning application was lodged under application reference 20/4748/FUL for the full demolition of the existing building (Use Class C2) and the construction of a new building of 7 storeys (5 above ground) to accommodate residential accommodation (Use Class C3) comprising of 45 apartments with basement car parking, associated communal areas, amenity space, refuse/recycling storage and cycle storage. The application is pending consideration.
- 3.8 On 1 August 2022, a planning application was lodged under application reference 22/3958/FUL for the demolition of existing building (Class C2) and erection of five storey (plus lower ground floor) building for use as a care home (Class C2) comprising living accommodation and ancillary communal space. The application is pending consideration.

4.0 Consultations

- 4.1 As part of the consultation exercise, 97 letters were sent to neighbouring residents, site notices were erected adjacent to the site and a notice was published in the Barnet Press. As a result of the initial consultation exercise, a total of 75 responses were received comprising of 74 objections, 0 letters of support and 1 representation.

Summary of Neighbour Objections

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

- Overdevelopment
- Excessive height and scale
- Development out of context with surroundings
- Ecology –bat surveys
- Operator/Use Class – the credibility of the proposed operator in terms of constitution and funding capabilities
- Lack of Affordable Housing
- Tree/Landscape Impact
- Flood Impact
- Risk to road and pedestrian safety due to location close to a bend in the road
- Roof gardens not appropriate for elderly residents
- Parking impact
- Intensity of use not appropriate for residential setting
- Disruption during the construction of the development

4.3 The material planning objections are addressed within the main body of this report.

Responses from External Consultees

4.4 The following responses were received from external consultees:

- The Victorian Society – Objection received
- London and Middlesex Archaeological Society-Objection received
- Westover Hill Residents Association – Objection received
- Historic England – No archaeological requirement
- TFL – no objections subject to conditions

Responses from Internal Consultees

4.9 The following responses were received from external consultees:

- Steet Scene – No objections
- Environmental Health – No objection subject to conditions
- Traffic and Development – No objection subject to conditions and S106 obligations
- Travel Plans – No objection subject to S106 obligation
- Trees and Landscape – tree protection measures requested by condition

5.0 Land Use / Principle of Development

- 5.1 The existing site is occupied by a building formerly used as a care home (Use Class C2) and the proposed development seeks the retention of this use with re-development to provide a single building comprising up to 80 care beds (Use Class C2).
- 5.2 Policy CS4 of the Barnet Core Strategy states that Barnet will seek to create successful communities by creating a variety of housing related support options that maximise independence for residents including older people and people with disabilities. Policy CS 11 of the Core Strategy states that additional residential care home provision is only supported when evidence of local need can be demonstrated and that the proposal addresses the priorities of NHS Barnet or its successor bodies and the council's Adult Social Services. A similar approach, of requiring need to be demonstrated, is set out in policy DM09 of the Barnet Development Management Policies and policy HOU 04 of the Barnet Draft Local Plan 2021.
- 5.3 The London Plan states that care home accommodation (C2) is an important element of the suite of accommodation options for older Londoners and this should be recognised by boroughs and applicants. To meet the predicted increase in demand for care home beds to 2029, London needs to provide an average of 867 new care home beds a year. The provision of Care Quality Commission rated Good or Outstanding care home beds is growing at around 3,525 bed-spaces a year in London.
- 5.4 Having regard to the need assessment which was submitted with the application, it is considered that the application will accord with the policies mentioned above. It should also be borne in mind that this application is for a new care home to replace the previous building whose former lawful use was as a care home, so this is not a proposal to introduce a new care home use on land not previously used for that purpose.

6.0 Character and Appearance

- 6.1 The existing building has been extended and altered over time with a side wing extension which mimics the design of the existing building and a more recent two-storey rear element which projects a significant distance rearward into the site. It has also been fitted with various modern window types across the building.
- 6.2 Given the considerable and insensitive alterations to the existing building it is not considered that officers could object to the demolition of the existing building. It is neither designated as a statutory or locally listed building nor located within a

conservation area. English Heritage has deemed the building unsuitable for listing. Furthermore, contrary to the views of the Victorian Society it is not considered that the existing building should be accounted as a non-designated heritage asset, and even if it were, a balanced judgement would indicate that the benefits of the proposal outweigh the loss of the building.

- 6.2 Policy DM01 of the Local Plan states that all developments should seek to ensure a high standard of urban and architectural design for all new development and high-quality design, demonstrating high levels of environmental awareness of their location by way of character, scale, mass, height and pattern of surrounding buildings, spaces and streets. These aspects are considered below.

Layout

- 6.3 The proposed layout has been informed by a plot analysis which is set out in the Design and Access Statement (D&A). This calculates the existing building as occupying 20% of the site, with an average plot ratio of 30% amongst those within the surrounding immediate area, including on those immediately adjoining the site.
- 6.4 The proposed layout seeks to only slightly increase the site coverage to a level broadly commensurate with the surrounding plots and also responds to existing Tree Root Protection Areas (RPAs) whilst seeking to maintain a 9m clear separation to the existing site boundaries. The footprint was further reduced in the revised scheme and is set out in the D&A Addendum.
- 6.5 Overall, the proposed layout and footprint is supported by officers. High quality hard-surfaced and landscaping details, involving maintenance and management would be secured by condition along with details of tree protection measures.

Scale, Massing and Height

- 6.6 Scale and height is varied across the proposed development, with a significantly stepped back top floor. The proposed development seeks to concentrate massing and height towards the front / middle of the site with a maximum height of six storeys with the upper level being significantly recessed and designed in a contrasting aesthetic to offset its mass. The development would step down towards the rear of the site with the rearmost element being three storeys in height.
- 6.7 Whilst the proposed development would represent an increase in building mass and height, the height and extent of screening around the site softens the impact of built

development and in any case, Officers consider that the proposed scale, massing and height can be suitably accommodated within the site. The transition and step down in height towards the rear is welcomed and responds to the surrounding context.

- 6.8 In terms of massing, the proposed building is broken up by a number of recessed and projecting sections, transition in heights and a significantly setback top floor. These elements are considered to successfully articulate the external elevations and break up and reduce the visual massing and bulk of the proposed buildings.
- 6.9 In terms of neighbouring development within the locality, it is noted that a similar scale and design of building was approved and currently under construction at The Oren, 114-120 West Heath Road. This scheme is located to the north-east of the site and was approved under reference 16/5993/FUL. The scheme comprises six storeys, with a recessed top level and similar projecting and recessed bays. Further to the above example, on the opposite side of the road, there are two sites of Oak Lodge and Oracle Apartments which comprise five storeys.
- 6.10 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. The site is heavily screened by mature trees and landscaping around the site boundaries with limited visibility and as such the scale and design is considered to be acceptable. Further details of the architectural detailing would be secured by condition.

7.0 Amenity Impact

- 7.1 Part of the ‘Sustainable development’ imperative of the NPPF 2019 is pursuing improvements to amenity through the design of the built environment (para 127). Amenity is a consideration of London Plan policy 2.6 ‘Outer London: Vision and Strategy’ and is implicit in Chapter 7 ‘London’s Living Places and Spaces’. In addition, Barnet Development Management Policies DPD (2012) DM01 as well as the Sustainable Design and Construction SPD provide further requirements and guidance.

Privacy, Overlooking and Outlook

- 7.2 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.

7.3 The site is surrounded by residential properties within Eden Close to the north and north-east, of which the site shares a boundary with No.8 whilst the road of Eden Close separates the site from Nos. 1 &2 and No.88 West Heath Road. To the south-east and south, the site shares boundaries with Nos 6 – 12 Westover Hills, as well as No.74 West Heath Road. In addition to the separation distances set out below, it is also worth noting that the scheme has been amended to include angled windows in order to further reduce any perceived overlooking.

The separation distances are measured to each street as follows:

- Eden Close – the scheme achieves an approx. 11-12m distance from the rear elevation to the north-eastern boundary treatment with No.8. A 20.5m window to window separation is maintained and there are significant mature and tall trees along this boundary which will prevent overlooking. This distance increases as the building form steps back. Nos 1 and 2 Eden Close are sited between 25-35m away from the proposed built form. Due to the siting and orientation of these properties, views towards these properties would be obscure and are again screened by mature trees.
- Westover Hill – measured from the south-eastern elevation, there would be in excess of 25m to the rear elevations of nos. 6 – 12. This exceeds the SPD guidance and therefore it is not considered that overlooking concerns arise. Again, there is considerable screening along this boundary.
- West Heath Road – there is 25m separation from the proposed to both the north (no.88) and south (no. 74).

7.4 Particular concern has been raised from adjoining properties regarding privacy and of the neighbouring properties. The issues of privacy have been addressed above and it is considered that there is adequate separation distance between the sites with, in many instances, oblique angles. In addition, the presence of existing mature and tall trees along the boundary would ensure that there would be no undue loss of privacy.

Daylight and Sunlight

7.5 An assessment on daylight and sunlight on neighbouring buildings has been submitted in support of the application. The report conducted an analysis on a considerable number of properties in the immediate area:

- 88 West Heath Road
- 1 Eden Close
- 8 Eden Close
- 6 -12 Westover Hill
- 74 West Heath Road / 4 Westover Hill
- 71 – 79 West Heath Road

1 Eden Close

7.6 This property is located immediately to the north of the proposed development. For daylight, the results confirm that the existing values of Vertical Sky Component (“VSC”) are below 27%. However, the BRE states that an adverse effect would only occur if the proposed value is less than 27% and less than 0.8 of the existing value. The results found that the existing windows will achieve 0.95 or 0.9 of the existing value, exceeding the BRE criteria.

88 West Heath Road

7.7 This property is located to the north-west on the opposite side of Eden Close. There are four windows which face towards the application site. The results confirm that the windows assessed would achieve 0.89, 0.88, 0.99 and 0.99 of the existing VSC value, which exceeds the BRE criteria of 0.8.

8 Eden Close

7.8 This property is located to the north-east and there are windows in the flank elevation facing the application site. The results found that the windows adjacent to the application site would achieve above 0.8 of the existing VSC value, satisfying the BRE criteria. Given the ground floor windows pass the BRE requirements, it is reasonably assumed that the 5 windows at first floor level would also pass.

6 -12 Westover Hill

7.9 These houses are located to the south-east and south of the proposed development, with rear windows facing the application site. All the windows measured would more than satisfy the BRE criteria.

74 West Heath Road / 4 Westover Hill

- 7.10 These properties are located immediately to the south of the site. The results confirm that there would be little change with results of 0.96 and 0.98 to the existing VSC values.

79 – 79 West Heath Road

- 7.11 These properties are located to the west of the proposed development on the opposite side of the road. Due to the distances between the site, there would be no impact in terms of daylight on these properties.

Sunlight

- 7.12 The results for the neighbouring residential properties that face within 90 degrees of south demonstrates that BRE's criteria for both annual and winter sunlight would be satisfied to all windows.
- 7.13 Overall, Officers accept the findings that the proposed development will not give rise to a significant impact upon the daylight or sunlight amenity received to these properties.

Noise and General Disturbance

- 7.14 No significant new or cumulative operational noise impacts are identified for neighbours as a consequence of the proposed development. The proposed development will make the most efficient use of the site; a use that is consistent with its historical use class and the overriding residential character of the surroundings.
- 7.15 The increased number of bedrooms would likely result in an increased number of movements to and from the site on a daily basis, however it is not considered that this increase would be so significantly above the current baseline as to result in a significantly greater impact than already exists.

8.0 Quality of Accommodation

- 8.1 Policy DM02 of the Local Plan seeks to ensure development provides accommodation of a suitable standard of living taking into account size of the unit, daylight, sunlight, outlook, privacy and noise and vibration.

8.2 The proposed units are all of a high quality and have been designed to exceed industry requirements. Communal areas, shared leisure facilities and generous amenity spaces would also be provided which, it is considered, would combine to ensure a high-quality living environment for the future occupants.

9.0 Sustainability

9.1 London Plan Policy 5.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

9.2 Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in new developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

9.3 Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrates compliance with the Mayor's targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy.

9.4 The application is accompanied by an Energy Statement which sets out that the development would achieve the requisite carbon reduction targets through a combination of a fabric first design approach, photovoltaic arrays and air source heat pumps. This approach is considered acceptable and policy compliant.

10.0 Transport / Highways

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

Parking

- 10.2 The site has a public transport accessibility level (PTAL) rating of 3 (average). This is on a scale of 1 to 6 where, 1 represents poor accessibility to public transport and 6 represents excellent access to public transport. Six bus routes (460, 82, 13, 245, 328, 260) can be accessed from stops within 6 minutes walking distance of the site. Golders Green tube station is 11 minutes walking distance from the site. The site is in a CPZ which operates Mon-Fri, 11am-12noon and there are yellow lines in the vicinity.
- 10.3 The proposal seeks to provide 80-bed care home with 11 car parking spaces including 2 disabled bays. Given the PTAL rating of the site is 3 and residents will not be driving, the spaces are primarily for staff and visitors. 40% of staff are expected to travel by car and with 15 members of staff on each shift, this would equate to 6 spaces. The remaining 5 spaces will be allocated to visitors. This is considered to be reasonable subject to s106 CPZ permit restriction for staff/residents of the development.
- 10.4 Disabled spaces are provided for visitors which is the minimum London Plan requirement for any development with parking.
- 10.5 Electric vehicle charging points are to be provided at 20% active and an additional 20% passive infrastructure for future provision.
- 10.6 The type of charging points to be installed is requested. Details of electric vehicle charging points would be secured by condition.
- 10.7 Based on London Plan standards, a minimum of 4 long (staff) and 4 short stay(visitor) cycle spaces are required. The development will provide 4 long cycle parking spaces and 5 short stay spaces. The cycle parking will be provided in secure storage external to the building and details of the provision would be secured by condition.
- 10.8 Given that no parking restrictions are proposed on site, the issue of obstructive and non-residents' parking needs to be considered. A parking management plan for the site which sets out proposals for parking enforcement and allocation of spaces is therefore required by condition.

Layout, Access and Servicing

- 10.9 The existing access to the site on West Heath Road is to be retained. This connects onto a drive which provides access to parking spaces and the turning head for deliveries and servicing vehicles. The internal driveway is wide enough to accommodate two-way traffic.
- 10.10 Swept path drawings of a car and a refuse vehicle have been provided and these show that both can enter and exit the site in forward gear. Revised details have also

shown that a fire engine and a standard Barnet sized refuse truck could also safely access in accordance with a request made by the Council's Transport officers.

- 10.11 A servicing bay is provided adjacent to the main entrance to the building for use by refuse lorries and delivery vans on the site. This is acceptable. 15 deliveries are expected per day and this can be accommodated within the proposed servicing bay assuming a dwell time of 20 minutes per delivery. A servicing management plan including refuse storage/collection arrangements to include the type of storage, elevations and dimensions of the bin stores would be secured by planning condition.

Road Safety

- 10.12 An analysis of collisions shown on the accident software site CrashMap over the three year period ending 2019 has been considered. This covered the east to west arm of West Heath Road, between Platt's Lane and the north-south arm of West Heath Road.
- 10.13 The results show that there was 1 slight accident at the junction of the north south and east west arms of West Heath Road and 3 slight accidents at the junction of West Heath Road and Platt's Lane. None involved pedestrians and there is no historical evidence of any fatal accidents. In these circumstances, the section of road in question is not considered to be unduly hazardous.

Trip Generation

- 10.14 An analysis of the potential trip generation from the site has been carried out using industry standard database called TRICS. The results show that the development will generate 18 two-way vehicle movements during the AM peak (8-9am) and 12 two-way vehicle movements during PM peak. The corresponding total person trips are 27 and 30 (two-way).
- 10.15 The impact of this level of trip generation on the surrounding highway network is unlikely to be significant.
- 10.16 In conclusion, it is considered that the development would be acceptable from a transport and highways perspective subject to the conditions stated and subject to a travel plan including incentives and monitoring fees being secured through the S106 along with a S278 for necessary highway works.

11.0 Flood Risk

- 11.1 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 no 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”.

- 11.2 The application is accompanied by a Flood Risk Assessment which sets out that the site is located within Environment Agency Flood Zone 1 and indicating a low risk of surface water flooding. Nevertheless, a requirement would be included within the landscaping condition to ensure that SUDS measures are incorporated into the landscaping scheme.

12.0 Crime Prevention / Community Safety

- 12.1 Development plan policies require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime.
- 12.2 To this end, the Metropolitan Police were consulted on the application and no objections were received. If permission were to be granted, a compliance condition would be attached to ensure that the development complied with Secured by Design standards.

13.0 Ecology

- 13.1 A Preliminary Ecological Appraisal supports the application and concludes that the nature of the proposed development, with additional surveys, mitigation, and precautionary measures in place, will ensure that the proposals will have no adverse impacts upon surrounding habitats, protected species, and wildlife in general. For full detail please refer to the supporting ecological reports.
- 13.2 Following review by the Council’s Ecology officers, it was requested that further bat surveys be undertaken. An updated Preliminary Roost Assessment with Dusk Activity Survey Report (Syntegra Consulting, September 2022) was subsequently undertaken within the roosting season and submitted for further review.
- 13.3 According to the submitted report “The landscape plan prepared by James Smith has ensured minimal tree loss with additional planting of boundary shrubs and trees. The landscape plan includes enhancements to the ‘woodland’ sections of the site with additional understorey planting that will provide good insect biomass for local foraging bats.” It is understood that trees T37 (oak tree – moderate suitability), T12 (false acacia - low suitability, climbing inspection) and T15 (maple – low suitability – climbing inspection) will be retained and thus no further bat survey or inspections would be required.
- 13.4 Subsequent to the additional bat surveys, the Council’s Ecology officer had no objection to the scheme subject to conditions which are attached accordingly. In light of the above, the proposed development is considered to align with the NPPF and development plan aim of enhancing the natural environment.

14.0 Arboricultural Impact

- 14.1 There are 48 trees on the site/ immediately adjacent to it. The trees are primarily located towards the periphery of the site and mostly are judged to be of moderate to low quality specimens. There are TPO designations to the north-east, south-east and west.
- 14.2 The Arboricultural Impact Assessment submitted with the application concludes that there would be, at most, a low impact on the resource: a small portion of the trees will be removed or pruned to facilitate construction. This Assessment responded to comments from the Council's Arboricultural officer in relation to the previously submitted residential scheme.
- 14.3 The trees located towards the edges of the site would be largely retained and as such the screening they provide would not be appreciably diminished which is considered acceptable in line with previous direction from the Council's Arboricultural officer. A condition is attached requiring the submission of a detailed planting plan and tree protection measures.

15.0 Affordable Housing

- 15.1 The application is for care home purposes, within the C2 Use Class of The Town and Country Planning Use Classes Order.
- 15.2 Policy H13 of the London Plan states that specialist older persons housing should deliver affordable housing. However, it is confirmed in the supporting text that this does not apply to accommodation that is considered to be care home provision, specifically where personal care and accommodation are provided together as a package with no clear separation between the two. As this application proposes 'care home' accommodation, the London Plan requirement for affordable housing is not engaged, and provision of affordable housing for a care home is not required by other planning policies.

16.0 Conclusion and Planning Balance

- 16.1 After an assessment of the proposed development, officers consider that the development is acceptable having regard to the relevant local and national policies. The proposed development would provide high quality care home development, having an acceptable impact on the character and appearance of the site and wider locality. The proposed building form and layout ensures there is no significant harm on the amenities of neighbouring properties and the highways impact is considered to be acceptable. The impact on trees is considered to be acceptable.
- 16.2 The proposed benefits of the scheme are:
- Provision of 80 care home bedrooms along with ancillary communal space contributing towards local and London wide targets

- S106 contributions towards travel plan including incentives
- The economic benefits of the scheme as set out in the Planning Statement
- CIL contributions to improve local infrastructure

16.3 In addition to compliance with development plan policies, it is considered that the package of public benefits is of importance and attracts positive weight in the decision making.

16.4 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, and in addition that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 Agreement and the conditions stated, approval of the application is recommended.

17.0 RECOMMENDATION: TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO THE SATISFACTORY COMPLETION OF A SECTION 106 AGREEMENT.

CONDITIONS

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

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) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

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

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

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

7. 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).

8. 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).

9. a) No development (other than demolition works) shall take place until details of foundations have been submitted and approved before works on the proposed building commence. The foundation design must take account of trees growing proximity to the development and will seek to minimise any harm to the root system. BS5837:2012 Trees in relation to design, demolition and construction-recommendations clause 7.5 provides acceptable guidance on foundations.

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

Reason: Prevent harm to trees growing close to the development in accordance local planning policy DM01

10. Prior to the first occupation of the development at least 2 x Vincent Pro Bat Box, 2 x 2F Schwedler Bat box (or similar), 2 x Manthrope Swift Box, and 2F Schwegler Nest Box (or similar); shall be installed on the newly constructed building and/or retained trees nearby, and at least 2 x purpose built insect hotels and 2 x purpose built log piles shall be installed near areas of retained or planted boundary treatments in accordance with the approved Updated Preliminary Roost Assessment with Dusk Activity Survey Report (Syntegra Consulting, September 2022) and Preliminary Ecological Appraisal report (Syntegra Consulting, January 2022, Version C), and submitted landscape design plans.

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.

11. 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

12. Prior to the commencement of works details of an Invasive Species Management Plan A detailed plan showing the location of invasive species (Schedule 9 listed species Wildlife and Countryside Act 1980 (as amended) and Species of Concern under the London Invasive Species Initiative. In accordance with best practice and as directed by Ecological Mitigation Strategy these species shall treated or prevented from spreading out with the site.

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

13. 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).

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.

14. Prior to first occupation of the development, a Car Parking Management Scheme shall be submitted to and agreed in writing 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 unless agreed in writing with the Local Planning Authority.

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.

15. Prior to occupation of the development hereby approved the cycle parking spaces shall be provided 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.

16. 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 Policy T7 of the London Plan 2021.

17. . a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 20% of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

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

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

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

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

Reasons: In the interest of good air quality.

19. The level of noise emitted from any installed ventilation / 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).

20. a) 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 sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.

b) Any piling must be undertaken in accordance with the terms of the approved piling method statement."

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure and piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

21. Development shall not begin 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 and DM04 of the Barnet Local Plan

22. 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).

23. a) Prior to carrying out above grade works of the approved building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such parts of a building can achieve full 'Secured by Design' Accreditation.

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

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

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

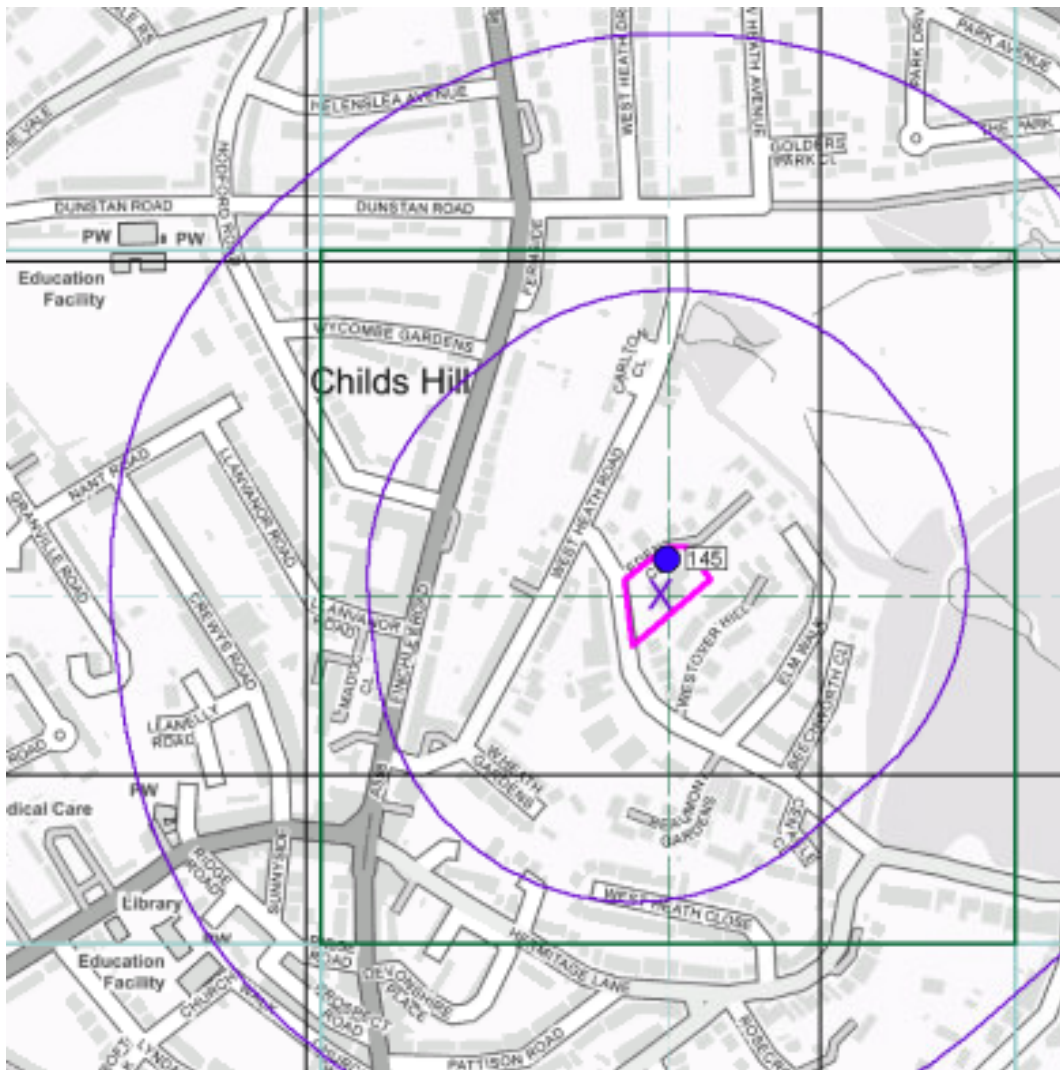
24. Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the development permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations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

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

25. 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).

SITE LOCATION PLAN



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Location 111 And 113 Edgwarebury Lane Edgware HA8 8NA

Reference: 22/2157/FUL Received: 22nd April 2022
Accepted: 22nd April 2022

Ward: Edgware Expiry: 17th June 2022

AGENDA ITEM 14

Case Officer: Dominic Duffin

Applicant: Mr & Mrs Devender and Neeta Kumari Arora

Proposal: Demolition of existing detached dwellings and construction of a part two, part three storey building comprising of 8no. self-contained flats. Associated amenity space, basement parking, and surface drop off point, refuse and cycle 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:

Location Plan

Existing and Proposed site plans - 111-113_HA8 8NA_GA001 Version 4.1

Existing and Proposed block plans - 111-113_HA8 8NA_GA002 Version 4.1

Proposed overall ground floor / site plan - 111-113_HA8 8NA_GA003 Version 4.1

Proposed floor plans - 111-113_HA8 8NA_GA004 Version 4.1

Proposed Basement Plan - 111-113_HA8 8NA_GA005 Version 4.1

Existing and Proposed front (east) and side (north) elevations - 111-113_HA8 8NA_GA006 version 4.1

Existing and Proposed Rear (west) and Side (north) elevations - 111-113_HA8 8NA_GA007 Version 4.1

Proposed 3d street view - 111-113_HA8 8NA_GA008 Version 4.1

Proposed Sections - 111-113_HA8 8NA_GA010 Version 4.1

Proposed refuse collection strategy plan - 111-113_HA8 8NA_GA011 version 4.1

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

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

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

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

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

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

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

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

6 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. The scheme should include details in the informative "Soft Landscaping" as attached to this decision, in order to ensure ecological enhancements.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and G.7 of the London Plan 2021.

7 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy SI.13 of the London Plan 2021.

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/>

Reasons: In the interest of good air quality in accordance with London Plan policy SI.1.

9 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).

10 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development - including but not limited to externally generated traffic/mixed use noise - and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

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

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

11 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.

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

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

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

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

- 14 Prior to any above ground works (excluding demolition) a Biodiversity Net Gain assessment and supporting plan that demonstrates biodiversity net gain including watercourses 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 that accord with the submitted DEFRA Metric calculation within the Biodiversity Net Gain Assessment (Arbtech Consulting, November 2022). 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.

Informative:- 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.

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

- 15 Prior to occupation of the development hereby approved, at least 2 x Habibat Bat Boxes (or similar) shall be installed into the newly constructed building as outlined within the submitted Bat Emergence and Re-entry Survey Report (Arbtech Consulting, August 2022), 2 x Woodcrete bird boxes, 1 x Apex Robin box (or similar) shall be installed within the building and/or retained rear boundary trees nearby (as appropriate), and at least 1 x Eco Hedgehog Nest Box, and 1x sunken log pile are to be installed on the boundaries of the site in accordance with the recommendations of the approved Preliminary Ecological Appraisal (May 2022) and guidance with 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA) as appropriate. Details on the specifications, location, aspect, and position of these species' enhancement measures shall be submitted by the applicant for approval by the Local Planning Authority.

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.

- 16 Prior to occupation of the development a) details of the location of at least 2 x hedgehog link gap (13cm x 13cm) at the base of the boundary fencing shall be submitted and approved by the local planning authority.

b) Prior to occupancy the approved hedgehog link must be installed in the base of the boundary fencing to ensure continued access for commuting hedgehogs through the garden. Photographs of the hedgehog gaps are to be submitted as evidence of compliance which shall be approved by the local planning authority.

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.

- 17 a) The building shall not be 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 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).

- 18 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, 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 bicycles in connection with the approved development.

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

- 19 Prior to occupation of the development the proposed parking spaces, including disabled bays, within the parking area as shown in drawings no. 111-113_HA8 8NA_GA005 R.2.01 submitted with the planning application and the access to the parking area from the 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.

- 20 Prior to occupation of the development, full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 20% of the approved residential parking spaces to be provided with active electric vehicle charging facilities and 20% passive electrical charging facility. 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 T.6 of the London Plan.

- 21 Notwithstanding the plans submitted, prior to occupation of the development, details of the passing places, access ramp gradient leading to the basement car parking area, car park layout, including the access to the parking area from public highway and the car ramp warning (signal control) system, including maintenance contract details, together with headroom clearances along the ramp and within the parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details. The gradient shall not exceed 1:10 otherwise the gradient would need to be constructed in accordance with the guidelines in IStructE Design recommendations for multi-storey and underground car parks.

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

- 22 a) No above ground works shall commence, other than demolition works, until the applicant has submitted an application under Section 278 of the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed by the Highways Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.
- b) The approved highway works shall be implemented before the development is first occupied.

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

- 23 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 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

- 24 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.

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

- 25 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.

- 26 a) Before the development hereby permitted is first occupied, details of privacy screens (rear gardens/balconies) 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).

- 27 Before the building hereby permitted is first occupied the proposed window in the south elevation facing 109 Edgwarebury Lane shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

water consumption of the proposed development. Each residential phase of the development shall be maintained as such in perpetuity thereafter.

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

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 30 Prior to occupation of the development hereby permitted, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out and constructed in accordance with the approved details, prior to occupation of any of the residential units..

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and Policies D3, D4, D5 and D6 of the London Plan 2021.

- 31 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).

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

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Polices document (2012), Policy SI 2 of the London Plan (2021) and the 2016 Mayors Housing SPG.

- 33 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 sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure in accordance with Policy SI 13 of the London Plan 2021.

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

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

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 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, (Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance

London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014

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

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

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

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

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

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

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

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

- 5 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.

- 6 It is recommended that the creation of the modified grassland should utilise species rich seed mix or turf. This mix should 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 meadow seeding mix includes Boston Seed Dual Purposed Wildflower Meadow Seed Mix BSXM 70/30 and for the amenity lawn Emorsate Seed Strong Lawn Grass Mixture EG22.

Any proposed tree and shrub planting should incorporate native species rich plantings and 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. In addition, night scented plants should also be incorporated into a detailed planting schedule where feasible. 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 provision of bat friendly planting is in Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

- 7 If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Highways Development Control Team.
- 8 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

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

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

- 9 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 10 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.
- 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 Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 12 Prior to commencement of works, the applicant will be required to obtain the necessary licenses and traffic orders from the Highways Authority. The applicant must contact the Council on 0208 359 2000 for any necessary Highways Licenses.
- 13 The applicant is advised that emergency services need to be consulted to ensure that the new development proposal meets the emergency access requirements.

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

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

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

- 15 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.
- 16 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.

- 17 No artificial lighting near to or shining onto any boundary trees and shrubs is to occur pre/during and post development. Any artificial lighting scheme is to be designed to minimize the impact it has on potential bat roosting and commuting. Lighting should be in line with the BCT lighting guidelines (Bats and Lighting in the UK (Bat conservation trust, 2018) <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>). Any such artificial lighting should be of low level, be on downward deflectors and ideally be on PIR sensors. Using LED directional lighting can also be a way of minimizing the light spill affecting the habitat. No up-lighting should be used. This will ensure that the roosting and commuting resources that the bats are likely to be using is maintained.

OFFICER'S ASSESSMENT

1. Site Description

The application site is located on Edgwarebury Lane close to the junction with Edgware Way, within the Edgware ward. It contains 2 x two-storey detached dwellinghouses (No's 111 & 113). The surrounding area is predominantly residential in character, consisting of detached buildings comprising flats and single family dwellinghouses. Given the location adjacent to Edgware Way, the properties bookend a run of properties along the western side of Edgwarebury Lane.

The properties are served by residential gardens to the rear and beyond this, properties in Ashcombe Gardens run parallel to the site. Parking forecourts are located to the front of the dwellings.

The site is not within any conservation area, nor does it contain any listed buildings. The site has a PTAL Rating of 2.

2. Relevant Site History

Reference: 19/0110/FUL

Address: 111 Edgwarebury Lane, Edgware, HA8 8NA

Decision: Refused

Decision Date: 8 March 2019

Description: Conversion of existing dwelling into 6no self-contained flats following part single, part two storey side and rear extensions, demolition of the existing garage and part of first floor, roof extension involving new pitched roof, rear dormer window and front and side facing rooflights, changes to fenestration and creation of new window openings (amended description)

Reference: 19/4390/FUL

Address: 111 Edgwarebury Lane, Edgware, HA8 8NA

Decision: Refused

Decision Date: 9 October 2019

Description: Conversion of existing dwelling into 4no self-contained flats following part single, part two storey side and rear extensions, demolition of the existing garage and part of first floor, roof extension involving new pitched roof, rear dormer window and front and side facing rooflights. Associated amenity space, refuse storage, cycle store and provision of 3no. off-street parking

Reference: H/01767/11

Address: 113 Edgwarebury Lane, Edgware, HA8 8NA

Decision: Approved following legal agreement

Decision date: 25 November 2011

Description: Conversion of property into 5 self contained flats including ground floor front, side and rear extensions, first floor front, side and rear extensions and a rear dormer window to facilitate a loft conversion. Provision of 4 off-street parking spaces and refuse and recycling facilities.

Reference: 21/6300/FUL

Address: 111 and 113 Edgwarebury Lane, Edgware, HA8 8NA

Decision: Withdrawn

Decision Date: 11.04.2022

Description: Demolition of existing detached dwellings and construction of a part two, part three storey building comprising of 8no. self-contained flats. Associated amenity space, basement and surface parking, refuse and cycle storage.

3. Proposal

The application seeks planning permission for the demolition of the existing detached dwellings and the construction of a part two, part three storey building comprising of 8no. self-contained flats. Associated amenity space, basement parking, and surface drop off point, refuse and cycle storage.

The following unit mix would be provided;

- 3 no. 3 bedroom flats
- 3 no. 2 bedroom flats
- 2 no. 1 bedroom flats

Car parking facilities (7 spaces) would be located at basement level.

There will be a separate entry and exit point for all vehicles using the existing 2 dropped down kerbs along Edgwarebury Lane.

Private amenity space would be provided by balcony areas/private gardens for ground floor units and a communal garden at the rear/side of the site.

The proposed building has a predominantly pitched roof design, articulated as two dual-pitched roofs, a glazed link element with a flat roof in the centre, and catslide elements. The proposed materials are a mix of brick and render, with glazing to the link element and balcony balustrades.

4. Public Consultation

Consultation letters were sent to 71 neighbouring properties.

14 responses have been received, comprising 14 letters of objection.

The objections received can be summarised as follows:

- Traffic getting in and out of the development at a busy inter-section will also be difficult and disruptive.
- The 8 Flat proposed plan is not suitable considering the property's location, as it is literally next to a signalled junction on the busy Edgwarebury Lane/A41 intersection
- The proposed traffic light system for the underground drive appears to be an accident waiting to happen with 8 households (7 parking spaces) using the narrow entrance/exit.
- Over-development of the plot
- Environmental issues and increased pressure on local services
- Negative effect on the existing wildlife on the property by removing trees
- Impact on daylight/sunlight and privacy at neighbouring properties
- Concerned about the impact it will have on the drainage of the "Edgwarebury Ditch" due to building of a basement
- Concerned about the deep excavation for the basement
- Large and overbearing rear windows
- Loss of garden land
- Out of character with the existing pattern of development
- Poor level of accommodation for future occupants
- The front of the building is out of character with the houses on Edgwarebury Lane.
- Concerned about the implications for damage to my property during and after construction
- Proposal crosses boundary onto our property. The Application Form (Ownership Certificates) incorrectly states that the applicant is the sole owner of the land to which the application relates. I object to this statement given the shared passage between 109 and 111 which has incorrectly been subsumed in the proposal as belonging to 111. The proposal shows a fence would be built along the building of 109. As owner of 109, I object to the fence as it takes away my rights to the shared passage which deprives me of my legal ownership rights and secures it for 111. The proposal shows secured access gate that deprives me of my legal ownership rights to the shared passage. This misappropriation of land and rights cannot be allowed.
- 7 parking space for 8 dwellings with 2/3 bedrooms is likely to be inadequate
- The storage of 8 dwellings refuse on my border will adversely impact my ability to use the garden. It will also cause concern for odours.
- Removal of a cluster of large coniferous trees on the properties, which currently provide a privacy screen from neighbours and sound barrier against traffic noise
- The proposed planting of Conifer trees would exacerbate the current nuisance from the existing 5 overgrown conifers (depriving my property of light and overhanging significantly on my property)
- There will be considerable noise disturbance from 8 flats

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.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS2, CS3, CS4, CS5, CS6, CS9, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

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

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

Barnet's Local Plan (Reg 22) 2021

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (2016)

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

- States developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

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

Sustainable Design and Construction SPD (adopted October 2016)

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

- *Delivering Skills, Employment, Enterprise and Training from Development through S106 (2014)*

- *Barnet Trees Policy (October 2013)*

- Planning Obligation SPD (adopted April 2013)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of Development;

- Unit Mix;

- Impact on the character and appearance of the application site, the street scene and the wider locality;

- Impact of the proposal on the amenity of neighbouring residents;
- Impact of the proposal on the amenity of future occupants of the development;
- Highway and Pedestrian Safety;
- Refuse and Recycling;
- Trees, Ecology and Biodiversity;
- Sustainability.

5.3 Assessment of proposals

Principle of Development

The existing buildings have no particular designation and there is no objection in principle to demolition, subject to the provision of residential accommodation and its replacement with a high-quality building.

The proposal would comprise a flatted use to replace the existing 2no single dwellinghouses. 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.

In this instance, weight is given to the presence of flatted uses within the local area, including the building opposite at Apollo Court and the site location adjacent to Edgware Way. Additionally, it is noted from the planning history on the site that an application (ref H/01767/11) for conversion of No. 113 to flats was granted in 2011; and applications at No. 111 in 2019 (refs 19/0110/FUL and 19/4390/FUL), although refused, did not object to the conversion to flats in principle. Taking these factors into consideration, officers do not object in principle to a flatted use in this location.

Unit Mix

National and London Plan guidance states that new developments should provide a mix of housing size and types based on current and future needs. Policies CS4 and DM08 reflect this guidance. Policy DM08 states that "development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough". The policy places emphasise on the need for 3- and 4-bedroom family units.

The proposed development provides the following mix of units:

- ??3 no. 3 bedroom flats
- 3 no. 2 bedroom flats
- 2 no. 1 bedroom flats

The proposals would provide 3 of 8 units as three bedroom (37.5%), the mix of accommodation is considered appropriate.

Impact of the proposal on character and appearance of the application site, the street scene and the wider locality.

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

The supporting text to Barnet's character policy, DM01, states that new development will need to demonstrate an understanding of local character. Proposals which are out of keeping with the existing character will be refused. However, the policy should not be used to restrict well-designed development which meets other requirements within the Core Strategy.

Policy D3 of the London Plan 2021 - "Optimising site capacity through the design-led approach" states at part A;

"All development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity (as set out in Policy D2 Infrastructure requirements for sustainable densities), and that best delivers the requirements set out in Part D".

With regards to D3;

Part 1 in "Form and Layout" outlines that development proposals should;

1) enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

Part 11 "Quality and Character" states that proposed schemes should;

11) 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.

Section 12 "Achieving well-designed places" of the NPPF states at Paragraph 126 that the creation of high quality, beautiful and sustainable 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.

Paragraph 130 outlines that Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture and layout and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Paragraph 134 confirms that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions taking into account any local design standards or style guides in plans or any supplementary documents. Conversely, where the design of a development accords with clear expectations in plan policies, this should attract significant weight

Context will therefore be of high importance involving a site-by-site assessment.

The site is located on the corner of Edgwarebury Lane and Edgware Way - a major arterial road. The property opposite at Apollo Court is a three storey contemporary building with a flat roof design and large elements of glazing to the front elevation. It also benefits from underground car parking with associated railings and ramp which front Edgwarebury Lane. The presence of this development and Edgware Way to the north distinguish the site context somewhat compared with the traditional detached housing to the south on Edgwarebury Lane.

The applicant has also highlighted that the properties on the opposite corners of Edgwarebury Lane and Edgware Way have also been converted to flats by way of substantial extensions to the original buildings. In this context, it is considered that there is some scope for intensification of the existing development on site.

With regards to the immediate surrounds, it is therefore the case that flatted developments are a component part of the streetscene. However, the Apollo Court scheme is not considered to be sympathetic to the local character and its appearance is considered to detract from the streetscene and local character. Any development at the host site should seek to enhance local character, with respect to the form, scale, and appearance of surrounding buildings.

There is another example on the road of a flatted development facilitated by the demolition of two dwellings (89-91 Edgwarebury Lane) located 100m to the south of the site, on the corner with Fairview Way. This application, allowed on appeal, granted consent for a 7-unit scheme (APP/N5090/W/16/3150330). This scheme much more successfully assimilates into the existing setting, in terms of form, scale and appearance, and any redevelopment of 111-113 should follow this approach as opposed to that taken at Apollo Court.

A number of houses in the vicinity have been extended, however the character is of fairly symmetrical buildings with a consistent building line, with hipped roofs and a brick finish. The front building line of the proposed development would be consistent with that of the neighbouring properties, the footprint of the proposed building is only modestly increased with respect to the existing development on site, and its design would reflect the materials and some other architectural detail that is characteristic of this part of Edgwarebury Lane, such as projecting front gables, the brickwork finish, and fenestration details. The proposal would have a fairly symmetrical appearance centrally, which is keeping with the character along the road, and to some degree retains the appearance of a pair of semi-detached dwellings, albeit it is a full three storey.

One clear difference with the scheme at No's 89-91 (Handel House) is that a "full" third floor would be included, as opposed to units accommodated in the roof, and the scheme would have the appearance of a three-storey building. With the glazed circulation link, underground parking access, and central doorway entrance the scheme is much more overtly a block of flats, in line with the appearance of Apollo Court, as opposed to Handel

House. In some ways the building would be more prominent than Apollo Court in that it includes a roof form above.

In that respect the building would benefit from bookending the row of properties on this side of the road, and the existence of the three-storey property opposite at Apollo Court. However, in the use of materials and form the proposal is more in keeping with the character along the road. The building steps down on the southern side to the lower scale development evident along Edgwarebury Lane. Plans demonstrate that the gabled projections on the northern flank and rear elevation would maintain the ridge and eaves level consistently.

The assessment involves a balancing of the fact the property is at the end of the row of properties on this side of Edgwarebury Lane and is opposite a three-storey development. As discussed above the principle of a new build flatted development can be accepted. The building would be an additional storey above the development in this run of properties. The proposal would use materials and have aesthetic elements which would be in keeping with the character along the road.

In light of the above considerations, it is considered that, on balance, the proposed scheme is acceptable and would not cause harm to the character and appearance of the area.

Impact of the proposal on the amenity of neighbouring residents

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

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Barnet's Sustainable Design and Construction SPD (2016) contains standards of distancing for new development to prevent overlooking and loss of privacy. It states that a minimum of 21 metres is required between facing windows of habitable rooms and a minimum of 10.5 metres between windows and neighbouring amenity spaces.

The site shares a side boundary with No. 109 to the south. The plans have been amended in the course of the application, having initially proposed to develop the alleyway between no.109 and 111, with access gates to the rear. The plans now indicate the shared access to the rear would be maintained for occupants of both properties.

The flank wall of the proposal maintains a 2-metre gap to the flank wall of the adjoining No.109. The front building line would also be maintained. This would ensure a suitable relationship between the properties along the flank and to the front.

The rear of the building does contain a section which would extend beyond the main rear wall (excluding single storey projection) of No.109 by 4.4m and ground floor and 2.9m at first and second floor. However, it retains a gap of 4.2m to the common boundary and

would have no adverse impact on amenity. Balconies providing private amenity space at this boundary can be screened to negate impact on the amenity of neighbouring occupants. A close boarded fence along the common boundary would provide adequate screening at ground floor level for both properties to guard against loss of privacy.

The site shares a rear boundary with neighbouring properties on Ashcombe Gardens. It is noted that the plans show that existing conifer trees along the rear boundary, which currently provide screening, would be removed and replaced with new planting. The Sustainable Design and Construction SPD states that a minimum of 10.5 metres separation distance should be provided between habitable windows and neighbouring amenity spaces to avoid harmful overlooking. The rear of the proposed building is approx. 13.75 metres from this boundary. This distance exceeds that minimum standard and is considered to be acceptable. The recommended 21.0m between elevations is also maintained. There is no requirement for the applicant to retain trees for screening purposes, and it is also noted third party comments outline impacts with overgrown trees on the boundary blocking light. The proposed distances are acceptable without the existing screening in place.

Consideration for the impact of the proposed intensification of the use of the site, which would increase from two to eight households, with associated comings and goings, noise and disturbance, and the impact of the proposed vehicular access to the rear garden. However, weight is given to the adjacent highway and the noise impacts of this. On balance, officers consider that any adverse impacts would be limited, and could be sufficiently mitigated through planting to the rear boundary.

Impact on amenity of future occupiers

In terms of the amenity for future occupiers, the Local 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 London Plan and Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

Dwelling size:

Floor Area:

The London Plan (2021) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum internal space requirements for residential units. A bedroom measuring 11.5m² and above is calculated as a double, and a bedroom measuring 7.5m² to 11.4m² is calculated as a single.

A mix of 1, 2 and 3 bedrooms are proposed, with the following London Plan requirements;

- (1 Bedroom/1 person): London Plan requirement = 39m²
- (1 Bedroom/2 persons): London Plan requirement = 50m²
- (2 bedroom/3 person): London Plan requirement = 61m²
- (2 Bedroom/4 Persons): London Plan requirement = 70m²
- (3 bedroom/4 person): London Plan requirement = 74m²
- (3 bedroom/5 person): London Plan requirement = 86m²
- (3 Bedroom/6 Persons): London Plan requirement = 95m²

The proposed units have the following gross internal areas (GIA):

Ground Floor

Flat A - 3 bed/6 person - 95 sq. m

Flat B - 3 bed/6 person - 98 sq. m

First Floor:

Flat C - 3 bed/5 person - 90 sq. m

Flat D - 2 bed/3 person - 61 sq. m

Flat E - 1 bed/1 person - 39 sq. m

Second Floor

Flat F - 2 bed/3 person - 67 sq. m

Flat G - 2 bed/3 person - 61 sq. m

Flat H - 1 bed/1 person - 39 sq. m

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

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

All proposed bedrooms would meet the above standards.

Floor to ceiling height:

The London Plan states that a minimum ceiling height of 2.5 metres is required for at least 75% of the gross internal area of a dwelling.

Each of the proposed flats would meet the above standard.

Dwelling layout and outlook:-

Development plan policy requires that new dwellings are provided with adequate outlook.

All the units are dual aspect and would provide good levels of outlook.

Amenity Space:

Section 2.3 of the Sustainable Design & Construction SPD (2016) sets out the minimum external amenity space standards for a flat, which is 5m² per habitable room. A room measuring 20m² or more is calculated as two habitable rooms. The scheme would have a requirement for 165 sq. m of private amenity space.

Each unit is served by a small private space, either a balcony, or in the case of ground floor units, small rear garden areas. A communal area to the side and rear of the building would provide approximately 280 sq. m of amenity space. It is noted that the upper floor

units are served by private space below the requirement of the unit (5 sq. m per habitable room). This is mitigated by the large communal area, which is usable and a benefit of the scheme. Edgwarebury Park is also a short walk from the site (200m) The scheme provides adequate private amenity space for future occupants.

Room Stacking:-

The proposed internal stacking of the units is considered acceptable.

Accessibility:-

The proposed development would be required to be designed to comply with M4(2). This can be secured via condition.

Privacy and overlooking:-

Window placements are such that there is no internal overlooking between units.

Daylight and sunlight:-

On the basis of the proposed layout, arrangement and design of the units, in addition to the orientation of the proposed dwellings, it is considered that the proposed development would provide adequate daylight and sunlight to future occupiers.

Conclusions on the amenities of future occupiers:-

It is not considered that the scheme would have a detrimental impact on the amenity of future occupiers and can be accepted. It is considered the number of units proposed and the quality of the accommodation is appropriate.

Highways

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

Other sections of Policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

The council's Highways Officer has commented on this submission and his considerations are discussed below.

The proposed 7 car parking spaces (inclusive of 2 disabled spaces) complies with London Plan policy T.6.1 requirement of up to 6.75 spaces. At least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces.

As per drawing no. 111-113_HA8 8NA_GA005 R.2.1 the applicant is proposing to retain 2 of the existing dropped kerbs, however, the existing middle access must be reinstated back into public footway. An application must be made to the Development Control Team prior to the commencement of any works on the public highway and existing crossovers will require strengthening (heavy duty construction) to ensure that they will be able to withstand the daily load of 8x vehicles accessing and egressing the site, a condition has been included below.

The underground car parking provides over 8.5m between banks of parking bays and over 12m across the car park, this should provide sufficient space for vehicles to turn safely.

During construction works a habitual crossing will be required for construction vehicles in order to protect the public footway and any services lying beneath the crossover.

Cycle parking spaces complies with The London Plan policy. Details of cycle parking provision including design / layout should be conditioned.

The application is recommended for approval subject to the following conditions and informatives.

Trees and Soft Landscaping

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

As discussed above, the submission outlines that the existing Conifer trees along the rear boundary of 111 Edgwarebury lane would be removed. These trees are not protected and are overgrown and of low amenity value. The proposal would provide new planting and a communal amenity area laid to lawn. Details of hard and soft landscaping could be secured by condition with potential ecological enhancements also secured through the agreed planting.

Ecology and Biodiversity

Ecology:

No objections on ecological grounds as the findings of the Bat Emergence and Re-entry Survey Report (Arbtech Consulting, August 2022) did not confirm the presence of roosting bats. Both Preliminary Ecological Appraisal (May 2022) and the Bat Emergence and Re-entry Survey Report (Arbtech Consulting, August 2022) stated that the vegetation and buildings on site had the potential to support nesting birds and any works would need to avoid the nesting bird season (March 1st to August 31st) inclusive. The PEA report also stated that the garden has potential to support foraging and commuting hedgehogs,

therefore, continued access for hedgehogs will be required in the form purpose cut holes in the base of the boundary fencing. A low impact lighting strategy will be required as part of the proposed works to ensure that any artificial lighting will not negatively impact any foraging or commuting bats along the boundary trees/vegetation of the site.

The provision of species enhancement measures within the recommendations of the submitted PEA and PRA is welcomed, which include the following:

2 x Woodcrete bird nest boxes

1 x Purpose built hedgehog house

1 x Sunken log pile

2 x Integrated bat roost boxes e.g. Habibat Bat Box, and 1FR Schwegler Bat Tube (or similar design).

The inclusions of species enhancement measures will provide ideal resting/sheltering habitats and aid the movement of bats, birds, invertebrates and hedgehogs on site. The inclusion of the recommendations can be incorporated into a future planning condition (prior to occupancy).

Soft landscaping:

It is advised that any future planting schedule for the proposed play lawn 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 any proposed hedge and tree planting consist 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.

Night scented plants should also be incorporated into a detailed planting schedule where feasible. 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 provision of bat friendly planting is in Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

It is expected that provision 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.

Biodiversity Net Gain:

The applicant submitted a Biodiversity Net Gain Assessment and calculations (Arbtech Consulting, November 2022) and the ecologist has no objections to findings. The expected BNG score of 47.09% net gain in habitat units and a 565.61% net gain in hedgerow units is significantly greater than the yet to be mandated statutory requirement of 10% Biodiversity Net Gain under Schedule 14 of the Environment Act 2021. The proposed development with it provision of introduced shrub (0.001ha), modified grassland (0.046 ha), urban trees (0.1139 ha), tree lines (0.069 km) and ornamental hedges (0.069 km) will

contribute towards biodiversity net gain within the borough. It is recommended that the modified grassland be subject to infrequent mowing and mown in a mosaic pattern in order to achieve a diverse sward height and thus meet target criteria two to achieve a good condition for the proposed modified grassland e.g. "Sward height is varied (at least 20% of the sward is less than 7 cm and at least 20% is more than 7 cm) creating microclimates which provide opportunities for insects, birds and small mammals to live and breed." To ensure that Net Gain will be achieved onsite a Biodiversity Net Gain Plan will be required to be submitted, approved, and adhered to for the minimum period 30 year.

The ecologist recommends that proposed works be approved on ecological grounds subject to the conditions and informatives. The application can be conditioned accordingly.

Environmental Health Comments

The Environmental Health section of the council have reviewed the submission and provided comment (as below);

As the proposed development is close to a busy junction leading on to the A41 noise and air quality mitigation will be required. There will need to be good acoustic glazing and ventilation on rooms that face A41 as well as Edgwarebury Lane, and some good clean ventilation with filters or sources of air away from A41 for rooms that face the road. As there will be basement parking and deep excavation involved, the contaminated land condition should be added, should the desktop study show that there is no elevated contamination then no further investigations will be required.

Flood Risk and Drainage

The site is in Floodzone 1 where policy directs new developments as it has the lowest risk of flooding. Whilst some concern has been raised about flood risk owing to the excavation of a basement, there is nothing to suggest that the digging of a basement would increase flood risks at this site. It is not considered that a Basement Impact Assessment is required, and the future use of the basement should not pose any risk to future or neighbouring occupants.

National standards for SUDs require the Council as Lead Local Flood Authority (LLFA) to be satisfied that development meets the minimum standards of operation and that there are clear arrangements in place for on-going maintenance over the lifetime of the development. Suds details can be agreed by condition.

Owing to the location of sewers nearby, Thames Water have suggested a Piling Method Statement is secured by condition.

Sustainability

In respect of carbon dioxide emission reduction, the London Plan requires that the proposal is designed to achieve a 10% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy SI.2 of the London Plan (2021) and the 2016 Housing SPG's requirements and a condition could be attached to ensure compliance with the Policy.

In terms of water consumption, a condition would be attached to any permission to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy SI.2 of the London Plan (2021).

The proposed development therefore could be conditioned to meet the necessary sustainability and efficiency requirements of the London Plan in the event of an approval. The submission includes solar panels as part of the overall sustainability provision. This can be secured by condition.

Refuse/Recycling

The waste strategy for this application is acceptable to the Street scene collections team and can be secured by condition.

5.4 Response to Public Consultation

It is considered that the majority of third-party comment have been addressed within the report. Further comment is provided below.

- Traffic getting in and out of the development at a busy inter-section will also be difficult and disruptive.
- The 8 Flat proposed plan is not suitable considering the property's location, as it is literally next to a signalled junction on the busy Edgwarebury Lane/A41 intersection
- The proposed traffic light system for the underground drive appears to be an accident waiting to happen with 8 households (7 parking spaces) using the narrow entrance/exit.
- 7 parking space for 8 dwellings with 2/3 bedrooms is likely to be inadequate

Officer Comment: The application has been assessed by the Highways section of the council and considered acceptable from a highway safety and parking perspective, subject to conditions.

- Over-development of the plot
- Loss of garden land
- Out of character with the existing pattern of development
- Large and overbearing rear windows
- The front of the building is out of character with the houses on Edgwarebury Lane

Officer Comment: The principle of flats at this location is considered acceptable, given existing flatted development and it is suitable for an intensification in use. The proposed design, and specific elements of the design are acceptable.

- Environmental issues and increased pressure on local services
- Negative effect on the existing wildlife on the property by removing trees

Officer Comment: The proposal has been assessed by an ecologist and considered acceptable.

- Impact on daylight/sunlight and privacy at neighbouring properties

Officer Comment: the proposed design and layout is considered to have paid close attention to existing development to ensure no serious adverse impacts on amenity.

- Concerned about the impact it will have on the drainage of the "Edgwarebury Ditch" due to building of a basement
- Concerned about the deep excavation for the basement

Officer Comment: the site is in Flood Zone 1 where new development is directed by policies with the NPPF.

- Poor level of accommodation for future occupants

Officer Comment: The scheme provides a good standard of accommodation for future occupants - as discussed above.

- Concerned about the implications for damage to my property during and after construction
- There will be considerable noise disturbance from 8 flats
- The storage of 8 dwellings refuse on my border will adversely impact my ability to use the garden. It will also cause concern for odours.

Officer Comment: The details of the construction phase can be agreed through conditions, the level of noise disturbance from 8 flats would not seriously impact on the amenity levels of adjoining residents. There is no reason that refuse storage/removal could not be dealt with in a way that causes no issues, details of refuse/recycling removal/storage can be agreed by condition.

- Proposal crosses boundary onto our property. The Application Form (Ownership Certificates) incorrectly states that the applicant is the sole owner of the land to which the application relates. I object to this statement given the shared passage between 109 and 111 which has incorrectly been subsumed in the proposal as belonging to 111. The proposal shows a fence would be built along the building of 109. As owner of 109, I object to the fence as it takes away my rights to the shared passage which deprives me of my legal ownership rights and secures it for 111.

The proposal shows secured access gate that deprives me of my legal ownership rights to the

shared passage. This misappropriation of land and rights cannot be allowed.

- The most egregious that directly affects me is the assertion by the developers that the property of 109 Edgwarebury Lane is a shared open forecourt. This is not the case. The proposed development border and property boundary lines are not clearly discernible on the application making it difficult to raise all specific issues. Any encroachment on the rights of 109 Edgwarebury Lane is not agreed with the owners of 109 Edgwarebury Lane.

- The proposed revised plan continues to assume that the shared passage would be shared by 109 Edgwarebury Lane and 8 other households. This is a change to the use of the passage that I object to. It is unclear whether the proposals intend to erect a fence in the shared passage that would infringe on my rights to use the passage.

Officer Comment: The applicant has provided amended plans which now confirm the development would only extend across half of the alleyway between No.s 109 and 111 Edgwarebury Lane. The revision shows a separate access for No.109 would be retained. Details of boundary fencing can be agreed by condition. A Land Registry planning confirming ownership of half the alleyway has been received the proposal does not encroach across, or beyond the red line of ownership.

- Removal of a cluster of large coniferous trees on the properties, which currently provide a privacy screen from neighbours and sound barrier against traffic noise
- The proposed planting of Conifer trees would exacerbate the current nuisance from the existing 5 overgrown conifers (depriving my property of light and overhanging significantly on my property)

Officer Comment: This matter has been discussed within the man body of the report.

6. Equality and Diversity Issues

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

7. Conclusion

In light of the above appraisal, it is considered the proposed development is acceptable. It is therefore recommended for APPROVAL subject to conditions.



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Location **24B Egerton Gardens London NW4 4BA**

Reference: **22/4186/FUL** Received: 15th August 2022
Accepted: 15th August 2022

Ward: Hendon Expiry 10th October 2022

Case Officer: **Rish Mehan**

Applicant: C/O UPP

Proposal: Roof extension involving side and rear dormer window. Erection of a rear outbuilding

AGENDA ITEM 15

OFFICER'S RECOMMENDATION

Refuse

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

- 1 The development of the rear dormer, by reason of its design, bulk, and massing would fail to represent a subordinate addition to the host property, appearing bulky, overly dominant and prominent having a significantly adverse impact on the property, in particular, and the street scene and surrounding area, in general, contrary to Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Residential Design Guidance SPD (2016).

Informative(s):

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

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

2 The plans accompanying this application are:

- 24BEG-A-01-001 - Location plan
- 24BEG-A-01-002 - Block plans
- 24BEG-A-02-001 - Existing front visualization
- 24BEG-A-02-002 - Existing rear visualization
- 24BEG-A-03-001 - Existing ground floor plan
- 24BEG-A-03-002 - Existing first floor plan
- 24BEG-A-03-003 - Existing loft floor plan
- 24BEG-A-03-004 - Existing roof plan
- 24BEG-A-05-001 - Existing section AA
- 24BEG-A-05-002 - Existing section BB
- 24BEG-A-06-001 - Existing north elevation
- 24BEG-A-06-002 - Existing south elevation
- 24BEG-A-06-003 - Existing west elevation
- 24BEG-A-06-004 - Existing east elevation

- 24BEG-A-02-101 - Proposed front visualization
- 24BEG-A-02-102 - Proposed rear visualization
- 24BEG-A-03-101 - Proposed ground floor plan
- 24BEG-A-03-102 - Proposed first floor plan
- 24BEG-A-03-103 - Proposed loft floor plan
- 24BEG-A-03-106 - Proposed roof plan
- 24BEG-A-05-101 - Proposed section AA
- 24BEG-A-05-102 - Proposed section BB
- 24BEG-A-06-101 - Proposed north elevation
- 24BEG-A-06-102 - Proposed south elevation
- 24BEG-A-06-103 - Proposed west elevation
- 24BEG-A-06-104 - Proposed east elevation
- 24BEG-A-06-105 - Proposed outbuilding elevations

OFFICER'S ASSESSMENT

This application has been called to the Committee by Cllr Shooter for the following reason:

I do not believe the dormer is too large and it will not impact the street scene and there are many precedents of similar sized dormers already in the street"

1. Site Description

The application site relates to a second - floor flat within a two-storey, semi-detached property, situated at 24B Egerton Gardens, London, NW4 4BA. The site is not located within a conservation area and is not subject to any other relevant restrictions.

2. Site History

Planning

Reference: 22/1550/FUL

Address: 24B Egerton Gardens, London, NW4 4BA

Decision: Approved subject to conditions

Decision Date: 6 June 2022

Description: Roof extension involving side and rear dormer windows (Amended Plans)

Enforcement

No enforcement history.

3. Proposal

Roof extension involving side and rear dormer window. Erection of a rear outbuilding

The proposed rear dormer window will measure approximately 4.23m in width, 1.67, in height and 2.19m in depth.

The proposed side dormer window will measure approximately 1.71m in width, 1.41m in height and 1.60m in depth.

The rear outbuilding will measure 2.90m in width and depth and a maximum height of 2.60m. The internal area measures 5.29 meters squared. The outbuilding will be used for storage as indicated on the plans, this use is considered ancillary to the main dwellinghouse.

4. Public Consultation

9no consultation letters were sent to neighbouring properties.

No comments have been received.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material

considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

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

The Mayor's London Plan 2021

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

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

Barnet's Local Plan (2012)

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

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

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

Barnet's 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, semidetached 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 be adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016):

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Impact to Character

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

Side and rear dormer window:

The Residential Design Guidance SPD states that 'dormer roof extensions should normally be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope.' It is noted that the property does not benefit from permitted

development rights as it comprises two flats, therefore there is no fall-back position.

The side dormer window is proposed to be half the width and half the depth of the existing side roof space and complies with the Residential Design Guidance SPD in this regard. The proposed side dormer is also consistent with that approved under 22/1550/FUL and is therefore considered to be appropriate with regard to Policy DM01 in terms of its impact on character.

However the rear dormer window that is proposed is more than half the width and half the depth of the existing rear roof space and therefore does not comply with the Residential Design Guidance SPD in this regard and is not considered to be subordinate. Although there are some examples of larger roof extensions on the south side of Egerton Gardens - achieved in exercise of permitted development rights - they are not so ubiquitous as to define the character. Notably, the other half of the pair formed with the application site does not have an extended roof and the next property along (No 20) has a pair of dormers closer to that in the already approved scheme (22/1550/FUL). The proposal would then also have an unbalancing effect. As such, the context does not suggest that the application should be determined other than in accordance with the Development Plan and it is not considered that the proposal would respect the appearance, scale and massing of surrounding buildings - as required by Policy DM01.

Outbuilding:

The Residential Design Guidance 2016 stipulates that rear outbuildings should be ancillary to the host property and should not appear as prominent additions within their settings.

The proposed rear outbuilding will serve use as storage. This use is considered ancillary to the main dwellinghouse.

Upon viewing aerial imagery, many neighbouring properties currently benefit from large outbuildings at the rear, and the proposed outbuilding would have no greater footprint than the other outbuildings.

The outbuilding is considered to be appropriately designed and scaled and would not have a detrimental impact on the character of the main dwellinghouse or the surrounding area.

Impact to Neighbouring Amenity

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

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

Notwithstanding the character objection, the proposed dormers are not considered to cause adverse impact to neighbouring amenity in terms of appearing overbearing or causing a significant loss of privacy relative to the approved scheme.

The proposed outbuilding is located a distance of over 10.00 metres from the rear building line of No.26 and No 28 Egerton Gardens. Given the distance, modest scale and its location, the outbuilding is not found to harm the amenity of No.26 nor No. 28.

In addition the proposed outbuilding would still allow for enough amenity space for the occupiers of the flats

5.4 Response to Public Consultation

N/A

6. Equality and Diversity Issues

Barnet Council's Equalities, Diversity and Inclusion Policy 2021-2025 sets out the Council's legal obligations to protect people from discrimination and promote equality, the underlying principles that guide the Council's approach to equalities, diversity, and inclusion in the borough, and how these principles will be implemented and achieved. The guiding principles particularly relevant to the decisions the Council make as LPA include carrying out meaningful engagement and encouraging equal growth.

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, the proposal would have an unacceptable impact on the character and appearance of the application site, the street scene, and the wider area. This application is therefore recommended for REFUSAL.



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Location **11 Holders Hill Avenue London NW4 1EN**

Reference: **22/5634/HSE** Receive AGENDA ITEM 16
d: 23rd November 2022
Accepted: 23rd November 2022
d:

Ward: Finchley Church End Expiry 18th January 2023

Case Officer: **Thomas Wong**

Applicant: Mrs. A Prager

Proposal: Single storey rear infill extension with rooflight.

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:
Existing Ground Floor Plan: HHA/11/03 Rev. E
Existing Elevations: HHA/11/05 Rev. E
Proposed Ground Floor Plan: HHA/11/02 Rev. E
Proposed Elevations: HHA/11/04 Rev. E
Site Location Plan: HHA/11/01 Rev. A

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

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

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

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

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

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

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

Informative(s):

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

OFFICER'S ASSESSMENT

This application has been brought to the planning committee as the applicant's partner is a Councillor

1. Site Description

The application site is located at 11 Holders Hill Avenue, consisting of a semi-detached dwellinghouse within the Finchley Church End ward.

The dwellinghouse features a two-storey rear outrigger with flat roof form, which is a characteristic feature of the host property.

The site is not located within a conservation area and is not a listed building. There are no onsite TPOs.

2. Site History

Reference: W02548B

Address: 11 Holders Hill Avenue NW4

Decision: Lawful

Decision Date: 4 January 1977

Description: Porch.

Reference: W02548A

Address: 11 Holders Hill Avenue NW4

Decision: Refused

Decision Date: 22 January 1975

Description: First floor rear extension.

Reference: W02548

Address: 11 Holders Hill Avenue NW4

Decision: Approved subject to conditions

Decision Date: 22 July 1970

Description: single-storey rear extension.

3. Proposal

The planning application seeks permission for: Single storey rear infill extension with rooflight.

The proposed single storey rear infill extension would have a depth of 3.98 metres, width of 3.13 metres, maximum height of 3.26 metres and eaves height of 3.00 metres.

The proposed single storey rear infill extension would protrude alongside the existing outrigger, with a total depth of 3.98 metres from the inset rear wall and a width of 3.13 metres, to finish flush with the rear building line and adjoin to the common boundary with 9 Holders Hill Avenue.

The proposed single storey rear infill extension would have a flat roof with 1no. rooflight. The rooflight would have a width of 2.00 metres, depth of 2.50 metres and height of 0.30 metres.

4. Public Consultation

Consultation letters were sent to 5 neighbouring properties.

No comments received.

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.

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- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
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The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan

will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

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

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

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

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

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

The Residential Design Guidance SPD states that 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.

The proposed rear extension would not be viewable from the front of the host property. Therefore, it is considered that the rear extension would not impact adversely on the existing street scene of Holders Hill Avenue. Furthermore, it should be noted that single storey rear infill extensions are not considered unique within Holders Hill Avenue, as they are seen at neighbouring properties during site visit and examination of aerial photography. Other properties also benefit from rear extensions and therefore the principle of a single storey rear extension would not be considered detrimental in principle to the character of the surrounding area.

The proposed extension would protrude alongside the flank wall of the outrigger and extension and infill the gap to the common boundary with 9 Holders Hill Avenue. This form of development, comprising a side/rear infill does exist and has been approved at various properties in the locality, to varying scales and depths. As such, the principle of extending alongside the original outrigger as a 'side' extension, and then further beyond as a rear extension is accepted in principle.

The Residential Design Guidance SPD states that the depth of a single storey rear extension, normally considered acceptable for semi-detached properties is 3.5 metres. The single storey rear infill extension would project between the flank wall of the existing rear outrigger and common boundary with adjoining property 9 Holders Hill Avenue at a depth of 3.98 metres. This has exceeded the acceptable measurement stated in the Residential Design Guidance SPD. However, as the neighbouring property 9 Holders Hill Avenue has currently benefitted from a similar single storey rear infill extension, therefore the size and scale of the proposed single storey rear infill extension at 11 Holders Hill Avenue is considered to be acceptable.

As such, it is found that the established character and appearance of the existing dwelling would not be affected, should this proposal receive approval.

- 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.

Barnet's Residential Design SPD provides clear guidance with regard to what is expected from new developments to ensure that the amenity of neighbouring occupants is not harmfully impacted. Regarding this application, the key concern is whether the proposal would result in any degree of overlooking to neighbouring sites and if overshadowing, loss of outlook and loss of light would occur as a result of the development.

Regarding 9 Holders Hill Avenue, there is an existing single storey infill rear extension that is similar to the one proposed at the applicant site. The measurements of the height and eaves height of the proposed single storey rear infill extension is similar to the existing single storey infill rear extension at neighbouring 9 Holders Hill Avenue. Therefore, it is considered that overshadowing, loss of outlook and loss of light would not occur as a result of the proposed development. In the aspect of overlooking to 9 Holders Hill Avenue, as there is an existing privacy screen installed as part of the previous planning application at 9 Holders Hill Avenue (20/6102/HSE) for their single storey infill rear extension, therefore it is considered that it would not result in overlooking from the applicant site to 9 Holders Hill Avenue.

Regarding 13 Holders Hill Avenue, the existing two storey outrigger at the applicant site shields them from any impact resulting from the proposed single storey rear infill extension. Therefore, this would result in no additional amenity impact towards 13 Holders Hill Avenue.

Regarding 25, 26 and 27 Robin Lane, situated at the rear of the applicant site, a significant distance of 24.74 metres separates between the proposed single storey rear infill extension and their properties. Therefore, there will be no amenity loss towards 25, 26 and 27 Robin Lane resulting from the proposed single storey rear infill extension.

5.4 Response to Public Consultation

N/A

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that 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.

