

MEETING

PLANNING COMMITTEE A

DATE AND TIME

THURSDAY 1ST SEPTEMBER, 2022

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF PLANNING COMMITTEE A (Quorum 3)

Chair: Councillor Nagus Narenthira
Vice Chair: Councillor Tim Roberts

Richard Barnes
Lachhya Gurung

Danny Rich
Elliot Simberg

Substitute Members

Claire Farrier
Gill Sargeant

Shuey Gordon
Tony Vourou

Arjun Mittra
Lucy Wakeley

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is Friday 26 August 2022 at 10AM. Requests must be submitted to planning.committees@barnet.gov.uk

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

Andrew Charlwood – Head of Governance

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

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

ASSURANCE GROUP

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ORDER OF BUSINESS

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2.	Absence of Members	
3.	Declaration of Members' Disclosable Pecuniary Interests and Other Interests (if any)	
4.	Report of the Monitoring Office (if any)	
5.	Addendum (if applicable)	
6.	Deferred - Development Site North Of Park House At Former 12 - 18 High Road London N2 9PJ - 21/6385/S73	13 - 44
7.	Jeanettes Land North Of The Ridgeway Barnet NW7 1EL - 22/0650/FUL (Mill Hill)	45 - 72
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11.	130 Hendon Lane London N3 3SJ - 21/6308/FUL (Finchley Church End)	153 - 164
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13.	12 Highview Avenue Edgware HA8 9TZ - 22/1953/HSE (Edgware)	183 - 192
14.	3 Shirehall Lane London NW4 2PE - 22/2067/HSE (Hendon)	193 - 204
15.	Any item(s) that the Chairman decides are urgent	

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Decisions of the Planning Committee A

7 July 2022

AGENDA ITEM 1

Members Present:-

Councillor Nagus Narenthira (Chair)

Councillor

Councillors:

Councillor
Richard Barnes
Councillor
Lachhya Gurung

Councillor Claire Farrier
(Substitute for Councillor
Tim Roberts)
Councillor
Shuey Gordon
(Substitute for Councillor
Elliot Simberg)

Councillor Gill Sargeant
(Substitute for Councillor
Danny Rich)

Apologies for Absence

Councillor Tim Roberts
Councillor Danny Rich

Councillor Elliot Simberg

1. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 08 June 2022 be agreed as a correct record.

2. ABSENCE OF MEMBERS

Apologies were received from Councillor T Roberts who was substituted by Councillor C Farrier.

Apologies were received from Councillor E Simberg who was substituted by Councillor S Gordon.

Apologies were received from Councillor D Rich who was substituted by Councillor G Sargeant.

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

None.

4. REPORT OF THE MONITORING OFFICE (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

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

6. DEFERRED- DAWLISH COURT AND 63 DAWS LANE LONDON NW7 4SG - 20/4355/FUL

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

A statement was read to the Committee on behalf of Sam Nicholls 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 speaker and officers.

Following discussions, the Committee voted on the Officer recommendation to approve the application subject to S106 as set out in the report and the addendum.

Votes were recorded as follows:

For (approval): 1

Against (approval): 5

Therefore, the application was **NOT APPROVED**.

Councillor Sargeant moved the motion to refuse the application, which was seconded by Councillor Farrier for the following reasons:

- The proposed development would, by reason of its size, scale, bulk, layout, siting, built form, design including glazed link structure, roof form and balconies/roof terrace; would represent an unsympathetic and incongruous form of development, amounting to an overdevelopment of the plot. As such it would fail to relate to the context of the site and the pattern of development, to the detriment of the character and appearance of the streetscene and the surrounding area, contrary to the National Planning Policy Framework (NPPF); Policies D3, D4 and H2 of the London Plan (Adopted 2021); Policy CS5 of the Barnet Core Strategy (Adopted September 2012); Policies DM01 and DM02 of the Barnet Development Management Policies Document (Adopted September 2012); and advice contained in the Barnet Residential Design Guide Supplementary Planning Document (Adopted 2016).

Votes were recorded as follows:

For (refusal): 5

Against (refusal): 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 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).

7. DEFERRED - 27 ABBOTS GARDENS LONDON N2 0JG - 22/1312/HSE

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

There were no speakers in attendance.

The Objector to the application had attended the meeting where the application had been deferred but was not present. Councillor Farrier provided a brief synopsis of their concerns.

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): 5

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 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. DEFERRED - 356 CRICKLEWOOD LANE LONDON NW2 2QH - 20/3715/S73

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

A statement was read to the Committee on behalf of Cllr G Innocenti in objection to the application.

A statement was read out to the Committee on behalf of the Agent for the Applicant who was present at the meeting.

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

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

Votes were recorded as follows:

For (Approval): 6

Against (Approval): 0

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

9. UNIT 4 HAWTHORN BUSINESS PARK 165 GRANVILLE ROAD NW2 2AZ - 22/0189/FUL

The report and addendum were 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 and the addendum.

Votes were recorded as follows:

For (Approval): 6

Against (Approval): 0

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

10. STOWE HOUSE, CARPENTER HOUSE, ABINGTON HOUSE, BEAUFORT HOUSE, KINGSLEY HOUSE AND COSWAY HOUSE EMMOTT CLOSE - 21/4794/FUL

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

There were no speakers in attendance.

The Committee had the opportunity to ask questions of the 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): 6
Against (Approval): 0

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

11. ARKLEY RIDING STABLES HEDGEROW LANE BARNET EN5 3DT - 22/1514/FUL

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

The Committee received verbal representations from Mr Edmund Perry 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 and the addendum with an additional condition to restrict permitted development rights.

Votes were recorded as follows:
For (Approval with additional Condition): 5
Abstention: 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 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)

Condition:

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

Reason: To safeguard the character and appearance of the site and surrounding area, the amenities of neighbouring occupiers, the health of adjacent TPO trees and the Green Belt, in accordance with policies D3, D4, H2, G2 and G7 of the London Plan (2021) and DM01, DM02 and DM15 of the Development Management Policies DPD (2012).

[After the last item at 9.14pm the Chair adjourned the meeting.]

[Prior to the next item at 9.19pm the Chair resumed the meeting.]

[After the previous item, at 9.19pm, Councillor Sargeant left the meeting.]

12. MARSTON COURT MAYS LANE BARNET EN5 2EG - 21/4548/FUL

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

The speaker objecting was not present.

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

Not present: 1*

*Councillor Sargeant was not present having left the meeting.

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

**13. SISTERS OF THE SACRED HEART 6 OAKLEIGH PARK SOUTH LONDON N20 9JU
- 22/0804/FUL**

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

The Committee received a verbal representation from Mr Stephen Reese 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 and the addendum.

Votes were recorded as follows:

For (Approval): 4

Against (Approval): 1

Abstention:

Not present: 1*

*Councillor Sargeant was not present having left the meeting.

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

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

None.

The meeting finished at 9.44 pm

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Location **Development Site North Of Park House At Former 12 - 18 High Road London N2 9PJ**
AGENDA ITEM 6

Reference: **21/6385/S73** Received: 7th December 2021
Accepted: 7th December 2021

Ward: East Finchley Expiry 8th March 2022

Case Officer: **Shay Bugler**

Applicant: Mr Can Deniz

Proposal: Variation of Condition 1 (Approved Plans) of planning permission reference 18/5822/FUL dated 17/06/2020 for 'Demolition of existing buildings and construction of two 4-storey buildings (plus basement) providing 24no self-contained flats and (Class B1a) office space with associated refuse and recycling storage, cycle storage, 2no off-street parking spaces and amenity space' Amendments include correction to the line of the boundary wall and introduction of 2no. angled windows on the 1st floor central section of the eastern elevation and corrections to the neighbouring buildings to the north and east of the site.

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. Deed of variation to legal agreement in relation to permission 18/5822/FUL to secure the following:
 - o A contribution of £930,000 towards off site Affordable Housing
 - o A contribution of £34,000 towards off site carbon savings
 - o A contribution of £10K towards travel plan monitoring
 - o A contribution of £7.5k towards sustainable plan measures/incentives
 - o A contribution of £30K towards road safety improvements at the junction of High Road/Bishops Avenue
 - o A contribution of £2,000 towards the cost of amending traffic order to prevent residents of the development from obtaining parking permits - £2,022
 - o Monitoring of the Agreement - £20,270
 - o Car club associated with the development

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 This development must be begun within three years from the date of the original grant of consent under 18/5822/FUL on 17/06/2020

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:

Drawing numbers: HR-H-AE01A; HR-H-AE02A; P-A204 Rev. P1; HR-H-AE04A; P-A203 Rev. P1; P-A202 Rev. P1; P-A201 Rev. P1; P-A301 Rev. P1; HR-H-AE09A; HR-HAE10A; HR-H-AE11A; P-A102 Rev. P1; P-A103-1 Rev. P1; P-A104 Rev. P1; P-A105-1 Rev. P1; P-A101 Rev. P1; P-A102 Rev. P1; H P-A103 Rev. P1; P-A104 Rev. P1; P-A105 Rev. P1; P-A106 Rev. P1; P-A106 Rev. P1; 200 Rev P1; D101 Rev P2; D103 Rev P1; D104 Rev P1; D105 Rev P1; D102-1 Rev P3; D105 Rev P3; D201 Rev P2; D202 Rev P2

- o Cover letter by Peacock and Smith dated 6 December 2021
- o Sustainable Urban Drainage Strategy Prepared by jms Civil & Structural Consulting Engineers. 12-18 High Road, East Finchley, London. JMS Project

Reference: EX2011907 Rev B

- o Thames Water: Notice of consent to connect to a public sewer/public lateral drain (letter dated 17 February
- o Accommodation schedule dated September 2019
- o Transport Assessment produced by Trace Design Consultants dated July 2019
- o Framework Travel Plan produced by Trace Design Consultants Limited dated July 2019
- o Design and Access Statement-September 2019
- o Planning Statement produced by GL Hearn dated October 2018
- o Heritage Appraisal of the existing building onsite by Martin O' Rourke consultants dated April 2017
- o Environmental Sustainability Statement by Aecom dated 28.10.2019
- o Construction Management Plan by Trace Design Limited dated August 2018

- o Daylight and Sunlight Assessment by GLA Hearn dated 13 November 2018

- o Utilities Assessment by Building Services Solutions dated 6 February 2019

- o Ventilation Strategy by Building Services Solutions dated 6 February 2019
- o Drainage Strategy drawing no: 200 Rev A
- o Waste & Recycling Schedule by Award Design Limited dated 11 March 2019

- o Financial Viability Report by GL Hearn dated 20 December 2018
- o Planning Statement by
- o Refuse and Recycling schedule
- o Air Quality Assessment by Air Quality Consultants Limited dated March 2016
- o Tree Impact Assessment and Method Statement by Bartlett Consulting dated July 2018, including Tree site constraints plan (reference no: JL/R180176R/sh dated 12 July 2018 & Tree Protection Plan (reference no: JLR180176R/sh dated 12 July 2018).
- o Planning Statement dated November 2018
- o Environmental Noise Report by HRS Services Limited (ref: 128187-AC-2v1 dated 13/03/2018
- o Environmental Sustainability Report by AECOM dated October 2019
- o Document entitled "Carbon emission modelling" by AECOM dated June 2016

- o Energy assumption information sheet by L16 Design dated 25.07.2017
- o Masonry Cavity wall insulation details (version 1.0)
- o Regulations compliance report by Stroma - version 1.0.4.8 dated July 25 2017
- o Storm sewer design details (existing and proposed), by Micro Drainage Consultants dated 16.06.2019
- o Foul sewer design details (existing and proposed) by Micro Drainage Consultants dated 16.06.2019
- o Greenfield run off rates by Micro Drainage Consults dated 19.06.2019

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 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 3 (site levels) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall 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).

- 4 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 4 (materials) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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 D1 and D4 of the London Plan (2021).

- 5 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 5 (Refuse and Recycling facilities) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016), policies SI 7 & SI 8 of the London Plan (2021).

- 6 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 6 (Wheelchair accessible or easily adaptable) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and policies D5 & D6 of the London Plan

(2021).

- 7 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 7 (means of enclosure and boundary treatments) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development 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, 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).

- 8 The details approved under planning ref: 20/4100/CON dated 27.10.20 pertaining to condition 8 (contract for works) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM06 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 9 The details approved under planning ref: 20/4189/CON dated 21.10.20 pertaining to condition 9 (land contamination risk assessment) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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) The details approved under planning ref. 20/4137/CON pertaining to condition 10 (sound mitigation measures) pursuant to planning ref. 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under and retained as such thereafter.

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

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

the Sustainable Design and Construction SPD (adopted April 2013), and policy D14 of the London Plan (2021).

- 11 a) The details approved under planning ref: 20/4137/CON dated 20.10.20 pertaining to condition 11 (ventilation/ extraction plant) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.
- b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and policy D14 of the London Plan 2021.

- 12 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.

- 13 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwelling houses (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 DM01 of the Development Management Document (2012) and policies D5 & D6 of the London Plan (2021).

- 14 a) The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 14 (landscaping works) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the

details as approved prior to the first occupation of the development and retained as such thereafter.

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 April 2013).

- 15 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 15 (Sustainable Urban Drainage Strategy) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter

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 April 2013) and policy SI 13 of the London Plan (2021).

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

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

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

- 17 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 17 (Cycle parking) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

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

- 18 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 18 (privacy screens and balconies) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development 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 April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

- 19 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); D14 & SI 1 of the London Plan (2021).

- 20 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

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 and T4 of the London Plan (2021)

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

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

- 22 Prior to the first occupation of the development hereby approved, evidence shall be submitted to and approved in writing by the Local Planning Authority to show that the development has been constructed incorporating carbon dioxide emission reduction measures in accordance with the Environmental Sustainability Statement by Aecom dated 28.10.2019. 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) and SI 3 of the London Plan (2021).

- 23 No parts of the roof of each floor shall be used as balcony, amenity or sitting out area, unless shown as such on the approved drawings.

Reason: To safeguard neighbouring amenity in accordance with Policy DM01 of the Development Management Policies DPD (Adopted) September 2012.

- 24 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 24 (the access and access road(s)) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure the safe form of access to the development and to protect the amenity of the area and to conform to 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 T4 the London Plan (2021).

- 25 The buildings shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012; Policy DM17 of Development Management Policies (Adopted) September 2012 and policies T3 & T4 of the London Plan (2021).

- 26 Before the development permitted is first occupied, details of the gated access system must be provided, including a maintenance agreement, and all equipment for the access barrier system must be installed within the site's boundaries and not encroach on the public highway.

Reason: To control onsite parking in the interest of highway and pedestrian safety

in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policy DM17 of Development Management Policies (Adopted) September 2012 and policy T4 of the London Plan (2021).

- 27 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, Policy DM17 of Development Management Policies (Adopted) September 2012 and policies T7 of the London Plan (2021).

- 28 a) The details approved under planning ref: 20/4100/CON dated 27.10.20 pertaining to condition 28 (tree protection measures) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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

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

- 29 The details approved under planning ref: 20/4100/CON dated 27.10.20 pertaining to condition 29 (Development and Construction Management) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies D14; SI 1, SI 8 and T4 of the London Plan (2021).

- 30 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 30 (car parking layout plan) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012 and T6 of the London Plan (2021).

- 31 The details approved under planning ref: 20/5651/CON dated 06.01.2021 pertaining to condition 31 (energy measures) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure compliance with policy S1 2 & S1 3 of the London Plan (2021) and policy DM04 of the Adopted Barnet Development Management Policies 2012.

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

Reason: To encourage the use of sustainable forms of transport to the site in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM17 of the Development Management Policies DPD (adopted September 2012), and T1, T2 and T3 of the London Plan (2021).

- 33 Within 6 months of first occupation, certification demonstrating compliance with Secured by Design standards (or any superseding accreditation) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of community safety in accordance with London Borough of Barnet's Local Plan Policy CS12 of Core Strategy (September 2012) and Policy DM02 Development Management Policies (September 2012), and policies D4 & D11 of the London Plan (2021).

- 34 No properties shall be occupied until confirmation has been provided that either:
- all wastewater network upgrades required to accommodate the additional flows from the development have been completed;

Or

- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://www.thameswater.co.uk/preplanning).

Reason: The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents, in accordance with policy DM04 of the Development Management Document (2012) and policies SI 12 & SI 13 of the London Plan (2021).

- 35 No properties shall be occupied until confirmation has been provided that either:- all surface water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://www.thameswater.co.uk/preplanning).

Reason: The development may lead to flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents, in accordance with policy SI 12 & SI 13 of the London Plan (2021).

- 36 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 36 (public highway works (s)) pursuant to planning ref no: 18/5855/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

The applicant will be expected to enter into with the Highways Authority under Section 278/184 of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

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

September 2012.

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

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interest of good air quality in accordance with policy DMO4 of the Development Management Document (2012) and policy SI 1 the London Plan (2021).

- 38 a) The details approved under planning ref: 20/4336/CON dated 30.10.20 pertaining to condition 38 (air quality report) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.
- b) The approved measures 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 are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and policy SI 1 the London Plan (2021).

- 39 a) The details approved under planning ref: 20/4336/CON dated 30.10.20 pertaining to condition 38 (air quality mitigation) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.
- 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 are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and policy SI 1 of the London Plan (2021).

- 40 a) Prior to first occupation, details of measures to improve biodiversity across the site shall be submitted to and approved in writing by the Local Planning Authority.
- b) The measures shall be implemented prior to first occupation and retained thereafter.

Reason: To enhance biodiversity 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.

- 41 The basement and ground floors of block A shall be used for offices and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area, in accordance with Policies DM01 and DM04 of the Development Management Policies DPD (adopted September 2012).

RECOMMENDATION III:

- 2 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 30 August 2022 unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

The proposals would make inadequate provision for off street parking and as a result would generate significant parking pressures on surrounding roads which would result in harmful impact on highway and pedestrian safety. The proposals do not include the provision of the necessary mitigation and as such the proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Barnet Core Strategy 2012.

The proposals make no provision for necessary highways works which would result in harmful impact on highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Barnet Core Strategy 2012.

The application does not provide any on site affordable housing or a contribution

towards affordable housing in the local area. The application is therefore unacceptable and contrary to policies DM10, CS NPPF, CS4 and CS15 of the Barnet Local Plan

Core Strategy and Development Management Policies Document (both adopted September 2012), policies H4, H6, H7 of the London Plan (2021), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February

2007 and August 2010) Supplementary Planning Documents and the Mayoral Housing Supplementary Planning Guidance.

The proposed development does not include mitigations and provision for appropriate Carbon offsetting. As such, the proposed development would fail to address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy

(adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Informative(s):

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

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

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

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

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

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

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

- 3 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 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 5 The submitted Construction Method Statement shall include as a minimum details

of:

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

- 6 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.8 meters.

Information on application for a croosover can be obtained from London Borough Of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, NW9.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services,.

- 7 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.

- 8 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.
- 9 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 10 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.
- 11 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.

- 12 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.

- 13 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.
- 14 Prior to commencement of the development a Condition Survey of the existing public highway shall be undertaken and the result submitted to the Local Highway Authority. Within one month of the construction work ceasing a second road condition work shall be undertaken and the results submitted to the Local Highway Authority. Thereafter, any damage to the public highway identified by the two condition surveys shall be rectified by the applicant in agreement with the Highway Authority within one year of the development being constructed.

A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

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 Highway 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 Highway 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. No development shall commence until a highway condition survey 50 metres on either side of the development access has been carried out, and the details have been submitted to and approved in writing by the Local Highway Authority.

- 15 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.
- 16 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works.
- 17 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.

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

OFFICER'S ASSESSMENT

This application was originally reported to the meeting of Committee A on the 8th June 2022 and was deferred for the measurements on the submitted plans to be checked on site by all parties. A site visit was conducted on Monday 15th August, the outcome of which is reported in the Addendum.

1. Site Description

The application site is located at the southern tip of High Road in East Finchley Town Centre, within the London Borough of Barnet administrative area. The site, which is 0.14 hectares in size, previously consisted of 2 buildings and a large car park, all of which were occupied by GLH, a taxi business operating under a mixed Sui Generis and B1(a) use.

The site generally has a flat topography with a slight upward gradient towards the sites entrance. Although located within East Finchley town centre, the site is not located within the Primary or Secondary Shopping Frontage.

The site adjoins a row of mixed use, three storey terraces to the north which are allocated under the development plan as Secondary Shopping Frontage. These predominately consist of commercial uses at ground floor with residential units or offices above. Directly opposite the site is the East Finchley Underground Station, which extends to three commercial storeys in height.

The site is not listed and not located within a Conservation Area.

2. Site History

Ref no: 18/5822/FUL

Demolition of existing buildings and construction of two 4-storey buildings (plus basement) providing 24no self-contained flats and (Class B1a) office space with associated refuse and recycling storage, cycle storage, 2no off-street parking spaces and amenity space.

Decision: Approved subject to conditions and legal agreement

Decision date: 17 June 2020

Ref no: 20/5035/CON

Description of development: Submission of details of conditions 3 (levels), 4 (external materials), 5 (refuse/recycling store), 6 (wheelchair access), 7 (enclosure), 14 (hard and soft landscaping), 15 (drainage strategy), 17 (cycle and storage facilities), 18 (privacy screens and balustrades), 24 (access and access roads), 30 (parking layout), 36 (detailed design drawings) pursuant to planning permission 18/5822/FUL dated 17/06/2020

Decision: Approved

Approved: 22 March 2021

Ref no: 20/4137/CON

Description of development: Submission of details of conditions 10 (Sound insulation) 11 (Ventilation and extraction) pursuant to planning permission 18/5822/FUL dated 17/06/2020

Decision: Approved

Approved: 20.10.20

Ref no: 20/4100/CON

Description of development: Submission of details of condition 8 (Contracts for demolition works), 28 (Tree protection plan) and 29 (Demolition and construction management logistics plan) pursuant to planning permission 18/5822/FUL dated 17/06/2020

Decision: Approved

Approved: 22 March 2021

Ref no: 20/4189/CON

Description of development: Submission of details of conditions 9 (Preliminary Risk Assessment) pursuant to planning permission 18/5822/FUL dated 17/06/2020

Decision: Approved

Approved: 21.10.20

Ref no: 20/4336/CON

Description of development: Submission of details of conditions 38 (Air quality neutral assessment) and 39 (Air quality assessment) pursuant to planning permission 18/5822/FUL dated 17/06/2020

Decision: Approved

Approved: 30.10.20

Ref no: 20/5651/CON

Description of development: Submission of details of condition 31 (Energy measures) pursuant to planning permission 18/5822/FUL dated 17/06/2020

Decision: Approved

Approved: 06.01.21

Reference: 16/2351/FUL:

Address: 12-18 High Street

Decision: Approved subject to conditions and Section 106 Agreement

Decision date: 08/01/2018

Description: Demolition of existing buildings and construction of two 4 storey buildings providing 21 self-contained flats and 265sqm of B1 office space with associated refuse and recycling storage, cycle store 2 off street parking spaces and amenity space

Reference: 15/06475/FUL:

Address: 12-18 High Street

Decision: Withdrawn on 04/03/2016

Description: Redevelopment of the site to provide 24 apartments and B1 office space within two separate 4 storey buildings

Reference: C00050X/04

Address: 12-18 High Street

Decision: Approved subject to conditions

Decision date: 30/11/2014

Description of development: Change of use from offices (B1) to mixed use, part offices, part control and despatch for private hire vehicles (B1/sui generis)

Reference: C0050W/03

Address: 12-18 High Street

Decision: Approved subject to conditions

Decision date: 11/02/1004

Description: Change of use from Local Government municipal offices to educational facility for a temporary period expiring 31 December 2005

3. Proposal

Background

The Committee report for the original planning application (ref no: 18/5822/FUL) describes the development, sets out the relevant material planning considerations and assesses and evaluates them in full. These documents also set out the conditions and Heads of Terms for the Section 106 Agreement recommended to the committee for this application.

Following the planning consent, and during construction works onsite, it became apparent to both the applicant and local residents that the approved contextual drawings showing the separation distance of block B to properties to the east on Ingram Road, the siting of the boundary wall to the east, and building line to the existing residential development to north of block B were incorrect.

Local Residents contacted the Local Planning Authority Enforcement team to advise that Block B development has been constructed 9.6 metres instead of 10.5 metres from the existing brick boundary onsite. This would be inconsistent with the approved plans under condition 1 of planning permission, 18/5822/FUL.

The subject proposal is a Section 73 (minor material amendment application) to vary condition 1 (Approved Plans) of planning permission reference 18/5822/FUL dated 17/06/2020 for 'Demolition of existing buildings and construction of two 4-storey buildings (plus basement) providing 24no self-contained flats and (Class B1a) office space with associated refuse and recycling storage, cycle storage, 2no off-street parking spaces and amenity space' Amendments include correction to the line of the boundary wall and

introduction of 2no. angled windows on the 1st floor central section of the eastern elevation and corrections to the neighbouring buildings to the north and east of the site".

The following minor material amendments to be considered under this application are:

- o Amend contextual drawings showing the siting of building (Block B) and its proximity to boundary wall to the east of the site; existing properties at nos 5-13 Ingham road, amended the building line to existing building to the north Block B.
- o Replace clear glazing with of 2no. angled windows on the 1st floor (central section) on the eastern elevation on Block B.

4. Public Consultation

Consultation letters were sent to 282 neighbouring properties on 16.12.2021. A site notice was also published on 16.12.2021, and advertised in the Barnet Press on 16.12.2021

A summary of the objections received are as follows:

oThe circumstances leading to the submission of this retrospective application to the Local Planning Authority was a breach of planning consent to the original approved inaccurate contextual drawings showing the distance between Block B and neighbouring boundary wall and existing properties to the east on Ingham Road. The inaccuracies on the approved drawings undermines the planning and decision-making process.

oThe approved drawing showed a distance of 10.5m from the ground floor rear wall to the boundary which accordance with the Councils adopted Residential Design Guidance SPD which seeks a minimum of 10.5m to the boundary. The proposal would reduce the separation distance from 9,4m at the south end and 9,8m towards the northern boundary, measured to the far side of the wall, which would be contrary to the Residential Design Guidance SPD.

oThe siting of Block B has been "built out" by approximately 1.5-2m m to the east than what was shown on the approved drawings. As a consequence, Block B would now be located closer to existing properties at nos 1-13 Ingham road. This would have an adverse impact on privacy and daylight and sunlight levels to these properties.

oResidents are not confident that the details and separation distances shown in the proposed drawings are correct, and request that a site visit is conducted by an independent surveyor to accurately measure and compare the built scheme against the approved and proposed drawings.

(Officer comment: The above matters are addressed within the assessment of the report, and also within the "response to public consultation" section of the report).

Other objections received which are not directly applicable to this subject Section 73 planning application.

oThe collection of waste from this site means that at least three lorries a week (domestic, commercial and recycling) would have to use this street and could have an adverse impact on highway safety and result in congestion during collection times. . It is not clear whether there would be sufficient turning circles for vehicles onsite before coming back onto the High Road. This would have a significant impact on the flow of traffic and the ability of pedestrians to use the pavement without having to step into the road to go around the parked waste lorry.

oThere is a significant gradient at the entrance to the site and so the other alternative of

the waste lorry parking illegally near the crossing on the High Street and then moving all the large waste containers in and out is also fraught with risk.

oThe applicant has not provided details of foul and surface water storage tanks or details of turning circles.

oThe proposed design of the development is out of character with the area.

(Officers comment: Specific to these grounds of objection, the subject Section 73 application would not present any new material planning considerations which were not already considered and addressed under the original planning consent ref no: 18/5822/FUL dated 17th June 2020, and are considerable acceptable, subject to appropriate conditions. The original committee report is attached as an appendix for Committee Members to refer to for ease of reference)

All planning matters raised in the objections have been considered and addressed as part of the decision-making process. All representations have been summarised in the Officers report.

Statutory Consultees

Consultee comments

Transport for London (TfL)

Having considered the submitted details, TfL considers that the latest proposed amendments would not result in any transport impact materially differ from the consented proposal, therefore TfL has No Objection subject to all highway/ transport related planning conditions/ obligations will be carried forward/ re-secured in the new consent.

Metropolitan Police

There is no objection from the MPS in respect of this particular application.

"Should you issue a new decision notice upon any approval, then can I please respectfully request that condition 33 (Secured by Design compliance - planning ref 18/5822/FUL) remains as a formal planning condition for this site."

Local Lead Flooding Authority

The Local Lead Flooding Authority raise no further comments.

LBB Environmental Health team

LB Environment Health have raised no further comments.

LBB Highway team

Highways would raise no objection to the proposed changes but request that all conditions attached to the original application apply.

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 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:

SD6 Town Centres and high streets

SD7 Town centres: development principles and Development Plan Documents

D1 London's form, character and capacity for growth

D2 Infrastructure requirements for sustainable densities

D3 Optimising site capacity through the design led approach

D4 Delivering good design

D5 Inclusive design

D6 Housing quality and standardsD7 Accessible housing

D8 Public realm

D11 Safety, security and resilience to emergency

D12 Fire Safety

D13 Agent of change

D14 Noise

H1 Increasing housing supply

H2 Small sites

H3 Meanwhile use as housing
H4 Delivering affordable housing
H6 Affordable housing tenure
H7 Monitoring of affordable housing
H8 Loss of existing housing and estate redevelopment
H10 Housing size mix
S4 Play and Informal recreation
G6 Biodiversity and access to nature
G7 Trees and woodlands
SI 1 Improving air quality
SI 2 Minimising greenhouse gas emissions
SI 3 Energy Infrastructure
SI 4 Managing heat risk
SI 5 Water infrastructure
SI 8 Waste capacity and net waste self sufficiency
SI 9 Safeguard waste sites
SI 12 Flood Risk Management
SI 13 Sustainable Drainage
T3 Transport capacity, connectivity and safeguarding
T4 Assessing and mitigating transport impacts
T5 Cycling
T6 Car parking
T6.1 Residential parking
T7 Deliveries, servicing and construction
T9 Funding transport infrastructure through planning
DF1 Delivery of the Plan and Planning Obligations
M1 Monitoring

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, CS11, CS12, CS13, CS14, CS15

-Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM09, DM10, DM11, DM13, DM14, DM16, DM17

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

Supplementary Planning Documents

- o Residential Design Guidance (2016)

- o Sustainable Design and Construction (2016)

5.2 Main issues for consideration

The original planning permission considered the following:

- o Context and background of this application.
- o Principal of development
- o Heritage issues
- o Whether the proposed design would cause harm to the character and appearance of the existing building, the street scene and the wider locality;
- o Whether the dwelling mix and affordable housing matters are acceptable
- o Whether harm would be caused to the living conditions of neighbouring residents.
- o Whether the scheme would provide an adequate standard of accommodation for future residents.
- o Highway and parking matters
- o Energy and Sustainability
- o Trees and biodiversity

Following the original planning permission dated 17th June 2020, the London Plan was adopted in March 2021. The relevant London Plan policies have been considered within the assessment of the report, and in terms of planning considerations listed above, would not materially impact on these matters. Moreover, this subject Section 73 application would not present any new material considerations on the abovementioned planning considerations, and therefore are not discussed within this report. The original Committer report is attached as an appendices to this report and should be read and considered in conjunction with this report.

The main issues for consideration pertaining of this application are follows:

- Whether the proposal would cause harm to the living conditions of neighbouring residents.
- Whether harm would be caused to the living conditions of future occupiers of Block B

5.3 Assessment of proposals

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 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 a distance of 10.5 metres or more should be maintained between the windows of habitable rooms in new development and neighbouring gardens. These distances relate particularly to typical two or more storey development, where first floor windows can

overlook neighbouring properties. The purpose of setting the 10.5 metre distance in the Sustainable Design and Construction SPD is to ensure that there is sufficient privacy for residential properties.

The approved drawings showed a separation distance of approximately 10.5 metres between Block B and the boundary wall to the east. The proposed block B as built onsite is located approximately 9.4m at the south end and 9.8m towards the northern boundary, from this boundary wall.

Whilst this would fall short of the SPG Guidance, it is considered to be marginal, and on balance would not materially or unduly compromise residential amenity relative to the approved scheme. It is considered that the public benefits associated with the proposal would also outweigh the relatively minor shortfall between the separation distances.

The approved drawings show a separation distance of a minimum of 21m from Block B to existing habitable rooms and properties to the east on 5-13 Ingram Road. Block B "as built" and as shown on the retrospective drawings shows a separation distances of a minimum of approximately 21 metres from properties at nos 5,7, 11 and 13 Ingram road, in accordance with policy. The separation distance between the part of block B directly facing no 9 Ingram road is approved at 18 metres (thereby less than 21 metres).

In order to address this matter, and to ensure that windows on the first floor at Block B would not result in direct undue intervisibility between habitable rooms, the proposal would replace the approved rear facing clear windows with 2no. angled windows comprising of clear glass facing north east and obscured glass to the south eastern section of the window (up to 1.7 metres high) to ensure there would be no overlooking or loss of privacy to residents of no. 9, but also that the amenities of numbers 5, 7, 11 and 13 would not be compromised.

Similar style angled windows were approved on the earlier application to the rear of Block A, along its eastern elevation to ensure these respective windows would not compromise residential amenity. Further, the principle of angled windows has already been established and approved onsite, and thereby the introduction of these style windows at first floor level would continue to be respectful of the design and architectural integrity of the approved development.

The proposal would not materially alter the level of daylight and sunlight levels experienced to these properties, when considered against the approved development.

Whether harm would be caused to the living conditions of future occupiers of Block B

The approved scheme included clear rear facing windows to living/kitchen/dining rooms to two flats on the eastern elevation of block B at first floor level.

The proposed angled windows at first floor level to the habitable rooms would not compromise the residential amenity of future occupiers. Part of the windows would be clear glass facing north east to ensure future occupiers have acceptable outlook; and the proposed obscured glass to the south eastern section of the window (up to 1.7 metres high, to protect both the privacy to residents on Ingraham Road. The proposed units would continue to receive acceptable daylight and sunlight levels in accordance with BRE Guidelines.

Therefore, the proposed minor material amendments would continue to deliver good

standard of residential accommodation to block B.

5.4 Other matters

5.5 Amendments to the original Section 106 Agreement

Should this Section 73 (minor material amendment) application be approved, a new decision notice for the entire development onsite would be issued by the Local Planning Authority. As such, a Deed of Variation to the original Section 106 Agreement accompanying the planning application would be required in order to secure the same planning obligations which were included within the original Section 106 Agreement, associated with the original approved planning application. The following planning obligations are required in order to mitigate against the development:

All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

- o A contribution of £930,000 towards off site Affordable Housing
- o A contribution of £34,000 towards off site carbon savings
- o A contribution of £10K towards travel plan monitoring
- o A contribution of £7.5k towards sustainable plan measures/incentives
- o A contribution of £30K towards road safety improvements at the junction of High Road/Bishops Avenue
- o A contribution of £2,000 towards the cost of amending traffic order to prevent residents of the development from obtaining parking permits -£2,022
- o Monitoring of the Agreement - £20,270
- o Car club associated with the development

5.6 Planning conditions

Several of the conditions pursuant to the original planning permission ref no: 18/5822/FUL dated 17/06/2020 have already been discharged. These are conditions 3 (levels), 4 (external materials), 5 (refuse/recycling store), 6 (wheelchair access), 7 (enclosure), 14 (hard and soft landscaping), 15 (drainage strategy), 17 (cycle and storage facilities), 18 (privacy screens and balustrades), 24 (access and access roads), 30 (parking layout), and 36 (detailed design drawings). The details approved for these respective conditions, will be required to be implemented and retained thereafter. They would become compliance conditions to the new planning permission.

5.7 Response to Public Consultation

All planning matters raised, including objections and concerns raised from local residents and the community 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. All planning matters which are not directly applicable to this subject Section 73 application, but for the wider scheme in general have been fully assessed within the original committee report (attached as appendices).

It is unfortunate that the approved drawings (ref no: 18/5822/FUL dated 17 2020 inaccurately show the position of the boundary wall; rear gardens and properties at nos 5-

13 Ingram Road to the east of the Block B. In 2021, the Councils Planning Enforcement team were made aware of these inaccuracies and subsequently investigated this matter accordingly. Following this investigation, the applicant was advised to submit a retrospective Section 73 application with accurate contextual drawings in order for Planning Officers to consider whether the proposed amendments are deemed to be "minor material" in nature. As discussed within the Officers Assessment of this report, it is considered that the proposal would not compromise the residential amenity of future occupiers at block B or existing properties directly north, or properties at nos 5-13 Ingram Road, to the east of the site.

The Local Planning Authority is not required, nor is it standard practice to appoint an Independent Surveyor to conduct a site visit to confirm whether the measurements provided within the submitted drawings are correct. It is important to note that the onus is on the applicant to ensure that all the information provided on drawings is accurate.

Notwithstanding, the Councils Enforcement team conducted site inspection visits on a number of occasions and have taken measurements onsite. The Enforcement team have advised Planning Officers that the location of block B "as built", the boundary wall and properties to the east at nos 5-13 Ingram Road reflect the details provided within the submitted drawings accompany this subject application.

6. Equality and Diversity Issues

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

7. Conclusion

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



Location **Jeanettes Land North Of The Ridgeway Barnet NW7 1EL**

Reference: **22/0650/FUL** Received: 8th February 2022 **AGENDA ITEM 7**
Accepted: 8th February 2022

Ward: Mill Hill Expiry: 5th April 2022

Case Officer: **Dominic Duffin**

Applicant: Luke Winham

Proposal: Erection of a single storey building with rooms in the roofspace to provide 7no dwellings. Associated cycle, refuse and recycling space. Provision of off street parking and amenity space

OFFICER'S RECOMMENDATION

Refuse

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

- 1 The proposed development, by reason of its overall scale, massing, design, siting, layout and associated residential paraphernalia, would result in an incongruous and unsympathetic addition and constitute an inappropriate form of development which would harm the openness of and encroach upon the rural character of the Green Belt. Very special circumstances such as to outweigh the harm caused to the Green Belt by reason of inappropriateness or any other harm identified has not been demonstrated. As such, the proposal would have an unacceptable impact on the aims and purpose of the Green Belt, contrary to Policies CS NPPF, CS1 and CS7 of the Local Plan (Core Strategy) DPD (2012), Policies DM01 and DM15 of the Local Plan (Development Management Policies) DPD (2012), Policy G2 of The London Plan (2021) and Section 13 of the National Planning Policy Framework (2021)

- 2 The proposed development, by reason of its overall scale, massing, design, siting, layout and associated residential paraphernalia, would result in a loss of open space between existing built development and views north across Totteridge Valley, which forms part of the established pattern of development and thereby fail to preserve or enhance the character and appearance of this part of the designated Mill Hill Conservation Area, contrary to Policies CS NPPF, CS1 and CS5 of the Barnet Adopted Core Strategy (2012), Policy DM01 and DM06 of the Adopted Development Management Policies DPD (2012), the Adopted Residential Design Guidance SPD (2016) and Mill Hill Conservation Area Appraisal Statement, Policies D3 and HC1 of the London Plan (2021), and contrary to the duty imposed on Local Authorities by s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Informative(s):

- 1 The plans accompanying this application are:

Location Plan - VR/JEAN/01/01-2

Proposed Bike storage/Site Plan - 2511 05 Rev B

Proposed Ground and First Floor - 2511 01 Rev D

Proposed Elevations - 2511 02 Rev A

Proposed GIA - 2511 03

Proposed Roof Plan Proposed Site Section - 2511 04 Rev B

Landscape Scheme - VR/JEAN/01/08

Bin Storage - VR/JEAN/01/09

Tree Constraints Plan - JCTCP-OCT-18

Tree Retention and Protection Plan - JCTRP-NOV-18

- 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

Notwithstanding the weight of objections, this application was also called to the Committee by Cllr Hart for the following reason:

"May I request that the above planning application be called in for consideration in my name by the planning committee as it involves a considerable building on the footprint of a former property known as Jeannettes located within the Green Belt off the Ridgeway in Mill Hill"

Having stood down at the intervening election in May 2022, the call-in request was subsequently taken up by Cllr Duschinsky for the same reason

1. Site Description

The application site is located on the northern side of, and adjacent to, the Ridgeway. The site is adjacent to residential uses, including the now converted Littleberries Convent, now named Rosary Manor. The proposed development has been linked with Belmont Farm, which is a children's city farm and nursery located in Mill Hill, further along the Ridgeway.

The site previously formed part of the Littleberries Estate, a former convent and religious and education institution of the order of St Vincent de Paul, with associated Lodge building to the front. Historically, the site was occupied by Jeanette's; a detached dwelling which provided residential accommodation for 30 seminary sisters. The existing building on the site was demolished in 1928 and the land has been vacant ever since.

The site is currently vacant with boundary treatments comprising of timber panels, a brick wall fronting the Ridgeway, and perimeter trees. Two blocks of garages for 10 cars to serve the Littleberries conversion scheme, have been built adjacent to the north of the site. Rising ground to the south allows views into and across the site, and some glimpses of the open landscape beyond.

The site lies within the Green Belt and is also constrained by its siting in the Mill Hill Conservation Area, it is in close proximity to a number of Grade II listed buildings, including Littleberries to the east. The site is also located within an Area of Special Archaeological Interest. While trees and boundary walls are present on the site, there are views across the valley towards Totteridge Lane. The land is subject to a site-wide Tree Preservation Order (TPO)

The site is accessed from The Ridgeway through Littleberries and the shared gated entrance at the west. The site has a PTAL rating of 1b.

2. Site History

Jeanettes

Reference: 18/6924/FUL

Address: Land to the north of The Ridgeway, The Ridgeway, Mill Hill, London NW7 1QU

Decision: Refused

Decision Date: 21 February 2019

Description: Erection of 7no two storey self-contained flats for essential workers associated with Belmont Farm Children's Nursery. Associated refuse/recycling store, vehicle charging points and parking

Reasons for refusal:

1.The proposed scheme would result in a residential development within the Green Belt for which no justification appears to exist. The proposed scheme is therefore inappropriate development in the Green Belt, which would by definition be harmful, and which is not justified by 'very special circumstances'. The proposed scheme, by reason of its scale, design, siting and use, would have a great and substantial adverse impact on the openness and character of the Green Belt and rural landscape in this location harmful to the visual amenity of the area and openness of the Green Belt. This development would be contrary to the guidance contained within the National Planning Policy Framework, Policy DM15 of the Barnet Development Plan Policies Document, Policy CS7 of the Barnet Core Strategy and Policy 7.16 of the London Plan.

2. The proposed development, by reason of its overall scale, design, siting, massing, layout and residential paraphernalia, would have a detrimental impact on views looking north over the countryside and result in a loss of open space between existing built development which is harmful to the character and appearance of the Mill Hill Conservation Area. The proposal is detrimental of the character and appearance of this part of the Mill Hill Conservation Area, contrary to Policies CS NPPF, CS1 and CS5 of the Barnet Adopted Core Strategy (2012), Policy DM01 and DM06 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016) and Mill Hill Conservation Area Appraisal Statement.

Appeal determination -

Appeal ref: APP/N5090/W/19/3229362

Decision: Dismissed

Decision Date: 08 October 2019

Littleberries

Reference: H/02118/09

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved subject to conditions

Decision Date: 2 December 2009

Description: Demolition of the Laboure building, the play hall, annex classroom block, garages, garden buildings and a number of walls. (CONSERVATION AREA CONSENT)

Reference: H/02117/09

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved subject to conditions

Decision Date: 23 December 2009

Description: Conversion of the Main House (formerly Provincial House) and chapel to accommodate 8 residential units involving partial demolition, internal and external alterations, and extensions. (LISTED BUILDING CONSENT)

Reference: H/03543/09

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved following legal agreement

Decision Date: 23 December 2009

Description: Conversion of the Main House (formerly Provincial House) and chapel to accommodate 8 residential units involving partial demolition, alterations and extensions. Creation of additional car parking. Alterations and extensions to the West and East Lodges, the Croft, the Laundry and the School House and use of the resulting buildings as 5 dwelling houses. Erection of 4 semi-detached houses. Creation of basement car park accessed via St Vincent's Lane. Associated landscaping works.

Reference: H/02644/10

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved subject to conditions

Decision Date: 16 November 2010

Description: Variation of Conditions 21 (Landscaping - Details), 22 (Landscaping - Implementation) & 25 (Trees - Protective Fencing) pursuant to planning permission

H/03543/09 dated 23/12/09 to split the conditions into 2 (A & B) to refer separately to the former school site and main house site.

Reference: H/02985/11

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved following legal agreement

Decision Date: 1 March 2012

Description: Alterations and extensions and conversion of the Main House and chapel, West and East Lodges, the Croft, Laundry and School to accommodate 14 dwellings. Erection of 4No. additional semi-detached houses plus basement car parking. (Variation to planning permission reference H/03543/09 dated 23/12/2009 to incorporate an additional dwelling in the Main House, a garage block and alterations to other dwellings).

Reference: H/02089/12

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved subject to conditions

Decision Date: 1 October 2012

Description: Non-material minor amendments to planning permission reference H/02078/12 dated 01/10/12 for Alterations and extensions and conversion of the Main House and chapel, West and East Lodges, the Croft, Laundry and School to accommodate 14 dwellings. Erection of 4No. additional semi-detached houses plus basement car parking. (Variation to planning permission reference H/03543/09 dated 23/12/2009 to incorporate an additional dwelling in the Main House, a garage block and alterations to other dwellings). Amendments include, Omit village green pavilion; Relocation of bin store; Individual ASHP's; Pedestrian and emergency access on to St Vincent's lane mirrored; Change line of boundary wall between Laundry and Croft; Pedestrian access from St Vincent's Lane to Schoolhouse; Connecting path from mainhouse site; Realignment of the school site paths; Reconfigured plant areas.

Reference: H/02078/12

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved following legal agreement

Decision Date: 1 October 2012

Description: Variation of condition 42 (Sustainable Homes) of planning permission H/02985/11 dated 01/03/12 for, 'Alterations and extensions and conversion of the Main House and chapel, West and East Lodges, the Croft, Laundry and School to accommodate 14 dwellings. Erection of 4No. additional semi-detached houses plus basement car parking. (Variation to planning permission reference H/03543/09 dated 23/12/2009 to incorporate an additional dwelling in the Main House, a garage block and alterations to other dwellings).

Reference: H/02121/13

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved following legal agreement

Decision Date: 23 September 2013

Description: Removal of Conditions No.9 (Air Quality Assessment) and No.43 (Biomass System). Variation of Conditions No.1(Plan Numbers), No.10 (Extraction and Ventilation); No.15 (Materials) and No.18 (Details - Windows, doors, eaves, brickwork, chimneys, rooflights, metal balustrading, boiler flues, signage and external lighting) and No.22 (rainwater goods & soil vent pipes) of planning permission H/02985/11 dated 01/03/12. Variations to include: demolition and rebuild of The Croft, refurbishment and extension of West Lodge, and amendments to previously approved materials and samples.'

Reference: H/04231/12

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved subject to conditions

Decision Date: 30 September 2013

Description: Demolition of existing building. (Conservation Area Consent).

Reference: 16/0844/LBC

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved subject to conditions

Decision Date: 19 May 2016

Description: Reconfiguration of interior layout within blocks B and C to create three additional self contained residential units and minor internal and external alterations.

Reference: 16/0827/S73

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved following legal agreement

Decision Date: 27 June 2016

Description: Variation to condition 1 (Plans) pursuant to planning permission H/02121/13 dated 23/09/2013 for "Removal of Conditions No.9 (Air Quality Assessment) and No.43 (Biomass System). Variation of Conditions No.1(Plan Numbers), No.10 (Extraction and Ventilation); No.15 (Materials) and No.18 (Details - Windows, doors, eaves, brickwork, chimneys, rooflights, metal balustrading, boiler flues, signage and external lighting) and No.22 (rainwater goods & soil vent pipes) of planning permission H/02985/11 dated 01/03/12. Variations to include: demolition and rebuild of The Croft, refurbishment and extension of West Lodge, and amendments to previously approved materials and samples." Variations include reconfiguration of interior layout within blocks B and C to create three additional self contained residential units and minor internal and external alterations.

Reference: 20/2128/FUL

Address: Littleberries, The Ridgeway, London, NW7 1EH

Decision: Approved subject to conditions

Decision Date: 27 October 2020

Description: Addition of concierge accommodation storage to existing garages

Belmont Farm

Reference: 17/1982/FUL

Address: Belmont Farm, The Ridgeway, London, NW7 1QT

Decision: Approved following legal agreement

Decision Date: 05.12.2017

Description: Demolition of existing buildings and erection of single storey buildings to facilitate use as a children's nursery and associated changes to landscaping.

Reference: 20/2807/PNO

Address: Belmont Farm, The Ridgeway, London, NW7 1QT

Decision: Prior Approval Required and Refused

Decision Date: 28 August 2020

Description: Change of use from office to dwelling

Reference: 21/1520/FUL

Address: Belmont Farm, The Ridgeway, London, NW7 1QT

Decision: Pending consideration

Decision Date: N/A

Description: Change of use of part of ground floor into Children's Day Nursery Class E(f)

3. Proposal

This is a revised submission following the refusal of application 18/6924/FUL. Once again 7no. units, to provide dwellings for key workers at Belmont Farm Children's Nursery, are proposed.

The proposal has been reduced from the previous two storey building with hipped roof, to a two-storey building which includes the first floor accommodated within the roof of the proposed building. The building would be to a total height of 6.4m, with a hipped roof and front and rear dormer windows.

The front elevation features two entrances, with gable features above. The building has an expansive front elevation with a significant return on its western side with the western wing being staggered back from the main elevation.

The width of the building is 28 metres in total, with the western wing being 8.1 metres with a setback from the front elevation.

The building has a total depth of 9.0 metres, with the west wing section 8.3 metres deep.

The materials shown in the design of the building are red brick, slate roof tiles and composite windows.

7 studio apartments are proposed.

Access would be through Littleberries, through an existing gated entrance and entering the site from the north. 7 parking spaces would be provided with ancillary facilities - waste/recycling storage, cycle storage, with an area of communal amenity provided between the existing garages and proposed building.

4. Public Consultation

Consultation letters were sent to 18 neighbouring properties.

A site notice was posted on the 11th February 2022.

The proposal was advertised in the Barnet press on the 17th February 2022.

28 responses have been received, comprising 24 letters of objection. 1 response was made on behalf of the Mill Hill Preservation Society and 1 by the Mill Hill Conservation Area Advisory Committee. 4 letters of support have been received.

The letters of support, which all state they are from employees of Belmont Nursery, can be summarised as follows:

- Support this application for staff housing for the Belmont Farm Nursery School.
- I am a nursery teacher at Belmont Nursery School and finding local accommodation is extremely difficult.
- Whilst there are plenty of new flats in the area, none of these are affordable and I have a long commute to reach the nursery.
- To have affordable accommodation linked to the nursery within a short walk of it would be beneficial.
- I am a nursery practitioner currently working for Belmont farm nursery. I am looking at flats within the area to make my commute more easy to work. However with no luck as the prices are too high.

The objections received can be summarised as follows:

- The development would have an unacceptable impact on aims and purposes of Green Belt and fail to enhance the character and appearance of Mill Hill Conservation Area. It would therefore cause harm to the openness of the Green Belt.
- The proposal would not preserve or enhance the character or appearance of the conservation area and the harm to its significance, whilst 'less than substantial', this harm would not be outweighed by any public benefits that may arise from the affordable nature of the scheme.

- No local plan policy support for limited affordable housing schemes in the Green Belt.
- The nursery has existed for the past 17 years without the needs as set out in applicants report. There is also no evidence to suggest recruitment/staff retention is an issue for the nursery and/or if there is a link between recruitment/retention and the need for 7 flats.
- Increased traffic , harmful to schools in area and hazard to vehicles parked with Rosary Manor Noise and tranquillity in area. The site entrance on to the Ridgeway is dangerous and unsighted.
- Impact on views of the countryside. Additionally, the building of further property will block and mar the outstanding natural views which Mill Hill/Totteridge is famous for. A building in this location will negatively impact one of the last few historic views across Totteridge Valley from The Ridgeway in Mill Hill Village. This lovely site is located in one of the last unspoilt natural spots in the heart of the village, enjoyed by many people, some who travel here specifically to enjoy Angel Pond situated very close by.
- Proposal will block one of the two remaining views of the Totteridge Valley from the Ridgeway
- There is more than enough accommodation nearby
- Noise and disturbance during construction phase.
- I feel it very hard to believe that the proposed developer would build such a building for essential workers. I believe the same developer also tried to get planning permission for a similar development in St Vincent's Lane.
- Application has recently been rejected following a comprehensive assessment and the new plans offer nothing further to support it.
- Concern about use on the "in" section of the Littleberries in/out accesses will cause highway safety issues, and there is no right for refuse vehicles to enter the site and so it would not be possible for the development to deal with household waste/recycling.

Mill Hill Preservation Society: Objects to the scheme:

- The garages were construction on the site of a former greenhouse and store and were reduced in scale during the course of the original application to reflect the Green Belt location of the site.
- The site of the current proposed scheme is on an area notated as 'Great Lawn' within the original application and takes away one of the amenities that made the original scheme so attractive. MHPS consider this application to be to be trying to benefit from the acceptable development of garages in this location and the removal of landscape amenity space associated with that development, to its detriment.
- The argument being presented by the Applicant appears incoherent. The VSC Statement addresses matters associated with affordable housing delivery, but it is understood that this proposal is not proposed to deliver generic affordable housing, but housing associated with employees of the nearby Belmont Farm Nursery.
 - Whilst acknowledged that the council has not met affordable housing needs locally, there is no evidence of need for affordable housing in Mill Hill specifically.
 - No clear evidence has been presented to demonstrate a need for these units in association with Belmont Farm Nursery
 - The Applicant states that the properties will be affordable and the Unilateral Undertaking (UU) allows for 75% of market rent to be the maximum that can be charged, however, the Applicant does not then compare this to the salaries of the employees. These units are unlikely to be affordable for their target audience and once built it is likely an application to lift the restriction would be forthcoming.
 - Whilst the built form has tried, poorly in our opinion, to reflect the Alms-houses on Milesplit Hill, it fails to achieve its aim. The Alms-houses are simple and unassuming, single storey in form and with an even balance of windows, doors and chimneys.

- The Conservation Area Appraisal notes the need to avoid or exacerbate the corridor effect. This proposal only serves to undermine that specific aim. This proposal will exacerbate the linear nature of the area and remove one of the key visual breaks between the built form.

Hendon and District Archaeological Society - The very full Historic Environment Desk-based Assessment provided by Oxford Archaeology indicates the site has the potential to contain archaeological remains of interest and significance, and envisages that an archaeological condition (agreed with Historic England's Greater London Archaeological Advisory Service) would be imposed on approval with a view to clarifying the nature, significance and survival of archaeological remains and informing a mitigation strategy. HADAS asks therefore that if the Council grants consent is an archaeological condition should be attached.

Mill Hill Conservation Area Advisory Committee: objects to this application:

No evidence is presented that suggests there is an overwhelming need for affordable housing in Mill Hill specifically.

No clear evidence has been presented to demonstrate a need for these units and furthermore, the Applicant has failed to demonstrate why this site is the most preferable and has failed to demonstrate that there are no other sites more suitable for the proposed development that would have a lesser, or no impact, on the openness of the Green Belt or the character and appearance of the Conservation Area.

In 2019 the Inspector concluded that this was a historic open space benefiting from unobstructed views to the landscape beyond, therefore considered it was of significant amenity value. Additionally, the Conservation Area Appraisal notes the need to avoid or exacerbate the corridor effect along The Ridgeway. This proposal will exacerbate the linear nature of the area and remove one of the key visual breaks between the built form.

The tree survey by B J Unwin Forestry Consultancy dated 2018 we note is out of date for the current application. Trees T39, T40, T42, T43, and T89 will be lost and we believe this is unacceptable.

The Applicant has failed to provide any information in respect of Biodiversity Net Gain.

Greater London Archaeological Advisory Service (GLAAS) - recommend that an archaeological condition be applied which requires, in the first instance an archaeological evaluation followed by a second stage of mitigation. The mitigation scope would depend on the results of the evaluation.

Heritage and Urban Design Officer: Objection.

The proposal is harmful to the character and appearance of the Mill Hill Conservation Area, inappropriate development within the green belt and is recommended for refusal. The site lies within Area 3: (The Ridgeway) of the Mill Hill Conservation Area. It is adjacent to the Littleberries development site with the Grade II listed St Vincent's Convent and situated opposite the locally listed Ridgeway Methodist Church. The Mill Hill Conservation Area Character Appraisal makes it clear that the elevated position and undulating land allows long range view down to the north over open countryside and that it is important that these views and vistas are maintained and enhanced. These views are indicated to be a key characteristic of area 3, contributing to the semi-rural character of the area. Any new development must respect the aesthetic sensitivities of the area.

There is also no assurance that workers will necessarily want to live in the properties and that eventually, if left unoccupied, the applicant would seek to place them for sale on the open market, an outcome which would be unacceptable to the LPA. It is important to note that a distinctive part of the existing character of Mill Hill Conservation Area, as stated previously, is that there are open spaces and views, from the public realm, between pockets of built development. Additional built development on these open spaces would create a continuous ribbon of development which would destroy these views across the valleys and would be harmful to the character of the CA and the openness that one experiences from the public realm.

The proposal bears little resemblance in appearance to "Jeanette's" which was rendered, with dormer windows, significant chimneys. Unlike the now demolished 'Jeanettes' the proposed development has a significant return on its western side with the western wing staggered back from the main elevation. The design also appears significantly wider on the plot than "Jeanettes". Furthermore, a large part of the surrounding landscape is now given over to hard standing for 6 cars, again an uncharacteristic feature not usually found on residential properties in the area. The proposal is for flatted apartments, a type of development which is not a characteristic feature of this part of the conservation area, where most residential properties are single dwelling houses.

Highways: Recommended for approval subject to conditions.

Environmental Health: No objection subject to conditions.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was revised 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, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06, DM08, DM15, 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. Policy DM06 of the Council's Development Management Plan document deals with Barnet's heritage and conservation.

Policy DM06 states that the special architectural and historic interest as well as the character and appearance of conservation areas should be preserved and enhanced. Planning applications which fail to preserve or enhance the character or appearance of a heritage asset or conservation area will not be granted.

Policy DM15 refers to Green Belt and Metropolitan Open Land. Appropriate development in Green Belt or MOL include limited extensions to dwellings, replacement dwellings, development for agriculture, horticulture, woodland, nature conservation, wildlife and essential facilities for outdoor sport and recreation and uses which complement and improve access to, and which preserve the openness and do not conflict with the objectives of the Green Belt or MOL. In line with Policy DM01: Protecting Barnet's Character and Amenity and Policy DM15: Green Belt and Open Spaces proposals should demonstrate their harmony with the surrounding countryside and impact on biodiversity.

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)

Mill Hill Conservation Area Character Appraisal (adopted April 2008)

- This character appraisal assessment includes information to explain and justify the Conservation Area status. It forms a basis for planning decisions in the area and provides the groundwork for any future policies and projects to preserve or enhance the area. The Mill Hill Conservation Area Character Appraisal Statement (adopted April 2008) identifies the history and historical context of the area and the justification for its designation as a conservation area.

(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:

- Planning History/Previous appeal determination
- Whether harm would be caused to the character or openness of the Green Belt;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality and Conservation Area, and heritage assets in the vicinity.
- Whether the dwellings would provide a suitable standard of accommodation;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Impact on landscaping and trees
- Whether harm would be caused to highway safety.

5.3 Assessment of proposals

Planning History/Previous appeal determination

As detailed above, there has been recent planning history at the site for a similar scheme (18/6924/FUL) to provide 7no residential units for employees at Belmont Farm Nursery. The council refused consent, citing concerns relating to impact on the Green Belt and Conservation Area, and that there were no very special circumstances or mitigating considerations to justify the proposal.

The refused application was appealed to the Planning Inspectorate, and the appeal was dismissed.

The Inspector considered there would be substantial harm to the open character of the Green Belt, and harm to the special setting of the conservation area, and that the harm was not outweighed by any special circumstances, or benefits that the scheme would provide.

The Inspector dismissed the argument that the site constituted Previously Developed Land, and also discussed the case for affordable housing provision, and how that might offset the scheme impacts.

This application has been altered in terms of its design, in an attempt to address some of the concerns upheld at appeal, and the Appeal Decision is a material consideration of some weight. The discussions and conclusions at appeal are relevant to the analysis of this application, and will be referred to, as appropriate, for the remainder of this report.

Whether harm would be caused to the character or openness of the Green Belt

The application site is wholly within the Green Belt. Consequently, a key consideration is the principle of development within the Green Belt.

Section 13 of the National Planning Policy Framework (NPPF) sets out the Government's approach to protecting Green Belt Land, and the Council's Planning Policy DM15 of the Core Strategy reiterates the NPPF's requirements.

The NPPF sets out in Paragraph 138 that the Green Belt serves the following principals: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In addition, the NPPF outlines in Paragraph 149 that new buildings in the Green Belt are inappropriate, with the exception of (in part) a limited number of scenarios to this general approach.

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Barnet Local Policy DM15 states as follows:

Policy DM15: Green Belt and open spaces Green Belt/Metropolitan Open Land

- i. Development proposals in Green Belt are required to comply with the NPPF (paras 79 to 92). In line with the London Plan the same level of protection given to Green Belt land will be given to Metropolitan Open Land (MOL).
- ii. Except in very special circumstances, the council will refuse any development in the Green Belt or MOL which is not compatible with their purposes and objectives and does not maintain their openness.

iii. The construction of new buildings within the Green Belt or Metropolitan Open Land, unless there are very special circumstances, will be inappropriate, except for the following purposes:

- a. Agriculture, horticulture and woodland;
- b. Nature conservation and wildlife use; or
- c. Essential facilities for appropriate uses will only be acceptable where they do not have an adverse impact on the openness of Green Belt or MOL.
- v. The replacement or re-use of buildings will not be permitted where they would have an adverse impact on the openness of the area or the purposes of including land in Green Belt or MOL.

The applicant had initially made the case that the proposal was appropriate in Green Belt terms, as it related to the replacement of the dwelling known as Jeanettes, but this position was abandoned at appeal, and the applicant instead made a case that the site constituted previously developed land (PDL), such to benefit from para. 149 (g). However, following detailed submissions at appeal the Inspector concluded that the site did not constitute PDL. Therefore, the policy allowance under 149 (g) is not engaged.

Under this submission the applicant makes a case that the scheme would provide, as per 149 (f), "limited affordable housing for local community needs under policies set out in the development plan".

The applicant states that neither the existing nor emerging Barnet Local Plan provides policy to address 149 (f). On that basis, there would be no grounds for the application to benefit from the exemption - which explicitly requires the proposal to be brought forward under policies set out in the Plan.

However, the Development Plan does have policy relating to the provision of affordable housing. Policies H1, H2, H4, H5 and G2 of the London Plan (2021), Policies CS1 (growth strategy), CS4 (quality home and choice) and CS7 (protecting open spaces) of the Core Strategy DPD and Policy DM08, DM10 and DM15 of the Development Management Policies DPD provide appropriate guidance for the provision of affordable housing and the Green Belt.

It is evident that under policies CS1, CS4 and DM10 the council has placed importance on the delivery of affordable housing, much of this, as to be expected within a London Borough, on large scale regeneration sites, and sites providing 10 or more units. Under emerging policy HOU01 the council will seek a minimum of 35% affordable housing from all developments of 10 or more dwellings - in line with the provisions in Policy H5 of the London Plan (2021).

These policies are therefore of no utility to the Applicant.

However, Policy H4 provides that Boroughs may also require affordable housing contributions from minor housing development in accordance with Policy H2. In turn, H2 provides that *Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to:*

- 1) significantly increase the contribution of small sites to meeting London's housing needs
- 2) diversify the sources, locations, type and mix of housing supply
- 3) support small and medium-sized housebuilders
- 4) support those wishing to bring forward custom, self-build and community led housing

5) achieve the minimum targets for small sites...as a component of the overall housing targets

The current proposal though, does not represent a significant increase in the contribution of small sites to meeting the housing need, or represent a necessary contribution to achieving the minimum targets for small sites - and the LPA has a demonstrable plan for housing supply. It does not support small and medium-sized housebuilders or represent custom, self-build, or community led housing (with regard to the definition in the London Plan).

Whilst it might be argued that the proposal would 'diversify the sources, locations, type and mix of housing supply' - in as much as concentrations of studio units are not prevalent in this location - Policy DM08 makes it clear that the priority for affordable units is 3 and 4 bedroom houses, whilst the emerging plan cites a priority for 2 and 3 bed units.

Existing and emerging policy therefore provides policy to bring forward affordable housing units to address identified local needs. This does not include a policy to specifically bring forward or exclude units on Green Belt sites and such applications should be judged on their merits.

Nonetheless - notwithstanding the broader assessment of the development in policy terms (as outlined below) - this scheme is inappropriate development in the Green Belt, and therefore a case for very special circumstances is required.

The applicant has put forward a case for very special circumstances, this is broadly centred around the need for affordable units locally. This is discussed below.

In terms of need, the applicant outlines a need locally for continued provision of housing and affordable housing to meet the accommodation requirements of borough residents. The most recent Barnet Authorities Monitoring Report demonstrates the council can demonstrate a 5-year supply of housing. Of the 1,638 completions in 19/20, 286 or 17%, were affordable homes. Local Plan policy DM04 has a target of 40% affordable homes on qualifying sites of 10 units or more. It is accepted that often issues of viability can stifle the policy provision of affordable housing, but figures suggest an ongoing need for affordable units.

The council's emerging plan states "The delivery of affordable housing has never been more important and in greater demand" one reason being "The increasing affordability gap as housing costs continue to rise faster than household incomes".

Third party representations have stated that there is nothing to link borough wide need to the Mill Hill area, or the locale of the site. However, equally there is nothing to suggest that new affordable homes developed locally would not meet a need, particularly if an identified local link was evidenced. It is considered there is an ongoing need for affordable units within the Borough, and whilst not specific to Mill Hill, that this need would also relate to Mill Hill. Representations also state the provision of units would meet a specific as opposed to generic need, but again, with no clear local link as per Para 149(f).

The applicant states that the proposed units would be developed to provide housing for employees of Belmont Farm Nursery, located to the east along the Ridgeway. The submission provides details of average wages of employees of this sector, average local rental values and as such their struggle to acquire local market housing. At present Belmont Children's Farm employs over 40 members of staff. The submitted statement

outlines that "The provision of key worker housing will allow a number of present and future staff to live affordably and remain in the local area within high-quality onsite accommodation. This will alleviate existing pressures on staff to find suitable accommodation whilst opening up employment opportunities to a wider pool of people for whom it would have previously not been viable to live and work in this location".

It is unknown if potential occupants currently live locally (though this is presumed not to be the case on the basis of the premise for the VSC case), or would move to the area should this scheme come forward. Verbatim emails of support have been received purporting to come from employees, stating that the employees (x4) currently face a long commute to the nursery. The local tie would therefore be employment at Belmont Farm Nursery. Given the need to ensure that current and future employees would want to occupy the units, in connection to their work, this local link is relatively tenuous. Furthermore, given the submission refers to the proposed expansion of the nursery it does not seem recruitment is a significant concern.

Any case for affordable units would need to ensure the units were genuinely affordable and would remain affordable in perpetuity. Given the draft s106 proposes a limit of 75% of local rents, and comparing this with average salaries, affordability may still be an issue. There is also a need to ensure that if employees did not want to avail of the units, they would still remain as affordable housing units, and that there would not be pressure to remove this restriction. The applicant advises any legal agreement could include an obligation that if the units were not occupied by staff, then they would be made available to local teachers, but again it appears difficult to provide a mechanism through this approach, to ensure the units would remain affordable in perpetuity and serve local key workers. There is no proposed affordable housing registered provider or council involvement, and the desire to ensure a potential "back-up" occupant suggests there may be continued issues for Belmont employees, should this be the affordability of the units, even with the rent reduction, or other staff retention matters. The development of 7 units is a limited provision, given a staff of over 40 work at the nursery, and would have limited value in the provision of affordable units to serve this business, or more widely the needs of the Borough.

At appeal, the Inspector had concerns that "even if the units were provided there would be no certainty that the housing would retain its affordable status into the future". Therefore, there is concern that the units, which ordinarily would not be justified in Green Belt terms, would be occupied by employees of the school, and if not, would retain their affordable housing status, which provides some level of justification as per para. 149 (f), and that this could be ensured in perpetuity.

Therefore, whilst the submission suggests an affordable housing development under the provisions of para 149 (f) - notwithstanding the limited interaction with the policies of the development Plan as noted above - there remains some concern that the scheme would provide affordable units to meet local need and that the units would remain in affordable use in perpetuity. The potential provision of affordable units could only attract limited weight in any balancing exercise.

Any affordable housing provision also requires assessment against other policy requirements, including potential harm to Green Belt openness; this is discussed below.

The proposed scheme has been reduced from the level of development put forward under application 18/6924/FUL. The "full" two storey, with pitched roof above, is gone, and now the first floor would be contained within the roof, and the living areas would be served by

front and rear dormer windows. The ridge would be reduced by 1.5m, the footprint and site layout remain largely unchanged. The applicant also points out that the garage block to the north has also since been constructed on site. It is also stated the proposed building would be part sunken within the site.

With regards to impact on the Green Belt, the Inspector concluded;

The proposed building would be a substantial built form, both spatially and visually. This would be clearly appreciable from within the public realm, and the presence of the boundary wall, planting and possible construction of garages to the rear would do little or nothing to alter this perception. Even had I reached a different view with regard to PDL and affordable housing therefore, the impact on the openness of the Green Belt would be substantial, as too would be the harm caused.

I accept that Jeanette's stood on the site for around 300 years. However, as almost a century has now passed since it was demolished, few people, if anyone, will now remember it. The openness of the site has on the other hand become a well-established feature of the Green Belt, and indeed has been since the Green Belt was designated. As such the historic presence of a building on the site does not alter my view of the substantial harm that would be caused to the openness of the Green Belt.

It is accepted that the proposed scheme has been reduced from the appeal, however this would still be a substantial building served by ancillary facilities and the paraphernalia associated with residential use; cultivated grounds and a parking area. The Inspector did address the issue of the now developed garages, to the north of the site, in his determination, and found that their presence would do little to alter the perception. Indeed, it is considered that this would contribute to further visual clutter and have a cumulative impact in terms of encroachment. Similarly, a partly sunken building would have limited value in reducing the spatial and visual impact of this building. The site plays an important Green Belt function, safeguards the surrounding countryside from encroachment, prevents unrestricted sprawl and ensures the preservation of the setting and special character of this part of Mill Hill. The retention of this area of Green Belt land also assists with the drive to promote urban regeneration, by encouraging the recycling of derelict and other urban land, which continues throughout the district.

The proposal would erode the open character of the Green Belt, resulting in significant harm, and this aspect should attract substantial weight in any planning balance.

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality and Conservation Area, and heritage assets in the vicinity

The Mill Hill Conservation Area consists of many institutional buildings and houses located within the environs of The Ridgeway, a historic linear route within a Green Belt countryside setting. The area contains a variety of building styles developed over a number of centuries, which help to give the area its distinctive character. Buildings within the Conservation Area include those from the arts and crafts traditions, of 19th century classical style and eighteenth-century villas. The Conservation Area is characterised by large areas of open space which surround the individual buildings and provide significant breaks in-between the sites. There are many mature trees and established vegetation which contribute to the area's rural character.

The site lies within Area 3: (The Ridgeway) of the Mill Hill Conservation Area. It is adjacent to the Littleberries development site with the Grade II listed St Vincent's Convent and situated opposite the locally listed Ridgeway Methodist Church.

The Mill Hill Conservation Area Character Appraisal makes it clear that the elevated position and undulating land allows long range view down to the north over open countryside and that it is important that these views and vistas are maintained and enhanced. These views are indicated to be a key characteristic of area 3, contributing to the semi-rural character of the area. Any new development must respect the aesthetic sensitivities of the area.

The western area of the site, which is the subject of this proposed development, retains an open, rural character which is a feature of the wider conservation area and contributes to the spacious setting of Littleberries, a grade II listed building.

The building previously on the site was a property called "Jeanettes", which was demolished over 90 years ago in 1928. Since that time the area has been designated as both Green Belt and a conservation area and the site itself is now surrounded by statutorily listed and locally listed buildings. It is clear that this site, as part of the conservation area, has been long established as undeveloped land and its contribution to the townscape and built form is nil in respect of its architecture. Nevertheless, as a vacant site, it makes a contribution to the series of gaps and the overall rural character and feel of this part of London.

A distinctive part of the existing character of Mill Hill Conservation Area, as stated in the conservation area character appraisal, is that there are important open spaces and views from the public realm, between pockets of built development. Under the appeal scheme the council had concerns that additional built development on these open spaces would create a continuous ribbon of development which would destroy these views across the valleys and would be harmful to the character of the Conservation Area and the openness that one experiences from the public realm.

With regards to that development, the Inspector determined the proposed development would not preserve or enhance the character or appearance of the Conservation Area, and would thus cause less than substantial harm to its significance. The relevant analysis paragraphs stated the following:

....."The relative openness of land on the north side of The Ridgeway appears to be a historic feature of the streetscene, and makes a positive contribution to the character and appearance of the Conservation Area. This said, whilst the part of the site upon which Jeanette's once stood has itself laid open for many years, it nonetheless holds little historic significance as an open space. This is similarly true with regard to current views across the same part of the site. Given that the significance of the Conservation Area principally lies in its pre-twentieth century townscape, it follows that the reinstatement of a lost, pre-twentieth century component, would offer some potential for enhancement.

The proposal would not however, constitute reinstatement. The proposed building would stand on a different part of the site, which both more recently, and historically, was open garden space, whilst parking would be provided within other historically open space adjacent. The building would be significantly larger in scale and mass than Jeanette's, and the proposed detail, form and proportions would also not match. Nor would they very accurately match those of extant historic buildings in the Conservation Area, whether or not render was added.

I accept that the scale and mass of the proposed building finds reference in other, existing buildings within the Conservation Area. This does not however alter the fact that the development would result in the loss of historic open space, in the process obstructing previously unobstructed views to the landscape beyond, and that the harm this would cause would be accentuated by the prominence, size and unsympathetic architectural design of the proposed building".....

The Inspector therefore stated that there was an opportunity, potentially, for enhancement, with the reinstatement of a pre-twentieth century component.

However, he did not consider the appeal scheme a re-instatement. The reasoning being that the building differed from Jeanettes, and was located at a different part of the site.

The Inspector opined that "The proposed building would stand on a different part of the site, which both more recently, and historically, was open garden space, whilst parking would be provided within other historically open space adjacent".

The proposed scheme occupies largely the same footprint and once again would be served by parking spaces to the west of the building. The building would again, "result in the loss of historic open space, in the process obstructing previously unobstructed views to the landscape beyond".

Officers still have reservations with the development of the site and continue to feel that a distinctive part of the existing character of Mill Hill Conservation Area, is that there are open spaces and views, from the public realm, between pockets of built development. Additional built development on these open spaces would create a continuous ribbon of development which would destroy these views across the valleys and would be harmful to the character of the conservation area and the openness that one experiences from the public realm.

From the OS maps supplied in the applicant's submissions, it does appear that the former "Jeanettes" had been much altered over the years, leading to the property as seen in the applicant's submitted historic photographs. Unlike the now demolished 'Jeanettes' the proposed development has a significant return on its western side with the western wing staggered back from the main elevation and a flat roofed extension to its rear. The design also appears significantly wider on the plot than "Jeanettes". Furthermore, a large part of the surrounding landscape is now given over to a significant area of hard standing for car parking, in close proximity to the main road, which would be an uncharacteristic form of landscaping not usually found on nearby residential properties in the conservation area.

The revised scheme takes reference from other buildings within the conservation area, including historic Alms houses, and more recent replications, the design therefore continues to differ from the building that previously occupied the site.

It is acknowledged that the scheme aims to replicate other buildings within the conservation area, as opposed to the Jeanettes building. The proposal differs greatly from the historic Alms-houses on Milesplit Lane (Nicholl Alms houses). The Alms-houses are simple and modest, single storey in form and with an even balance of windows, doors and chimneys.

It is noted more recent Alms-houses style properties have included limited dormer windows within the roof. But even these additions are more unassuming than the proposal, which includes a random mix of forward projections and dormers that leave a fussy and unbalanced appearance that fails to reflect any built form in the area. In order to achieve adequate floor space within the roof a half-hip style roof with raised eaves, with large flat-topped section, is employed, and this further strays from the simple unfussy design of the existing, and more recent, Alms-houses.

It is noted that the LPA have previously given permission for the demolition of the existing outbuildings on site, to be replaced with new single storey outbuildings that were for the ancillary use of the Littleberries development. Once again, officers consider the proposal is not directly comparable to the garages approved and the impact of the approved garages is much less than the current scheme. Principally, the proposal is for a much larger building of 2 storeys rather than single storey and is located further forward on the site, with increased visibility from the Ridgeway. The scheme would be conspicuous from the road and would be higher and bulkier than the approved garage development. This would inevitably reduce the openness of the site.

The proposal would not be acceptable with regard to Local Plan Policy DM06 or Policy HC1 of the London Plan (2021), which require development to preserve or enhance the character and appearance of a Conservation Area. The importance of carefully considering development proposals within the Conservation Area is recognised in the Conservation Area Character Appraisal Statement, which identifies some of the principal negative features of the Conservation Area, which include 'on-going pressure for rationalisation of large site and pressure for development within'. It continues, 'there is great pressure to convert the buildings and (often for residential use) and construct further development within the grounds. This could damage the spacious and open character of these grand buildings and their settings. Sensitive control for the re-use of buildings and sites is required to safeguard the character of the conservation area.'

It is therefore considered the revised scheme would continue to cause less than substantial harm to the significance of the Mill Hill Conservation Area as per the duty imposed by s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, this should carry significant weight in any balancing exercise against any social, economic and environmental benefits associated with the provision of 7 one bed flats for use by employees at Belmont Farm Nursery.

Overall Planning Balance

Officers have concluded that the revised scheme would continue to cause substantial harm to the open character of the Green Belt at this location. It is also considered the scheme would cause less than substantial harm to the character and appearance of the Mill Hill Conservation Area.

These concerns carry substantial weight. Para 202 of the NPPF outlines that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

It is considered the limited social, economic and environmental benefits associated with the provision of 7 one bed flats, whose affordable status are somewhat doubtful - particularly in relation to indefinitely ensuring their delivery and retention - would be insufficient to outweigh the harm that would be caused. The scheme benefits are

insufficient to outweigh the combined harm to the Green Belt and to the Conservation Area. The harm caused by the proposal would not be clearly outweighed by other considerations.

Whether the proposal would provide a suitable level of accommodation for future occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2015. The scheme proposed 7 No. studio flats with have a requirement of a minimum floorspace of 37 sq. m per unit. The floor area of the units range from 37 sq. m to 63 sq. m so some are significantly more than the requirement for a studio and could meet the requirement for larger units. However, located in the roof some floor space would be lost. The SPG Guidance advises at least 75% of the floor space should have headroom of at least 2.5m. Quite a bit of floor space on some units would be below 2.5m, but these are generous sized units, with adequate levels of headroom, and the majority are dual aspect. Unit 2 would be entirely north facing, guidance aims to avoid this, but the unit has an open plan, and wide frontage, with easy access to the public amenity space to the rear, with the potential for a small area of private amenity space directly to the rear. The unit would still provide an adequate standard of accommodation.

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. The proposal shows a rear garden space of 105sqm with seating shown, and small areas of potential allotment/planting/growing space to the front. The garden would be communal for the seven units. The landscaping plan shows areas of paving and planting to the rear which may act to informally indicate private spaces outside units. Should this application be considered for approval, a condition requiring further details of the landscaping and garden layout would be recommended to determine where screening may be necessary. This is to ensure the ground floor units have some privacy to their rear windows from the communal garden.

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels and this will be enforced by an appropriate condition attached to the decision.

Under this revised scheme, the units are considered to still provide a suitable standard of accommodation for the future occupiers.

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

The site is located between two residential properties; West Lodge and Littleberries to the east and Northcote House to the west. Given the distance there would be no impact on the amenity of these neighbours. The Lodge to the front corner of the site is currently being converted and the new building would retain a distance of approximately 5.0m to the rear of the Lodge, no flank windows are proposed, and this relationship is acceptable. Third party comment has raised concern that the means to access the site, through Littleberries,

would have adverse impacts on the amenity of residents of this converted building. However, it is difficult to envisage serious disruption, such that this would amount to a reason to refuse the application.

Third party concern has been raised with regards to potential issues with accessing the site through the "in" gate of the in/out access at Littleberries but it is not considered that any movement would cause serious disturbance, and highways have raised no objection to the scheme.

Impact on landscaping and trees

The site is wholly subject to a Tree Preservation Order. As such is expected and mandated by adopted policy DM01 that trees protected by such an Order should be safeguarded, especially where they serve an amenity function.

The Council's Landscape officer has been consulted on the scheme and provided advice.

The site is visible from The Ridgeway; a busy main road that services schools and residential properties. The submitted plans for a new building to accommodate 7 flats will require 7 trees to be removed from the site. Of these trees, 5 of these are alongside the road and very prominent on the street. These trees would have been present at the time the TPO was made and therefore protected under TPO/CA/384/A1.

The submitted arboricultural report values these trees as low or unsuitable apart from T39 (applicant's plan) an established beech tree. The loss of T39 is the most significant and least acceptable. Trees shown on the applicant's plan T39, T40, T41, T42, T43, T44 and T89 will be removed to accommodate the development.

In landscape terms, the impact of the scheme will affect the openness of the site and increase the developed footprint out from Littleberries which is detrimental to the character of the area.

The scheme seeks to offset the loss of these protected trees with 19 new trees at size 12/14cm girth and include common beech, oak, alder and hornbeam. The general scheme is acceptable apart from the 5 trees proposed along the street side *Pyrus calleryana* 'Chanticleer' at 12/14cm girth. These trees have a compact crown size and would not match the size of existing trees. Therefore, failing to provide the same level of screening and amenity value as the existing trees

The Landscape officer suggests common pear '*Pyrus communis*' on a Quince BA29 rootstock (large growing rootstock) should be planted at 25/30cm girth. This would provide more immediate mitigation to the loss of protected trees and long term visual amenity. *Pyrus communis* is a species that has naturalised in the UK.

If the application was recommended for approval, landscaping conditions would be recommended including a revised landscaping plan to incorporate a greater level of replacement planting as outlined above.

Ecology

Ecological information has been submitted in support of the application (Adonis Ecology Ltd.). No evidence of protected species, including bats, were found, and no further surveys are required.

Overall, the site was considered to be of low local value for wildlife. With the impact avoidance measures implemented, the risk of impact to protected and or Section 41 species, Section 41 habitats or local biodiversity from the proposed development could be reduced to negligible. Further, with the proposed biodiversity enhancements implemented, the site should achieve a net biodiversity gain as encouraged by the NPPF.

The report also suggests appropriate mitigation steps to be taken, including:

- o standard lighting precautions to ensure that the site will not become unsuitable for foraging and commuting bats;
- o standard timing precautions to ensure no nesting birds are disturb if any trees are to be removed or pruned;
- o careful strimming of the ruderal area on site to ensure any reptiles or other wildlife can escape safely;
- o careful removal by hand any log piles to ensure any reptiles, hedgehogs or other wildlife can escape safely; and
- o continued access through the site by badgers.

The council's ecologist has reviewed the report and raise no objection.

The ecologist comments that;

'The buildings were all deemed to be of negligible roosting potential', therefore further bat presence/absence surveys on the buildings are not required.

The proposed works were considered to pose a potentially significant risk of impact on the following protected and/or Section 41 species/ groups:

- o Moderate risk of indirect impact to likely low numbers of foraging and/or commuting bats from additional lighting;
- o Moderate risk of impact to badgers *Meles meles* from loss of commuting habitat;
- o Low risk of impact to reptiles and hedgehogs *Erinaceus europaeus*, and very low risk of harm to badgers during site clearance works; and
- o Moderate risk of impact to nesting birds in trees if site clearance works are undertaken between optimal nesting season of March and end of August.

Subject to a condition agreeing a lighting strategy, a Construction Environmental Management Plan, and that enhancements in the Adonis report are implemented there is no objection to the proposal. The above could be agreed by condition on any approved scheme.

Whether harm would be caused to Highway safety

Highways officers were consulted on the proposal and commented as below.

Proposal

The applicant is proposing to construct a new building to accommodate 7x self-contained studio units, with the provision of 7x off-street car parking spaces.

Car Parking

The site lies within a PTAL 1b, which means that there is very poor public transport accessibility to and from the site. Therefore, the proposed provision of 7x off-street car parking spaces, is in line with Policy DM17 of the Barnet Local Plan, and is therefore acceptable on highways grounds.

Vehicular Access

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

Refuse

The proposed refuse storage location is within 10m of the public highway. The applicant is advised that as the bin store is located behind a gated area, bins will need to be brought to the edge of the footway on collection days. A refuse and recycling strategy could be agreed by condition.

Cycle

Cycle parking details are to be provided. Cycle parking needs to be provided in accordance with the requirement of the London Plan cycle parking standards. Cycle parking should be provided in a secure, covered, lockable and enclosed compound. Also, the type of stands used must allow both wheels and the frame of the bicycle to be locked.

Recommendation

The application is recommended for approval subject to conditions agreeing details of parking, cycle parking/storage, a construction Mgt plan, details of electric vehicle charging points.

Environmental Health Comments

No objection subject to conditions. A contaminated land survey is required due to the fact the site may have been used for fly-tipping; the state of the land from the photos appears to show made ground, therefore a contaminated land condition is recommended.

Greater London Archaeological Advisory Service (GLAAS)

The applicant has re-submitted the Historic Environment Desk Based Assessment from the 2018 application which was refused. However, no significant new archaeological work has taken place in the area since then and so the DBA can be utilised for this application. The DBA clearly shows that the site has a good potential for archaeological remains of an early post-medieval house known as Jeanettes. The house was originally at least 16th century in date and was demolished in 1927 after being rebuilt several times. The remains would be of local interest and are likely to be well preserved. The remains would not be considered to be of national significance (requiring preservation in situ) however they may add to our understanding of the 16th century house and the development of Mill Hill.

It is therefore recommend that an archaeological condition be applied which requires, in the first instance an archaeological evaluation followed by a second stage of mitigation. The mitigation scope would depend on the results of the evaluation.

It is considered that that the development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation.

However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that a two stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

The NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that I consider a two stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. NPPF paragraphs 190 and 197 and London Plan Policy HC1 emphasise the positive contributions heritage assets can make to sustainable communities and places. Where appropriate, applicants should therefore also expect to identify enhancement opportunities.

It is therefore recommend attaching a condition to secure a written scheme of investigation, this could be attached on any approved scheme.

5.4 Response to Public Consultation

Addressed in the main body of the report.

- Noise and disturbance during construction phase.

This is not grounds for refusal however, in the event of an approval the impact can be mitigated by way of appropriate conditions relating to demolition and construction management.

- I feel it very hard to believe that the proposed developer would build such a building for essential

workers. I believe the same developer also tried to get planning permission for a similar development in St Vincent's Lane.

-Application has recently been rejected following a comprehensive assessment and the new plans offer nothing further to support it.

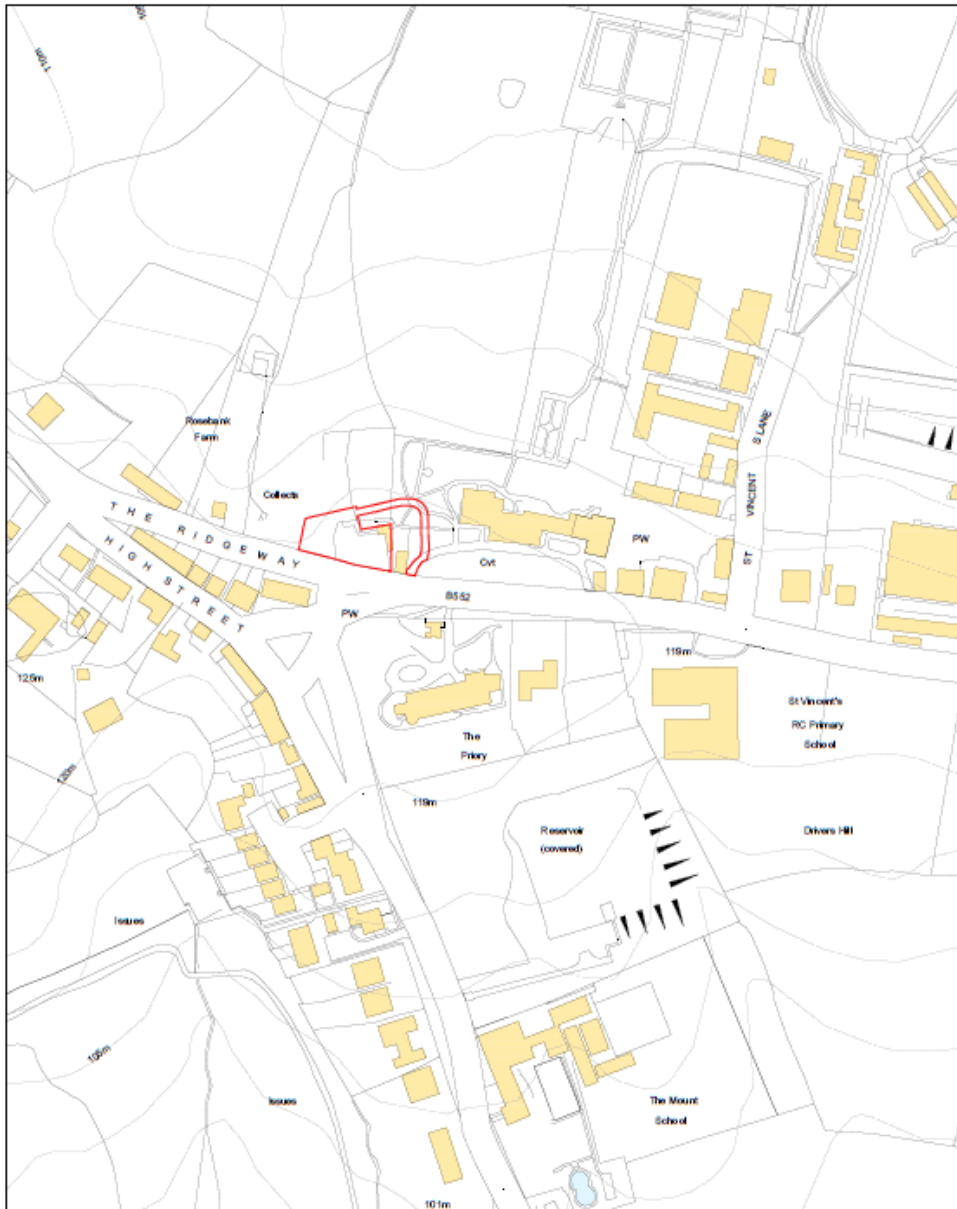
The application needs to be assessed on its own individual merits.

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

Previous concerns with regards to impact on the open character of the Green Belt, and character of the conservation area still remain. It is not considered the limited benefits of any affordable housing scheme outweigh this substantial harm. The application is therefore recommended for REFUSAL



Location	Land Rear Of 36 Park Road Barnet EN5 5SQ	
Reference:	21/6677/FUL	Received: 20th December 2021
		Accepted: 21st December 2021
Ward:	High Barnet	Expiry 15th February 2022
Case Officer:	Stephen Volley	
Applicant:	C/o Agent	
Proposal:	Erection of 6 residential units with private amenity space, associated access, parking and landscaping (amended plans and proposal)	

AGENDA ITEM 8

OFFICER’S RECOMMENDATION

Approve following legal agreement

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

RECOMMENDATION I:

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

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

(a) Contribution of £2392.01 is required towards the amendment of the Traffic Management Order.

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2 The development hereby permitted shall be carried out in accordance with the approved plans and documents unless otherwise agreed in writing by the Local Planning Authority

501 Rev P - Site Plan - MEP Utilities

2175 PL-001 P1 - Existing Site Plan

2175 PL-010 P1 - Site Existing

2175 PL-011 P2 - Site Proposed

2175 PL-200 P2 - GA Ground Floor

2175 PL-201 P2 - GA First Floor

2175 PL-202 P2 - GA Second Floor

2175 PL-210 P1 - House 1_Detached_01

2175 PL-211 P1- House 1_Detached_02

2175 PL-212 P1 - House 2_Semidetached

2175 PL-213 P1 - House 3,4,5_Semidetached

2175 PL-214 P1 - House 6_Detached_01

2175 PL-215 P1 -House 6_Detached_02

2175 PL-310 P2 - Sections

2175 PL-DAS A3 NTSC P1 - Design & Access statement
Planning Statement (March 2022)

Flood Risk Assessment (December 2021)

Heritage Statement (December 2021)

Statement of Community Involvement (December 2021)

Sustainability Statement

Ecological Impact Assessment 08/07/2022

The Biodiversity Metric 3.1

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 application as assessed in accordance with policies CS1, CS4, CS5, DM01 and DM02 of the Barnet Local Plan

3 a) Prior to above ground works taking place details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

commencement of the use.

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

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

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

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

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

6 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

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

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

7 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall commence on site until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority.

b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).

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

8 Prior to occupation of the development the proposed parking spaces as shown in drawing no.2175-PL-011 Rev P2, submitted with the planning application and the access to the parking areas from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

9 Prior to occupation of the development, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

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

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

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

11 No development or site works, including clearance and all demolition 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.

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

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

13 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.

14 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 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.

15 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).

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

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

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

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

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and the London Plan 2021.

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

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

20 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

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

Reasons: In the interest of good air quality in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy GG3 and SI1 of the London Plan 2021.

21 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).

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

c) To protect a Heritage Asset, boundary fencing is not to be erected between the gated access and crossover at the front of the site.

d) 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 The level of noise emitted from the (_specify machinery_) 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.

24 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.

25 Prior to commencement of works a Construction & Environment Management Plan (CEMP) for Biodiversity shall be submitted and approved by the planning authority. Details within the CEMP shall include provisions to ensure that habitats, species, and statutory and non-statutory designated site of nature conservation (as applicable) are adequately protected throughout all phases of the development in accordance with Legislation and policy. As part of the CEMP an Ecology Toolbox Talk will be included to be delivered by the project ecologist prior to the commencement of works on site. Details to protect species shall include within the Ecological Mitigation Strategy and Construction Exclusion Zone plan within the CEMP.

Ecological Mitigation Strategy (EMS). The document will outline the methods, responsibilities and timing for all mitigation affecting the protected and notable species including reptiles (Reptile Mitigation Strategy), nesting birds, and hedgehogs. The strategy will ensure compliance with the mitigation hierarchy as described within BS4042: 2014 Biodiversity clause 5.2 Mitigation hierarchy.

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

26 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, 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.

27 Prior to the occupation of the hereby approved development, details of a Landscape & Ecological Management Plan for all areas for a minimum period of 30 years have been submitted to and approved in writing by the Local Planning Authority.

a) The Landscape & Ecological Management Plan shall include details of long-term design objectives, management responsibilities, maintenance schedules, replacement planting provisions for existing retained trees, sedum green roof, and any new soft landscaping to be planted as part of the approved Biodiversity Net Gain assessment.

b) This management plan will ensure compliance with the approved level of biodiversity net gain for the approved development.

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

Reason: 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

28 Prior to the commencement of vegetation clearance, the following measures will need to be in place 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.

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

29 Prior to occupation of the development the details the location, including height, orientation, and make of at least 4 x 1FF Schwegler Bat Box (or alternative brand), 4 x swift boxes and 2 x house sparrow terraces to be installed on the newly constructed building and retained trees nearby in accordance with guidance with 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA)', shall be submitted and approved by the local planning authority. These installations shall be maintained and replaced as necessary for the lifetime of the building as directed by an appropriately qualified and licenced bat ecologist.

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.

30 a) Prior to the first occupation of the hereby approved development, details of the wildlife flower green roofs shall be submitted to and approved in writing by the Local Planning Authority.

b) Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: 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.

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 01st September 2022, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s): The proposed development does not include a formal undertaking to meet the costs of amending the Traffic Management Order. The proposal

would therefore not address the highway impacts of the development or encourage the use of sustainable forms of transport to the site in accordance with policies Core Strategy (adopted) 2012 CS9 and Development Management Policies (adopted) 2012 DM17.

Informative(s):

1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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 Licences or email highwayscorrespondence@barnet.gov.uk

8 Any gates must open inwards and not out onto the public highway for health and safety reasons.

9 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014

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

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

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

11 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.

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 In the event of a protected species being found works must stop and the project ecologist consulted, and the correct level of additional surveys and mitigation applied including any licences needed as referenced within Construction & Environment Management Plan (CEMP). Following the appropriate level of approval works may resume.

14 While it is understood that any vegetation clearance within the site boundary falls under permitted development 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.

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

OFFICER'S ASSESSMENT

1. Site Description

The application site is located on the southeast side of Park Road and is situated to the rear of an existing residential property 36 Park Road. The site is 'L' shaped and wraps around the rear of properties that front Park Road (no's 28, 30, Tudor Court and 36) and up to the side/rear boundaries of 10-16 Queen Elizabeth Court to the east and Rochester Court to the west. No.5 Gordon Way and the grounds and tennis courts associated with Queen Elizabeth School and King George's Fields are located to the rear of the site (south). This surrounding development comprises in the main residential development, predominantly of detached / semi-detached suburban housing and flatted development.

The site lies within a PTAL 4 zone, which means that there is good public transport accessibility to and from the site. It is located within Flood Risk Zone 1 and in an area of Special Archaeological Significance as defined by the Local Plan proposals map. The site is not located within a conservation area and there are no surrounding properties which are statutory listed. The existing property at 36 Park Road is however a Locally Listed Building. An Oak tree covered by a Tree Preservation Order is located outside but adjacent to the southern boundary of the site.

2. Relevant Site History

Application site:

Reference: 21/8006/QCD
Address: 36 Park Road, Barnet, EN5 5SQ
Decision: Pre-application advice issued
Decision Date: 2 December 2021
Description: 9 residential units.

36 Park Road:

Reference: 21/2838/HSE
Address: 36 Park Road, Barnet, EN5 5SQ
Decision: Pending Consideration
Decision Date: No Decision Made.
Description: Lower ground and ground floor rear extension. New access steps from rear of garage to garden.

Reference: 21/8368/QCD
Address: 36 Park Road, Barnet, EN5 5SQ
Decision: Pre-application advice issued
Decision Date: 2 December 2021
Description: 9 flats

Reference: 22/0033/FUL
Address: 36 Park Road, Barnet, EN5 5SQ
Decision: Pending Consideration
Decision Date: No Decision Made.
Description: Conversion of existing dwelling into 4no self contained flats. Associated refuse/recycling store, cycle store and provision of off street parking

3. Proposal

Planning permission is sought for the erection of 6no. x 4 bedroom residential dwellings with private amenity space, associated access, parking and landscaping (amended plans and proposal) at land to the rear of 36 Park Road. The original submission sought 9no. dwellings.

The proposal comprises 4no. semi-detached dwellings running west to east adjacent to the southern boundary of the site, and 2no. detached dwellings located adjacent to the boundary of the rear garden to 36 Park Road and the rear garden of 30 Park Road. The properties are part two, part three storey and will each comprise private external amenity spaces in the form of private rear gardens.

A total of 1no. car parking space and 2no. cycle parking spaces are proposed for each dwelling with an additional 2 cycle parking spaces allocated for visitors. The parking arrangement for no.36 Park Road remains unaffected.

Vehicular access will be via the existing, albeit widened, crossover to the west of the property at 36 Park Road and a new extended road access with gates between the side elevation of 36 Park Road and the flank elevation of Tudor Court. To the opposite side of 36 Park Road, a pedestrian access of resin bound gravel will be provided from Park Road into the site.

Each property is to be provided with an air source heat pump contained within a wooden enclosure situated within each private rear garden.

4. Public Consultation

Original application for 9no. dwellings:

Consultation letters were sent to 108 neighbouring properties. In response, 17 letters of objection have been received with 3 neither objecting to or supporting the application. A total of two letters have been received from neighbouring occupiers and one from the Barnet Society in support of the application.

The responses are summarised below:

Neither objecting to or supporting the application:

- No Badgers or Muntjacs seen on site
- Derelict site being brought forward for much needed family housing
- High quality design

Objections:

- Constrained site
- overlooking/loss of privacy
- loss of visual amenity
- adequacy of parking/loading/turning
- nature preservation
- loss of mature trees
- noise and disturbance resulting from use
- layout and density of building
- poor road access arrangements
- traffic generation, highway safety and lack of parking provision
- Increased level of pollution
- Muntjacs seen on and in the vicinity of the land
- Destruction of badger setts and a loss of wildlife
- Walkway being used for building purposes
- Installation of street lighting and CCTV will detract from secluded area
- Construction vehicle unable to access site

Application as amended for 6no. dwellings:

A re-consultation was carried out following receipt of amended plans to provide the 6 residential dwellings. In response, 16 letters of objection have been received with 1

neither objecting to or supporting the application.

The responses are summarised below:

- No justification for developing site
 - Overlooking/loss of privacy to immediate neighbours
 - Loss of visual amenity
 - Adequacy of parking/loading/turning
 - Increased traffic movement, access too narrow to support traffic movement
 - Insufficient turning areas for waste vehicles / emergency vehicles
 - Impact on eco-system
 - Site better served as a wildlife conservation area, allotments or a park
 - Affect on the natural and peaceful environment
 - Flooding and sewage concerns
 - Cutting down of established trees and impact on the wildlife
 - Sets a bad precedent for similar development
 - Design, appearance and materials not in keeping with area.
 - Pollution and noise disturbance
 - Proposal is similar to original proposal
- The issues raised by local residents are considered in the main body of this report.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

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

London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS10, CS14.
- Relevant Development Management Policies: DM01, DM02, DM03, DM06, DM08, DM12, DM13 and DM17.

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (2016)

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

Residential Design Guidance SPD (2016)

Part 2 of the SPD sets out the general guidelines for new residential development.

- All new proposed design should relate to its setting and local character and be of an appropriate density;
- All proposals for new development should complement or improve the character of the area through its appearance, architectural detailing, siting, use of materials, layout and integration with surrounding land, boundaries, building lines, setbacks, fronts and backs; and;
- Be designed to ensure the provision of sufficient privacy, minimisation of overlooking between surrounding dwellings and orientation of buildings to maximise sunlight and daylight and do not reduce the amenity value of neighbouring occupiers.

Barnet's Local Plan (Reg 22) 2021

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

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be

taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of Development
- Whether harm would be caused to a locally listed building (36 Park Road)
- Whether harm would be caused to the character and appearance of the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether future residents would be afforded a high standard of accommodation.
- The impact of the proposal on trees, landscape features, biodiversity and protected species habitats;
- The effect of the proposal on highway safety and the free flow of traffic;
- Flood Risk
- Refuse
- Archaeological considerations
- Potential for contaminated land

5.3 Assessment of proposals

Principle of development

Located within the High Barnet ward the site is situated within the built-up urban area of the Borough, which is supportive of new residential development. Although the site has not been previously developed the residential nature of the surrounding properties and access to public transport and local amenities means that the principle of providing sustainable residential development on the site is not objectionable on national or local planning policy grounds.

Indeed, both the development plan and national planning policies require the provision of new housing in such locations. Paragraph 60 of the NPPF outlines the Government's objective to significantly boost the supply of housing whilst Paragraph 69 highlights the importance that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. The London Plan (2021) sets out a pressing need for more homes in London, setting a minimum ten-year target for the borough of Barnet of 23,640; an annual target of 2,364 homes. The Local Plan makes it clear that the Council needs to make the best use of the borough's limited land and resources and promotes the most efficient use of land in the borough. The local plan highlights housing as a priority land use which accords with the government's objective of significantly boosting the supply of housing, as set out in the NPPF.

Conclusion:

The proposal would provide much needed family housing within High Barnet. This is a built up sustainable location within the Borough and therefore the principle of providing residential development on this site is supported by Officers.

Whether harm would be caused to a locally listed building (36 Park Road)

Section 16 of the NPPF refers to conserving and enhancing the historic environment and

requires a consideration to whether the proposal sustains and enhances the significance of the heritage asset, making a balanced judgement having regard to the scale of harm or loss and the significance of the heritage asset (paragraphs 194-198). Paragraph 203 further requires the effect of an application on the significance of non-designated heritage assets, making a balanced judgement having regard to the scale of harm or loss and the significance of the heritage asset.

Core Strategy Policy CS5 seeks to protect and enhance Barnet's heritage including locally listed buildings requiring a site assessment which demonstrates how the proposal will respect and enhance the asset. DMPD Policy DM06 requires proposals to demonstrate the significance of the heritage asset and the impact of the proposal on the significance of the heritage asset and its setting, and states that there will be a presumption in favour of retaining all Locally Listed Buildings in Barnet.

As outlined within this statement the site is not located within a conservation area and there are no surrounding properties which are statutory listed. The existing property at 36 Park Road is however identified as a Locally Listed Building (a non-designated heritage asset) and is described as follows within the local list.

'A large Victorian two storey detached house in London stock brick. Timber sash windows with square bay on ground level and balustrade balcony to first floor. Twin gables to front roofslope each with oriel window and central dormer window to main roofscape'.

It is a large detached Victorian villa, which dates from 1894. It is the earliest building built on the southern side of Park Road and originally sat in more extensive grounds to the rear. It retains its original architectural character and is locally listed.

Presently, a carriage driveway with two entry/exit points serves the house. This driveway and the front garden in which it sits contributes to the open, spacious setting of the house and adds to its significance. The proposal to erect 6 houses to the rear of 36 Park Road will not impact directly on the building, which will remain unchanged, although the development will have some impact on its setting.

House No4 will be visible in views from the road on the eastern side of the house, although being set back 25m from the locally listed building and sitting at a lower level will help to mitigate its visual impact. The western side access point is proposed to be used as the main vehicular access to the housing site at the rear. To retain the open setting and space to the western side entrance of the house, a condition is to be imposed to prevent boundary fencing being erected forward of the proposed gate as shown on the proposed site plan drawing number 2175-PL-011 Rev 2.

Conclusion:

Subject to a condition restricting boundary treatment, Heritage Officers raise no objection to the proposal as it preserves the setting and significance of the locally listed building.

Impact on the character of the area

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

"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make

development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process."

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

"Planning policies and decisions should ensure that developments:

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

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

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

Barnet's Local Plan Supplementary Planning Document: Residential Design Guidance (2016) emphasises that development needs to recognise local patterns of development. This includes the perimeter block structure, which is characterised by the fronts of buildings facing onto the street and private spaces located at the rear, providing a clear distinction between public and private space.

The application site is 'L' shaped and wraps around the rear of properties that front Park Road (no's 28, 30, Tudor Court and 36) and up to the side/rear boundaries of 10-16 Queen Elizabeth Court to the east and Rochester Court to the west. To the rear of the site is a residential dwelling known as No.5 Gordon Way and the grounds and tennis courts associated with Queen Elizabeth's Girls School and King George's Fields. This surrounding development comprises in the main residential development, predominantly of detached / semi-detached suburban housing with many converted to flats.

The proposal is in its amended form follows concerns over the ratio of built form to open space, with 9 dwellings considered to be an overdevelopment of the site, having an impact on the character and appearance of the area including its verdant setting. The proposal as amended proposes 6 dwellings arranged as two pairs of semi-detached dwellings located along the sites southern boundary and 2no. detached dwellings located on the north east and north west boundaries.

The sites typography is such that the two pairs of semi-detached dwellings will be apparent in views gained from the grounds of Queen Elizabeth Girls School. With exception to limited views gained of the site from the proposed access the dwellings will not be clearly evident within the Park Road Street scene.

It is suggested by the applicant that the proposal seeks to create a high-quality design commensurate with the prevailing characteristics of the surrounding and wider area and this is accepted by Officers. The contemporary style adopted with traditional detailing including buff brickwork with slate roof tile is supported by Officers as this design approach responds positively to the existing character and pattern of development surrounding the application site. The scale, height and general layout of the dwellings are generally consistent throughout the site with dwellings 2, 3, 4 and 5 matching the building footprint and orientation of the properties immediately to the north east at 14-16 Elizabeth Court. At a height of two stories with habitable rooms incorporated into the roofspace all dwellings proposed respond to the roof form of development located on the opposite side of Park Road and within Laburnham Close.

Following Officers initial concerns regarding the poor ratio of built form to open space the proposal as amended now provides the necessary space around dwellings for the soft and verdant backdrop to the development to continue to be appreciated with views of open space and mature trees retained. The overall spaciousness of the development including the retention and improvement of landscaping boundary features will also help to soften the impact of the development, particularly when viewed from the main vantage points from the south.

Conclusion:

Overall, the development provides a well-designed scheme that responds positively to the character and appearance of the area, whilst enabling an efficient redevelopment of a vacant site. The proposal is policy compliant in terms of achieving high quality inclusive design and would bring forward much needed family housing in a sustainable location.

Impact on the amenities of neighbours

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

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

Policy CS5 of the LB Barnet; Local Plan (Core Strategy) DPD (2012) and Policy DM04 of the LB Barnet; Local Plan (Development Management Policies) DPD (2012) seek to protect and enhance Barnet's character and identify the environmental considerations for

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

Overlooking:

New residential development is to be afforded a degree of privacy for future and neighbouring occupiers using minimum distances between habitable windows and gardens. Paragraph 2.4 of the Sustainable Design and Construction SPD (2016) provides a minimum separation distance of 21 m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 m to a neighbouring garden.

House 1 is located in close proximity to the rear boundary of no.36 Park Road (to the north) and nos. 10 & 12 Queen Elizabeth Court (to the east). The north elevation is windowless thereby protecting the privacy of no. 36 Park Road. The east elevation facing nos. 10 & 12 Queen Elizabeth Court provides windows serving habitable rooms at ground, 1st and 2nd storey level. This elevation is located approximately 11 metres from the rear gardens of these neighbouring properties and approximately 28 metres from rear facing windows serving habitable rooms, thereby protecting privacy. With a separation distance of 11 metres between the principle frontage of House 1 and the communal garden of Tudor Court the privacy of these neighbouring occupiers will also be safeguarded.

House 2 is one a pair of semi detached properties proposed within the north east corner of the site adjacent to the side elevation of nos. 15 & 16 Queen Elizabeth Court (converted house to 2 flats). There are no side windows serving habitable rooms on this neighbouring property and none are proposed on the side elevation of House 2, thereby protecting privacy. Rear facing windows overlook the grounds of Queen Elizabeth School only.

House 3, raises no concerns for loss of privacy as rear facing windows overlook the grounds of Queen Elizabeth School only.

Houses 4 and 5 have their rear (south) elevation facing the neighbours garden of no.5 Gordon Way. Although windows serving habitable rooms are proposed on these rear elevations at ground, first and second storey level, together with a raised decking at ground floor level, they face towards the rear most part of the neighbour's garden and will be obscured by existing and proposed landscaping along the boundary. Both houses have their front (north) elevation facing the rear garden of Tudor Court. Although windows serving habitable rooms at ground, first and second storey level are proposed, Tudor Court is set in extensive grounds containing large outbuildings. The separation distance between Houses 4 & 5 and Tudor Court is well in excess of the minimum 21 metre separation distance required.

House 6 has its side (south) facing elevation facing no.5 Gordon Way, but due to the close relationship of the dwellings no windows are proposed above ground floor level on this elevation. The proposed house is also set back further from the boundary. House 6 has its rear (west) elevation containing windows serving habitable rooms at ground, first and second storey level facing directly towards Rochester Court, a three storey flatted development, and the rear garden of no.26 Park Road. The house is set back from the rear most part of the garden of no.26 Park Road by 10.2 metres, which is in general conformity with the minimum separation distance for preventing overlooking of neighbouring gardens. This in turn will protect the amenity of Rochester Court. No

windows are proposed on the side (north) facing elevation thereby protecting the privacy of nos. 28 and 30 Park Road

Loss of daylight / sunlight:

House 2 has the closest relationship with its immediate neighbour. It is one a pair of semi detached properties proposed within the north east corner of the site adjacent to the side elevation of nos.15 & 16 Queen Elizabeth Court. Both properties have windows on the side elevation facing House 2 but these serve bathrooms only, which are not considered to be habitable rooms for the purposes of assessing loss of daylight / sunlight.

All other Houses proposed raise no concerns for loss of daylight / sunlight due to the significant separation distances that exist with neighbouring dwellings. The east westerly direction of the sun is such that the proposed dwellings will not cast significant shadow over the rear gardens of neighbouring properties.

Noise and Disturbance:

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.

Environmental health Officers have been consulted and raise no objections to the proposal, subject to conditions requiring a Demolition and Construction Management and Logistics Plan. As the proposed development involves plant (Air source heat pumps) conditions are to be imposed to protect the immediate neighbouring and future occupiers from noise pollution.

Conclusion:

For all the above reasons the amenities of the occupiers of adjoining properties are not prejudiced by overlooking, daylight / sunlight loss or noise and disturbance in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

The amenities of 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 houses are measured as follows:

House 1: 4 bed, 5-person, 3-storey - 186.3m² provided / 103m² required
Houses 2, 3, 4, 5, 4 bed, 5-person, 3-storey - 148.7m² provided / 103m² required
House 6: 4 bed, 5-person, 3-storey - 236.8m² provided / 103m² required

All proposed houses 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 gross internal area of each dwelling.

The appropriate ceiling height has been achieved throughout in compliance with the above 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 all dwellings comprising dual aspect would benefit from an acceptable level of outlook and daylight / sunlight provision.

Private Outdoor Amenity Space:

Requirements for external amenity space are set out in Table 2.3 the 'Residential Design Guidance' and 'Sustainable Design and Construction' SPD's that requires up to 70m² of outdoor amenity space for each home with up to six habitable rooms.

All proposed dwellings have private attractively laid out usable gardens that exceed the minimum space standards, but in any event significant public open space (King George's Fields) is in easy walking distance of the site.

To ensure a good standard of outdoor amenity space for the occupiers of dwellings 4 & 5 the amended proposal provides a greater separation distance with the canopy spread of a mature oak tree (protected by Tree Preservation Order TPO/CA/348/T2), located on the site's southern boundary. This will minimise overshadowing impact, and as discussed in the section below will protect the tree from post development pressure for on-going regular pruning, which can impact on amenity value and well-being if the tree. A large proportion of the garden to unit 5 is now outside the tree canopy area.

Conclusion:

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

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.

The proposal includes replacement tree planting to the rear of the site and within the communal area at the front of the site. Boundary treatment in the form of mature shrubs is proposed along the site frontage. Extensive soft landscaping in the form of trees and planting within gardens and between building plots is also proposed.

Trees:

The submitted arboricultural impact assessment and tree constraints plan by Landmark Trees highlights the impact this proposal will have on trees and protected trees located within the site and around the boundaries on adjoining land.

Following initial concerns from the Tree Officer and objections raised by local residents, additional information has been requested and received to alleviate concerns regarding the potential for loss of trees along the side and rear boundaries of neighbouring dwellings. The concern being that the utilities required to serve the application site have the potential to impact on the rooting system of established trees. This is not the case as demonstrated on Drawing no. 501 Rev P, which shows the direction of travel for both electricity and water supply falling outside the tree protection areas.

A further concern identified by the Tree Officer relates to post development pressure for on-going regular pruning of a mature oak tree (T7) located on the southern boundary. The tree is protected by Tree Preservation Order TPO/CA/348/T2. With the reduction in the number of dwellings in this amended scheme a greater separation distance with plots 5 & 6 has been achieved to alleviate these concerns.

Landscaping:

The scheme has specified 'column' hornbeam as a topiary feature within the site, however, *Carpinus betulus* 'Franz Fontaine' is the preferred option as it allows trees to reach their 'natural' expression without significant interventions.

The overall landscaping approach is supported by the Tree Officer, subject to a planning condition seeking compliance with the above landscaping measures.

Ecology & Biodiversity:

An Ecological Impact Assessment (Eight Associates, June 2022), including a Biodiversity Metric has been received and reviewed by the Councils Ecologist Officer.

The proposed development is deemed unlikely to negatively impact any protected species

identified on site e.g., nesting birds, hedgehogs and reptiles. Given the presence of habitats of low to negligible ecological concern and the proposed sensitive mitigation measures outlined with the Ecological Impact Assessment it is considered unlikely that any significant population of the above protected species will be affected by the proposed works.

In terms of Biodiversity Net Gain the score of 15.40% is welcomed as this surpasses the soon to be mandatory 10% biodiversity net gain score outlined under the Environment Act 2021, and was achieved through the reduction of the proposed number of residential units from nine to six. While the proposed works do not satisfy the habitat trading rules e.g., where habitats being lost should be replaced with habitats of equal or higher distinctiveness, the provision of enhancement measures such as green roofs, hardstanding, and grass-crete provides suitable opportunities for further enhancing the site and permit a net gain in biodiversity. The Urban Greening Factor of 0.78 is also welcome given that it surpasses the recommended UFG score of 0.40 for suburban development.

The inclusion of a sedum green roof also provides additional benefits for biodiversity than would otherwise have been there but it has been recommended to and agreed by the applicant to provide an alternative wildlife flower green roof to accord with the guidance of Buglife's Creating Green Roofs for Invertebrates A best practice guide (Gedge et al. 2019). A species rich wildflower green roof would provide suitable foraging opportunity for pollinating invertebrates and this is to be secured by condition.

Conclusion:

The application, as amended, overcomes the original objections raised by the Tree Officer and local residents regarding potential loss of boundary trees and the future impact on the health and visual amenity of a protected Oak tree. 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.

Highway Impacts

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

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

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

Vehicular Access:

Both vehicle and pedestrian access to the site will be from Park Road.

There is an existing crossover at the side of No 36 Park Road and this will be upgraded to provide vehicular access to the site. The ground floor plan shows no footways along the access road or within the development, however, Highway Officers do not object to the internal roads being designed as a shared surface. Also, the proposed access road is to be a minimum width of 5.5m, and where perpendicular parking bays are proposed a minimum aisle width of 6m is required. This is achievable and can be imposed by Condition.

Swept path drawings of emergency/service vehicles and refuse lorries turning into site show a need for the access to be widened to accommodate the required turning space. Pedestrian visibility splays of 2.4mx2.4m must be ensured at the site egress. Upgrading the existing crossover will involve works on the public highway for which a s184 licence will need to be obtained. Again, a condition can be imposed to ensure compliance with these standards.

Car Parking:

The site lies within a PTAL 4 zone, which means that there is good public transport accessibility to and from the site.

The applicant is proposing to construct 6 x 4 bed dwellings with the provision of 1no. off-street car parking space per dwelling, including an additional 1 visitor parking space. Dedicated cycle parking is also provided for each unit, located within their respective private gardens. For the existing property at 36 Park Road, the northern most vehicular access and front driveway will continue to provide parking for the existing property.

The applicant has provided a Transport Statement in which they state that they are willing to enter into a S106 Agreement restricting future residents of the proposed dwellings from obtaining on-street car parking permits. This means that any overspill of potential off-street car parking will not affect surrounding streets.

Conclusion:

Highway officers have been reconsulted following receipt of amended drawings and raise no objection subject to a suite of highway related planning conditions and a S106/Unilateral Undertaking agreement with a contribution of £2,392.01 to amend the Traffic Management Order (TMO).

Flood Risk

The Environment Agency's (EA) flood zone map identifies the entirety of the site within Flood Zone 1. The site is therefore in an area with a low probability of flooding.

The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. This guidance is echoed in the development plan (London Plan Policies SI12 and SI13 and Core Strategy Policy CS13) which advises that development should not increase flood risk and should reduce the risk of flooding where possible. A Flood Risk Assessment and SUDS Report has been submitted with the application which considers flood risk and the drainage strategy for the development. The report demonstrates that the proposed development is not at risk of flooding and will not increase flood risk at the site or elsewhere.

Thames water has been consulted and raises no objections subject to informatives regarding the disposal of surface water drainage and minimising risk of damage to public sewers crossing / or in close proximity to the application site.

Refuse

It is noted that the Council's Waste Collection Team has agreed to service the site subject

to the removal of one off-street parking bay. Fully enclosed refuse stores are requested by condition. A waiver against any damage to the access road caused by refuse vehicles will be required for internal collections.

Archaeological considerations

The application site is located within an area of Special Archaeological Significance as defined by the Local Plan proposals map. The Hendon and District Archaeological Society have been consulted with no objections or observations received.

Potential for contaminated land

A Preliminary Risk Assessment is sought, including mitigation measures to be secured by condition.

5.4 Response to Public Consultation

Local residents have expressed a wide range of concerns, which have been fully considered in the main body of this report. Further objections and observations raised in relation to alternative uses of the site for wildlife conservation are not before the Council for determination.

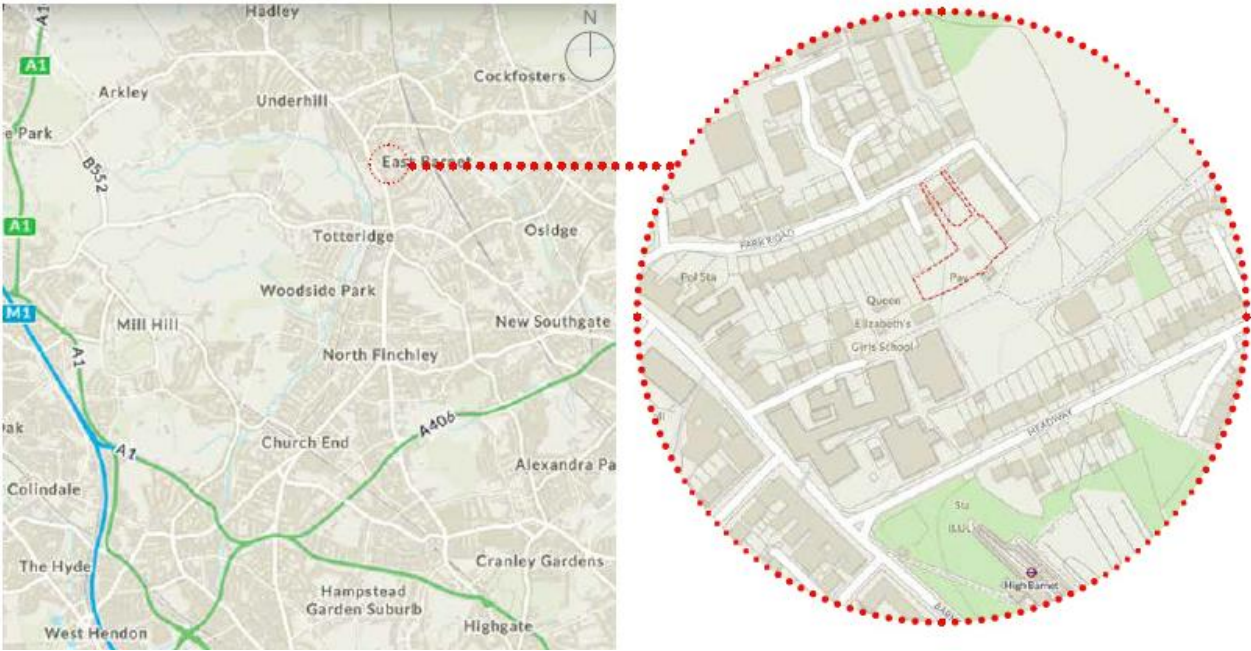
6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to conditions this application is recommended for APPROVAL.

Location Plan



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Location Land Rear Of The Bobath Centre 250 East End Road
London N2 8AU AGENDA ITEM 9

Reference: 21/2602/FUL Received: 10th May 2021
Accepted: 12th May 2021

Ward: East Finchley Expiry 11th August 2021

Case Officer: Wilf Foster

Applicant: c/o Agent

Proposal: Construction of a three-storey building, plus rooms in roof, comprising 25no. self-contained residential units (Use Class C3), with associated plant, car parking, cycle parking, refuse stores, hard and soft landscaping and associated works (Amended Plans)

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. The applicant and any other person having a requisite interest in the site are invited to enter into a section 106 Agreement to secure the following:
 1. A financial contribution of £12,369 index linked towards the improvement and enhancement of Cherry Tree Wood.
 2. A financial contribution of £600 index linked towards tree planting in the vicinity of the development.
 3. A financial contribution of £2,272.55 towards the amendment of the Traffic order to restrict occupants of the development from obtaining a parking permit.
 4. A travel plan and contribution of £5,000 index linked to monitor the objectives of the Travel Plan.
 5. A financial contribution of £3,750 index linked towards Travel Plan incentives.
 6. A financial contribution of £46,540 towards the Council's Carbon Offset fund in order to meet zero-carbon (the proposal meets a 35% carbon reduction on-site).
 7. A financial contribution of £292,551.29 towards affordable housing (subject to an early and late stage review mechanism).

RECOMMENDATION II:

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawings: A01 Rev A; A10 Rev A; A80 Rev A; A81 Rev A; A100 Rev E; A101 Rev A; A102 Rev A; A103 Rev B; A104 Rev B; A150; A151 Rev A; A152 Rev B; A153; A190; A200; A201; GA301 Rev 01; GA302 Rev 01; GA303 Rev 01; GA304 Rev 01; 8338-PL-X-GA-101 Rev 01; 8338-PL-X-GA-102 Rev 01; A108338-PL-X-GA-103 Rev 01; 8338-PL-X-GA-104 Rev 01; 8338-PL-RL-GA-100-UGF.
Arbtech TPP 01 (Tree Protection Plan).
Arbtech AIA 01 (Arboricultural Impact Assessment).
Arboricultural Method Statement, Arbtech, May 2021.
Drainage and Foul Sewerage Statement (ref 20206 rev03), Manhire Associates, April 2021.
Utilities Assessment (ref 10885-WDA-ZZ-ZZ-RP-U-0001 rev02), Whitecode Design Associates, May 2021.
Energy and Sustainability Statement (ref 10885-WDA-00-ZZ-RP-SS-0-0000 rev3), Whitecode Design Associates, April 2021.
Transport Statement (including Travel Plan), TPP, April 2021.

London Sustainable Drainage Proforma.
Landscape and Public Realm Strategy (ref 8338-DAS-001), Spacehub, May 2021.

PHASE 1 GEO-ENVIRONMENTAL DESK STUDY AND PRELIMINARY RISK ASSESSMENT (ref 2775/Rpt 1v3), Brown 2 Green Associates, April 2021.
Design and Access Statement, dMFK April 2021; Design and Access Statement - Addendum June 2022 (uploaded 15th July); Daylight, Sunlight and Overshadowing Report (rev1), Avison Young, May 2021.
Air Quality Neutral Assessment (ref EER19_AQNA revA), Aeolus Air Quality Consulting, April 2021.

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

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

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

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

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

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

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

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

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

and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies D4, D5, D8 and G7 of the London Plan 2021.

- 5 No development other than demolition works shall take place until a revised parking layout plan showing details of 8 off-street parking spaces including 1 disabled space and 2 enlarged bays and a loading/drop off area as well as the proposed signage within the site (as per recommendations of the Road Safety Audit (RSA 1) as well as any proposed alterations to the existing site access, including reinstatement of redundant crossovers shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to for any purpose other than the parking and turning of vehicles in connection with approved development, and the enlarged bays shall be able to be converted to disabled spaces as required.

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.

- 6 No development other than demolition works shall take place until a plan showing pedestrian visibility splays at all site accesses and egresses shall be submitted to and approved in writing by the Local Planning Authority.

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

- 7 Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. 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 80% passive electrical charging facility (2 active and 6 passive). The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

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

- 8 Prior to occupation of the development, details of cycle parking including the type of stands, gaps between stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, 47 cycle parking spaces (45 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 Within 3 months of occupation, a full Framework (Residential) Travel Plan that meets the criteria of the current Transport for London Travel Plan guidance , currently 'Travel Planning for new development in London incorporating deliveries and servicing' and Itrace or TRICS compliant surveys shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out the transport policy to incorporate measures to reduce trips by the private car especially single occupancy and single passenger journeys and encourage non-car modes of transport such as walking, cycling and public transport and to reduce, consolidate or eliminate delivery trips. The Travel Plan Statement should include the appointment of a Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The Travel Plan should be reviewed, updated and resubmitted in writing for approval in years 1, 3 and 5 in accordance with the targets set out in the Plan. Monitoring of the travel plan is to be funded by the applicant in accordance with the Barnet's Travel Plan SPD.

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies SI1, T4 and D14 of the London Plan.

- 11 Prior to occupation, a full Delivery and Servicing Plan (DSP), including refuse storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved delivery service plan.

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

- 12 Prior to occupation, a full Parking Management Plan (PMP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved Parking Management Plan.

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

- 13 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.

- 14 The measures detailed within the approved air quality neutral assessment report (EER19_AQNA revA, Aeolus Air Quality Consulting, April 2021) shall be

implemented in their entirety before any of the development is first occupied or the use commences and retained as such thereafter.

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

- 15
- a) Prior to commencement, an air quality assessment report written in accordance with the relevant current guidance shall be submitted to and approved by the Local Planning Authority. The report shall include an assessment of the air quality impacts of the demolition, construction and operational phases of the development. The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. 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) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.
 - c) 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 are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy SI 1 of the London Plan (2021).

- 16
- a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.
 - b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 17 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 Policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 18 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.

- 19 Part 1

Before development commences other than for investigative work:

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

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

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

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

Part 2

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

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

20 No development other than demolition works shall commence until a revised Surface Water Drainage Strategy has been submitted to and approved by the Local Planning Authority. The strategy shall include, but not be limited to, the following details:

- A fully labelled SuDS network diagram showing, pipes and manholes, suds features with reference numbers etc.
- SuDS design input data and results to support the design.
- Infiltration site investigation results showing that infiltration systems are feasible method of discharge for this site, if SuDS infiltration method is proposed.
- Appropriate design rainfall i.e. Flood Estimation Handbook (FEH) design rainfall 2013.
- Assessment of the proposed drainage system during the 30-year design rainfall according to Design and Construction Guidance, March 2020.
- Assessment of the attenuation storage volumes to cope with the 100-year rainfall event plus climate change.
- Evidence of Thames Water (Water Company) agreement for discharge to their system (in principle/ consent to discharge) if the proposal includes connecting to a sewer system.
- Details of overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing the flood risk to occupants or neighbouring properties;
- SuDS operation and maintenance plan.
- SuDS detailed design drawings.
- SuDS construction phasing.

Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be costeffective to operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan (2012), Poliiy SI 12 of the London Plan (2021), and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014,

Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753).

- 21
- 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 D3 of the London Plan 2021.

- 22
- 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 Policy D3 of the London Plan (2021).

- 23
- No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection as shown on approved drawing Arbtech TPP01 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 (Arbtech, May 2021) hereby 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 Policies D3 and G7 of the London Plan 2021.

- 24 No development other than demolition works shall commence until 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) have been submitted to and approved by the Local Planning Authority. The development shall be implemented in full accordance with these details.

Reason: to ensure that the development makes adequate provision for biodiversity enhancements, in accordance with local planning policy DM01, Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G7 of the London Plan 2021.

- 25 a) Prior to occupation, the development hereby approved shall obtain a 'Secure by Design' accreditation and confirmation shall be submitted to and approved, in writing, by the Local Planning Authority.

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

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

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

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

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

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

c) The development shall be implemented in accordance with the details approved

as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

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

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

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

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

- 30 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.

- 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 Before the building hereby permitted is first occupied the proposed first and second floor windows in the eastern side elevation facing Diploma Court, Diploma Avenue labelled as 'obscure glazing' on submitted drawing no. A151 Rev A 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).

RECOMMENDATION III:

1 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 26 April 2022, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing, carbon off-set, tree planting, local open space enhancements, and highways mitigation. The proposal would therefore not address the impacts of the development, contrary to Policies CS5 and CS9 of the Local Plan Core Strategy (adopted September 2012), policies DM01, DM04 and DM17 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

Informative(s):

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

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

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

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

- 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 Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. The developer is expected to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 5 Any works on the highway including alterations to the existing accesses will require a s184 licence which that applicant will need to obtain from the council.

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 Highways 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 Highways 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.

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 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.

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.

- 6 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.

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

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

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

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

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings:

code of practice;

4) Department of Transport: Calculation of road traffic noise (1988);

5) Department of Transport: Calculation of railway noise (1995);

6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

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

1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');

2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);

3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;

4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;

5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;

6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

9 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 developer is advised that construction management should be implemented in partnership with the operator of the Bobath Centre nursery.

OFFICER'S ASSESSMENT

This application would normally be determined under the Council's Delegated powers but has been "called in" by Councillor Claire Farrier who wishes the matter to be considered by Planning Committee for the following reasons:

"I would like to call this application in to be decided by a planning committee, on the grounds of height and bulk, overdevelopment of the site, access and effect on listed building (The Bobath Centre)."

Following the committee decision to approve subject to a S106 agreement on 14 December 2021, it became apparent during legal agreement negotiations that a section of the site curtilage shown on the site plan to the south was not formally within the ownership of the applicant. As such, the applicant has provided revised site and other plans showing this area, comprising approx. 170 sqm, omitted from the scheme. The revised proposals also included minor alterations to the layouts and fenestration placement of Units 4 and 5 at ground floor to ensure that outlook and privacy would not be unduly impacted by the presence of a boundary treatment along the southern site boundary, if this were to be implemented. Officers are satisfied that the revised scheme continues to provide an acceptable level of amenity for future occupiers of Units 4 and 5, including meeting minimum outdoor amenity space standards and provide adequate light, outlook, and privacy. The amenity of all other units within the proposed development is not affected, nor is the footprint or scale of the proposed building.

Officers sought legal advice as to whether the changes could be considered as part of the original application; given that the site location plan changes do not affect the area of physical development and the area of garden space that has been reduced is surplus to the requirements, it is not deemed a material change. Given the minor changes to the scheme as described above, an additional period of consultation was undertaken on 26th May 2022 on the basis of the revised plans. Therefore, it was not considered that a new application would be required.

The application is presented to the planning committee again for consideration.

1. Site Description

The site is located on the southern side of East End Road, to the rear of The Bobath Centre, No. 250. It comprises an area of hardstanding (approx. 0.14 ha) and a small detached building described as a 'toilet block' on the submitted plans. The plot is broadly rectangular in shape, with a slightly tapered width towards to the rear. It is bounded by an area of unadopted land to the south comprising a group of trees; Deanery Close to the west; a group of flat blocks known as Diploma Court to the east; and The Bobath Centre to the north. Dairy Mews is a small terrace comprised of three houses which border the north-eastern section of the site.

East Finchley underground station is located approx. 400 metres from the site. It is located just outside the designated town centre in East Finchley, within close proximity to the amenities of the town centre.

The site does not fall within a conservation area. Although the site itself does not contain any listed buildings, the adjacent The Bobath Centre building is grade II listed.

2. Site and other Relevant History

Reference: 18/4547/FUL

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Approved subject to conditions

Decision Date: 20 November 2018

Description: Partial demolition of existing buildings, including rear extensions and link building and removal of external ramps and other additions. Construction of new extensions to the rear and west of the retained existing buildings and creation of external playground. Internal works of repair, maintenance and restoration to listed buildings. Removal of existing hardstanding and creation of new access road, car parking and site wide landscaping

Reference: 18/4548/LBC

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Approved subject to conditions

Decision Date: 20 November 2018

Description: Partial demolition of existing buildings, including rear extensions and link building and removal of external ramps and other additions. Construction of new extensions to the rear and west of the retained existing buildings and creation of external playground. Internal works of repair, maintenance and restoration to listed buildings. Removal of existing hardstanding and creation of new access road, car parking and site wide landscaping

Reference: 19/2828/FUL

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Withdrawn

Decision Date: 23 July 2019

Description: External alterations including refurbishment of existing facade. Internal works of repair, maintenance and restoration to listed buildings. Internal alterations

Reference: 19/2829/LBC

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Approved subject to conditions

Decision Date: 23 August 2019

Description: Internal works of repair, maintenance and restoration to listed buildings. Internal and external alterations including new louvred door to the west elevation, reduced front gate fronting East End Road, front and rear canopies, installation of plant equipment and CCTV cameras. (Amended Description).

render test) pursuant to planning permission 18/4548/LBC dated 16/08/18

Reference: 19/3899/S73

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Approved subject to conditions

Decision Date: 10 September 2019

Description: Variation of condition 1 (Approved Plans) of planning permission 18/4547/FUL dated 20/11/18 for 'Partial demolition of existing buildings, including rear extensions and link building and removal of external ramps and other additions. Construction of new extensions to the rear and west of the retained existing buildings and creation of external playground. Internal works of repair, maintenance and restoration to listed buildings. Removal of existing hardstanding and creation of new access road, car parking and site wide landscaping.' Amendments include, Louvres and louvred door to the west elevation; Gate to fence to East

End Road; Replacement of internal doors and further internal alterations; Front and rear canopies; External and internal plant equipment; External CCTV cameras

Reference: 19/5891/S73

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Approved subject to conditions

Decision Date: 15 January 2021

Description: Amendment to include, Variation of conditions 1 (The Approved Plans), 9 (Cycle storage), 11 (Site Enclosure), 15 (Door and Window Details), 17 (Noise Report), 19 (Grilles, lighting, alarms), 20 (Acoustic Screening to Roof, Design) and 22 (Acoustic Screening to Roof, Materials) of planning permission reference 19/3899/S73 dated 10/09/2019 for 'Partial demolition of existing buildings, including rear extensions and link building and removal of external ramps and other additions. Construction of new extensions to the rear and west of the retained existing buildings and creation of external playground. Internal works of repair, maintenance and restoration to listed buildings. Removal of existing hardstanding and creation of new access road, car parking and site wide landscaping.' Amendment to include, alterations to the form of cycle storage, additional sections of fencing and gates to front of building, revisions to glazed entrance screen, details to roof plant and acoustic and visual screens

Reference: 19/5896/LBC

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Approved subject to conditions

Decision Date: 15 January 2021

Description: Installation of additional acoustic / visual screening to roof plant. Alterations to cycle storage and front elevation, to include, additional fences and gates. Installation of 2no. internal white LED illuminated and facade mounted pan channel lettering with translucent vinyl coloured film and to metal canopy fascia to front and rear entrance

Reference: F/02282/13

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Approved subject to conditions

Decision Date: 5 August 2013

Description: Installation of 1x no. Non-illuminated Panel to railings on front elevation.

Reference: F/02083/13

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Decision: Approved subject to conditions

Decision Date: 5 August 2013

Description: Installation of 1x no. Non-illuminated Panel to railings on front elevation.

3. Proposal

The application seeks approval for "Construction of a three-storey building, plus rooms in roof, comprising 25no. self-contained residential units (Use Class C3), with associated plant, car parking, cycle parking, refuse stores, hard and soft landscaping and associated works".

The proposed building measures approx. 14.9 metres in width, 14.4 metres in depth, and a maximum of 13.2 metres in height. The design of the proposed building includes 4no symmetrical front gables and dual-pitched roofs. There is also an area of flat roof in the centre of the building including several photovoltaic panels. The proposed building benefits from projecting balconies to the side and rear elevations. The main proposed external finishes are facing brickwork and slate roofing.

The proposed development provides a total of 25no residential units, comprising the following unit mix:

- 11x 1-bed/2-person (min. GIA 50 sqm);
- 9x 2-bed/3-person (min. GIA 61 sqm);
- 4x 2-bed/4-person (min. GIA 70 sqm);
- 1x 3-bed/5-person (min. GIA 86 sqm).

The proposal includes the provision of private rear gardens serving the ground floor units and balconies for the upper units. It provides a total of 8no off-street car parking spaces, one of which is accessible. A scheme of soft landscaping is indicated around the boundaries of the site. A cycle store is provided within the building at ground floor. Refuse and recycling storage is also provided internally at ground floor. A refuse collection zone is indicated to the north-east corner of the site.

As noted, changes to the site location plan have resulted in some amendments to the scheme, notably at ground floor level. For clarity, the following changes to the scheme have been introduced since it was heard at committee:

- *Changes to site boundary, mainly on southern and western boundaries*
- *Minor landscaping changes*
- *Flat 4 has a reduced amenity space compared to the original scheme, providing 77sqm (originally 177sqm, a reduction of 100sqm). Internal reconfiguration of this flat with primary windows of all habitable sited on the eastern elevation, and removal of one window on south elevation. The unit size (2b3p) remains unchanged.*
- *Flat 5 has a reduced amenity space compared to the original scheme, providing 50sqm (originally 88sqm, a reduction of 38sqm). This unit would now immediately abut the site boundary and therefore changes to the internal layout have been proposed to ensure the bedrooms benefit from good outlook. High sill windows introduced to southern elevation serving this flat. The unit size (3b5p) remains unchanged.*
- *Introduction of sections of green roof, replacing some of the photovoltaic panels at roof level; this will not be visible from street level.*

Since the committee decision to approve the application subject to S106 agreement, new CIL charges have been adopted in Barnet. Officers consider it reasonable to deduct the new CIL liability, which would increase, from the agreed affordable housing contribution; this is discussed in more detail below.

4. Public Consultation

A site notice was erected on 20 May 2021 and a press notice was published on 20 May 2021. Consultation letters were sent to 333 neighbouring properties. 2no responses have been received, both in objection to the proposed development.

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

- The proposed development is too tall and an overdevelopment of the site;
- Concerns regarding loss of outlook and overlooking to neighbouring occupiers;
- Lack of outdoor space for future occupiers;
- Lack of detail of construction management measures;
- Concerns regarding impact on local infrastructure;
- The proposed development is not in keeping with the local character;
- Concerns regarding the accuracy of submitted documents;
- Concerns regarding energy and sustainability measures;

- Concerns regarding illegal parking;
- Concerns regarding fire safety.

As noted at the start of this report, a call-in request in objection to the proposed development was also received from Councillor Farrier.

Further consultation was carried out on the 26 May 2022. 2no responses were received, both in objection to the scheme; these are summarised as follows:

- *Loss of light and privacy to properties on Beresford Road*
- *Loss of light and privacy to properties on Dairy Mews/ overlooking to Dairy Mews*
- *Overdevelopment of the site.*
- *Refuse near Dairy Mews would result in noise, disturbance and vermin*
- *Impact of new planting on neighbouring properties.*

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 current iteration of 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 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.

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

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.

Affordable Housing SPG

Planning Obligations SPG

Residential Design Guidance SPG

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Provision of affordable housing;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality (including heritage considerations);
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether satisfactory living standards would be provided for future occupiers; and
- Whether harm would be caused to highway safety.

5.3 Assessment of proposals

Principle of development

The host site is currently a vacant area of hardstanding. Its redevelopment to provide residential accommodation is considered to be appropriate in principle. A flatted use is considered to be acceptable in this location given the presence of several other purpose-built blocks of flats within the local area. It is noted that the site is allocated for residential development in the emerging Local Plan.

The proposed unit mix, including 1no 3-bed dwelling (highest priority), is considered to be acceptable and in accordance with Policy DM08.

Provision of affordable housing

Given that the development is for 25no residential units, the proposal would require provision of affordable housing under policy DM10 of the of the Development Management Policies 2012. Policy DM10 states that 'Having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.'

The proposal does not provide any affordable housing units on-site and as such the applicant has provided a viability report by Avison Young which has been independently reviewed by Savills. Officers accept that in this instance, given the level of surplus generated by the development and the site context, it would not be appropriate to seek on-site provision of affordable housing and a financial contribution in-lieu would be acceptable in these exceptional circumstances. Following the review by Savills, a financial contribution in-lieu of £500,000 towards providing affordable housing in the borough was agreed by the applicant and the Local Planning Authority. *When the application was originally presented to Planning Committee (December 2021), this was considered to be the maximum contribution that the development could viably provide.*

As part of the viability assessment, the CIL charges a development would be liable for, are considered. In the original assessment presented to Planning Committee, the development was liable for a total of £534,117 in CIL charges based on the 2013 CIL charging schedule. In April 2022, Barnet adopted a new CIL charging schedule which came into effect for any development approved after this date. As a result, the development is now liable for a total of £741,565.71 of CIL fees; an additional £207,448.71 compared to the fee based on now superseded CIL charges.

*This additional charge of CIL has an impact on the viability of the scheme. Officers consider it reasonable to deduct the additional CIL liability from the agreed affordable housing contribution. This would result in the total contributions to the Council remaining unchanged, albeit with a notably reduced affordable housing sum, which officers consider as regrettably unavoidable. The updated financial contribution in-lieu would be **£292,551.29** towards providing affordable housing, which would be secured via a Section 106 agreement with the Council.*

It is considered that following the assessment of the viability report and the financial contribution offered, the proposal makes an acceptable provision for affordable housing, in accordance with Policy DM10 and the Affordable Housing SPD (2007).

Impact on the character of the area

All proposed developments should be based on an understanding of the local characteristics, preserving or enhancing the local character and respecting the appearance, scale, mass and height of the surrounding buildings, spaces and streets in accordance with DM01 of the Development Management Policies DPD (2012). Additionally, Policy DM06 of the Local Plan states that 'all heritage assets will be protected in line with their significance. All development will have regard to the local historic context.'

The area surrounding the site contains several purpose-built blocks of flats, including at Diploma Court immediately to the east and on Deanery Close to the west. Buildings generally range between two and four storeys. The proposal for a three storey building with additional rooms in the roofspace providing self-contained flats is considered to be appropriate in this context. The proposed building is not considered to appear disproportionately large or out of keeping with the surrounding area, particularly given the separation to all site boundaries which maintain a sense of spaciousness. While it is noted that the site is at a higher ground level than adjacent land, it is not considered that this would result in an unacceptably prominent building.

The proposals retain the existing vehicular access to the rear of The Bobath Centre. This provides a buffer between the proposed building and the adjacent listed building. Additionally, it is noted that the rear of The Bobath Centre benefits from contemporary

extensions, which have less heritage significance. Given the three storey scale of the proposed building and the separation between buildings, it is not considered that there would be an unacceptable overbearing relationship on The Bobath Centre. There is some space to the front of the site allocated to soft landscaping, which will help to further soften this relationship. Taking into account the height of the proposed building and its siting to the rear of The Bobath Centre, there would be a minimal visual impact on the setting of the listed building as viewed from East End Road. This is demonstrated in the submitted townscape views.

The proposed building has a pitched roof form with 4no front gables. This reflects the front and rear gables which are a prominent feature of The Bobath Centre. Officers consider the design and appearance of the building to be sympathetic to the local character. The proposed materials are considered to reflect the local vernacular and, subject to more precise details as required by condition, are acceptable.

The Council's heritage officer has been consulted on the proposed development. Given the scale of the proposed building and its relationship with the Bobath Centre building, having consideration for existing extensions to the rear of the Bobath Centre, the proposed development is not considered to have a detrimental effect on the setting of the adjacent listed building. Therefore, officers are satisfied that the proposed development would protect the adjacent listed building, in accordance with the requirements of Policy DM06 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

With regards to existing trees on site, the proposals include the removal of 4no trees to accommodate the proposed building and due to poor condition. Subject to replacement planting, this is considered to be acceptable. A total of 14no new trees are proposed, although a detailed landscaping plan is required by condition to ensure that this consists of appropriate species and sizes. Additionally, the applicant has agreed to make a contribution towards tree planting in the vicinity of the development to provide additional mitigation. This would be secured via Section 106 agreement. Given the constraints of the site, this is considered to be acceptable in this instance.

Taking into account the above, officers consider that the proposed development would provide a high-quality design which is sympathetic to the local character and protects the significance of the adjacent listed building. As such, the proposals are in accordance with planning policy including Policies DM01 and DM06 of the Local Plan, and Policy D3 of the London Plan (2021).

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. This will include taking a full account of all neighbouring sites.

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.

Given the three-storey scale of the proposed building and the separation distances to the boundaries on all sides, it is not considered that it would result in any unacceptable overbearing impacts or loss of outlook to neighbouring residential occupiers. Regarding light impacts, a daylight and sunlight assessment has been submitted with this application. It states that the vast majority of properties assessed (95%) are fully compliant with BRE

guidelines on daylight and sunlight. Of the remaining properties (4 out of 81 the properties tested) there are minor deviations only from the BRE guidelines. Officers are satisfied on this basis with the conclusions that daylight and sunlight impacts on neighbouring properties would be acceptable.

Regarding potential for overlooking, the distances to the nearest neighbouring occupiers to the south and west of the site exceed minimum separation distances (as per the Sustainable Design and Construction SPD) to avoid a harmful loss of privacy. Similarly, is a sufficient distance to The Bobath Centre to the north to avoid any harmful overlooking of the neighbouring use. With regards to the relationship with the property to the east at Diploma Court, the windows at first and second floor levels directly facing the neighbouring block are obscure glazed. Additionally, there are no projecting balconies on the eastern side elevation directly facing the neighbouring building. Given the inset design of the balconies to the third floor units and the change in levels between the site and the adjacent two storey building, it is not considered, on balance, that these units would provide opportunities for harmful overlooking to neighbouring windows. As such, the design of the proposed building is considered to mitigate any potential overlooking and it is not considered that there would be any harmful loss of privacy to the neighbouring occupiers at Diploma Court.

With regards to the impact on Dairy Mews, it is noted that following amendments, an objection was received detailing concerns about loss of privacy and light to these occupiers; this section will elaborate on the impact to these occupiers. Dairy Mews is comprised of a terrace of houses and flats, with no.3 located closest to the site boundary. These properties benefit from relatively small gardens. Due to the unusual layout of the site, the proposed building would be in line with the end of the rear gardens of Dairy Mews however windows or the balconies would not align with windows or the garden of no.3 Dairy Mews. Whilst the eastern elevation of the building would be approximately 6.6m to the boundary of no.3 Dairy Mews at first and second floors and 9.1m at third floor, due to the relationship of the plots and positioning of the building, it is not considered that views from the windows or balconies of flats 9, 17 and 23 would lead to direct overlooking into the Dairy Mews properties. Whilst the outlook afforded to the occupiers of these neighbouring properties on Dairy Mews, from both the internal and external areas, would as a result of the proposal change, this does not necessarily equate to harm. Any views on to the Dairy Mews properties would be relatively oblique and considering the urban setting are, on balance, considered acceptable.

The daylight and sunlight report has considered the impact on Dairy Mews as well as other neighbouring occupiers. With specific reference to no.3 Dairy Mews which is closest to the site, the report noted that 7 out of 8 windows satisfied the BRE guidelines for Vertical Sky Component (VSC) however the ground floor window would have a minor deviation from the BRE guidelines. As noted above, this was previously considered acceptable and the amendments to the scheme since it was last presented to committee have not altered this.

Taking into account the location just outside the East Finchley Town Centre and the presence of several flatted uses within the local area, it is not considered that the development providing 25no units would have a material impact on the character of the area or result in harmful noise and disturbance impacts to the detriment of neighbouring amenity.

Overall, it is considered that the proposed development would have an acceptable impact on the residential amenities of all neighbouring occupiers, in accordance with Policy DM01.

Whether the proposal provides a satisfactory living environment for future occupiers

The development would create 25no dwellings. The proposed dwellings are as follows:
11x 1-bed/2-person (min. GIA 50 sqm);

9x 2-bed/3-person (min. GIA 61 sqm);
4x 2-bed/4-person (min. GIA 70 sqm);
1x 3-bed/5-person (min. GIA 86 sqm).

The proposed dwellings meet or exceed the minimum internal space standard for the relevant dwelling size, as per the Sustainable Design and Construction SPD.

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

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

The proposed bedrooms comply with these minimum standards.

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

Light/Outlook

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. The majority of dwellings within the proposed development are dual-aspect. The small number of single-aspect units are 1-bedroom dwellings and would still benefit from one good-quality aspect. Additionally, the submitted Daylight and Sunlight Assessment demonstrates that the rooms within the proposed development would benefit from adequate levels of daylight and sunlight. Therefore, on balance, it is considered that the level of light and outlook provided for the development is acceptable.

Amendments were sought for the internal reconfiguration of Units 4 and 5 due to the change to the site boundary, which include relocation of windows and bedrooms, to ensure that all habitable rooms benefit from suitable outlook and privacy. Officers are satisfied that the amendments would retain a high level of amenity for these units.

Amenity

Section 2.3 of the Sustainable Design and Construction SPD (2016) states that for flats, there should be a minimum provision of 5 sqm of outdoor amenity space per habitable room (where rooms exceeding 20 sqm are counted as two). The proposals provide private amenity space for all units, except Units 8 and 16, in the form of private gardens at ground floor and private balconies for the upper units. The two units without access to private outdoor amenity space are 1-bedroom units, which directly overlook the nursery at the Bobath Centre. The proposals include a contribution towards the improvement and enhancement of a local open space (Cherry Tree Wood), which is within close walking distance of the site. Weight is given to the location on the edge of a town centre, close proximity to local amenities, and local open spaces. Given these factors and the contribution, on balance, it is considered that the provision of outdoor amenity space within the development is acceptable.

It is noted that due to the changes to the site boundary noted above, there has been a reduction in the private outdoor amenity space provision of 2no of the units. Unit 4 has been reduced from 177sqm to 77sqm (100sqm difference) and unit 5 from 88sqm to 50sqm (38sqm difference). The private amenity space provision for both units would still be surplus to the requirements and as such is deemed acceptable.

Privacy

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

The proposed dwellings are considered to benefit from adequate levels of privacy.

Highways

The site is at the rear of the Bobath Centre which fronts directly onto East End Road (A504). The section of East End Road in the vicinity of the site is a two-way single carriageway road and it joins the A1 in East Finchley town centre. The site is located on the boundary of two Controlled Parking Zones (CPZ). To the east is a CPZ that operate from Mon-Sat, 8am - 6.30pm and CPZ that operates Mon - Fri, 2pm-3pm. However, there are parking restrictions in the form of yellow lines, school keep clear markings, residents permit bays, a bus stop and a zebra crossing in this section of East End Road.

The site lies in an area with a PTAL rating of 4, which represents a good level of public transport accessibility. There are 4 bus routes (143, 234, 263 & 102) which can be accessed from stops within 1 minutes walking distance of the site. East Finchley tube station is located 323 metres to the south and it is within 4 minutes walking distance of the site.

The proposals provide 8no off-street car parking spaces, including 1no disabled bay. Highways officers have advised that this would result in a shortfall of 12no spaces on the basis of the parking standards specified within Policy DM17 of the Local Plan. Taking into account the good level of accessibility by public transport, the proximity to East Finchley Town Centre, and the proposed unit mix, the proposed parking provision is considered to be acceptable, subject to a Section 106 agreement to restrict future occupiers of the development from purchasing parking permits, the provision of 2no additional enlarged spaces which may be converted to disabled spaces if required (as per the attached condition), and the provision of a travel plan for the site. The associated legal agreement includes contributions towards the travel plan monitoring and Travel Plan incentives of £150 per household towards sustainable travel measures. TfL have also been consulted and have raised no objection to the proposed development, subject to conditions.

Regarding the shared use of the vehicular access with The Bobath Centre, information has been provided demonstrating that there is a low trip generation from the adjacent nursery use. This has been confirmed by Highways Officers through a spot check of the site. As such, there is not anticipated to be a harmful conflict with the shared use. In accordance with the findings of the submitted Road Safety Audit, a condition is attached requiring additional signage within the site. As a result of these measures, the proposals are not considered to be detrimental to highways safety.

The proposals provide a cycle store comprising 45no cycle parking spaces, in accordance with London Plan standards. A condition is attached to ensure this is provided. A condition is also attached regarding electric vehicle charging points. This is considered satisfactory to address these requirements.

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

Refuse

The proposals include a refuse and recycling store within the building at ground floor. This is considered to be acceptable, subject to the attached condition requiring a delivery and servicing plan including refuse storage and collection arrangements to be submitted and approved.

A designated point of refuse collection is indicated along the north-eastern boundary close to the Dairy Mews properties, however the bins would not remain in the location other than on collection days. Additional details would be required and reviewed as part of the condition.

Designing Out Crime

Policy D11 of the London Plan (2021) states that development proposals should include measures to design out crime. It is noted that the applicant has engaged with the Metropolitan Police's Designing Out Crime Officer prior to submitting a formal application. Some details of mitigation measures are included within the submitted Design and Access statement. The Designing Out Crime Officer has been consulted on the proposals and has raised no objection subject to a condition requiring Secured By Design certification prior to occupation of the development. This is considered to be in accordance with Local and London Plan requirements.

Accessibility

The application states that all 90% of the proposed units Building Regulation will meet requirement M4(2), and 10% will meet requirement M4(3). This is in accordance with the London Plan. A condition is attached to ensure compliance with this.

Energy and Sustainability

In respect of carbon emission reduction, the proposals achieve a 35% carbon reduction over Part L of the 2013 building regulations, secured by the attached condition. Additionally, the applicant has agreed to make a contribution to the Council's carbon offset fund to meet zero-carbon, in accordance with the London Plan 2021.

An air quality neutral assessment has been submitted with the application. This includes details of mitigation for the impact of the development to achieve air quality neutral. The Council's Environmental Health officer has been consulted and is satisfied with the proposed mitigation measures.

The proposed development therefore would meet the necessary sustainability, energy, and efficiency requirements of the London Plan (Policies SI2 and SI4) and Policy CS3 and M and DM04.

5.4 Response to Public Consultation

- The proposed development is too tall and an overdevelopment of the site;
- Concerns regarding loss of outlook and overlooking to neighbouring occupiers;
- Lack of outdoor space for future occupiers;

These issues are addressed in the above report.

- Lack of detail of construction management measures;

A condition is attached requiring details of demolition and construction management measures to be submitted to and approved by the Local Planning Authority prior to the commencement of development. This is considered satisfactory to address this.

- Concerns regarding impact on local infrastructure;

It is noted that the application is liable for the Community Infrastructure Levy. Given the scale of development there are no further requirements in this respect.

- The proposed development is not in keeping with the local character;
This is addressed in the above report.
- Concerns regarding the accuracy of submitted documents;
Officers are satisfied that the submitted documents are accurate and allow a proper assessment of the proposed development.
- Concerns regarding energy and sustainability measures;
The attached conditions regarding sustainability as detailed above are considered to be satisfactory to address this.
- Concerns regarding illegal parking;
The proposals provide sufficient off-street parking to serve the proposed units in accordance with local planning policy.
- Concerns regarding fire safety.
Given the scale of development there are no additional planning requirements in this respect.

Following the re-consultation, the following comments were also received and are responded to:

- *Loss of light and privacy to properties on Beresford Road*
The building would have no additional impact on properties on this road in terms of loss of light or privacy; the building would be located to the rear of the Bobath Centre and would be in excess of 100m from Beresford Road.
- *Loss of light and privacy to properties on Dairy Mews/ overlooking of Dairy Mews*
The relationship of the new building to neighbouring properties was previously considered acceptable. The amendments to the scheme previously presented to Committee do not seek to introduce any additional windows facing Dairy Mews and the building has remained in the same location. It is therefore considered that there would not be greater harm to the occupiers from the amendments compared to the scheme original deemed acceptable. The report above has detailed this further.
- *Overdevelopment of the site.*
Addressed in the report above.
- *Refuse near Dairy Mews would result in noise, disturbance and vermin*
The location nearest to Dairy Mews is the point of collection on collection day only and there is a designated bin store within the building, therefore it is not considered that this location would be harmful to neighbours.
- *Impact of new planting on neighbouring properties.*
New planting is proposed along the perimeter of the site which would be submitted and assessed as part of a pre-occupation condition (condition 21); this will be assessed by the Council's Arboriculturalist.

6. Equality and Diversity Issues

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

7. Conclusion

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

Location 9 Burroughs Gardens London NW4 4AU

Reference: 22/1692/FUL Received: 30th March 2022
Accepted: 4th April 2022

Ward: Hendon Expiry 30th May 2022

Case Officer: Stephen Volley

Applicant: Mr S Hayek

Proposal: Construction of two additional floors on existing office building and an extension to the existing entrance element over the ground, first, second and third floors

AGENDA ITEM 10

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:

6196-PL-001 Rev B Site Location Plan
6196-PL-002 Rev B Block Plan
6196-PL-003 Rev B Site Plan
6196-PL-004 Rev B Ground floor Plan
6196-PL-005 Rev B First Floor Plan
6196-PL-006 Rev B Second Floor Plan
6196-PL-007 Rev B Third Floor Plan
6196-PL-008 Rev B Roof Plan
6196-PL-009 Rev C Elevation to Breasy Place
6196-PL-010 Rev A Elevations to the Burroughs Rear Elevation
6196-PL-011 Rev A Sections AA & BB
6196-PL-012 Rev A Sections CC & DD
6196-PL-013 Rev A Plan and Elevations as Existing

Design and Access Statement February 2022
Planning Statement

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

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

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

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

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

Reason: To safeguard the character and visual amenities of the site and The Burroughs Conservation Area and adjacent heritage assets, in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policies DM01 and DM06 of the Development Management Policies DPD (adopted September 2012) and Policies D3 and D4 of the London Plan 2021

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

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

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

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

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

- 5 a) Prior to the installation of any extraction and ventilation equipment as part of the proposed development, 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 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 Policy D14 of the London Plan (2021)

- 6 The level of noise emitted from any extraction and ventilation 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)

- 7 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 15% 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)

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

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

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

- 9 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, 1 long stay cycle 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 vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 10 The premises shall be used for B1(a) Class and for no other purpose (including any other purpose in Class B 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 character and amenities of the area.

- 11 a) Notwithstanding the parking layout submitted with the planning application, prior to construction of the development; a revised parking layout plan showing designated pedestrian routes through the car park shall be submitted to and approved in writing by the Local Planning Authority
- b) Prior to the first occupation of the development, the off-street parking spaces shall be laid out in accordance with the approved details and used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

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

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

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

Reasons: In the interest of good air quality in accordance with London Plan Policy SI 1

Informative(s):

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

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

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

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

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

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

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

- 3 The 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.

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

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

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

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

OFFICER'S ASSESSMENT

1. Site Description

The site is located on a busy thoroughfare on the A504, a 9-mile-long road that runs east to west across north London between West Hendon and Seven Sisters and situated in an accessible location (PTAL of 4) within an established employment use location.

The site sits within a historic local setting involving some 18th and 19th century statutory listed, locally listed and positive houses close to the junction of the Burroughs and Watford Way. A modern Methodist chapel (1937), the Catholic Church of Our Lady of Dolours (1927) and civic buildings such as Hendon Town Hall (1901), Hendon Fire station (1914), Hendon Library (1929) and Middlesex University (1973) and associated campus buildings

Located on the western side of The Burroughs, set back from the street front the site consists of a series of two-storey buildings, comprising of a series of employment units.

There is a gated parking and service area to the side and rear of the site.

The site lies within the ward of Hendon on the fringe of The Burroughs Conservation Area and adjoins onto the locally listed St Joseph's School, to the west.

A two storey building providing Class B1 office space has recently been constructed at Land At 7 Breasy Place following the Councils decision to approve planning permission in 2019 (19/5511/FUL). This building is also located on the fringe, but outside the Burroughs Conservation Area, at a distance of approximately 13 metres from the application site.

2. Relevant Site History

Reference: 20/2330/CON

Address: 9 Burroughs Gardens, London, NW4 4AU

Decision: Approved

Decision Date: 24 August 2020

Description: Submission of details, Condition 7 (Construction Management and Logistics Plan), pursuant to planning permission 19/5511/FUL dated 11/12/2019.

Reference: 18/7001/FUL

Address: 9 Burroughs Gardens, London, NW4 4AU

Decision: Approved subject to conditions

Decision Date: 22 February 2019

Description: Construction of two additional floors on existing office building and an extension to the existing entrance element over the ground, first, second and third floors

Reference: 16/1973/CON

Address: Breasy Place, Burroughs Gardens, London, NW4 4AT

Decision: Approve

Decision Date: 27.06.2016

Description: Submission of details of conditions 3 (Levels) and 4 (Materials) pursuant to planning permission 15/03126/FUL dated 03/11/2015

Reference: 16/3592/FUL

Address: 9 Burroughs Gardens, London, NW4 4AT

Decision: Approved subject to conditions

Decision Date: 03.08.2016

Description: Addition of new entrance lobby

Reference: 16/0760/FUL
Address: 9 Burroughs Gardens, London, NW4 4AT
Decision: Refused
Decision Date: 28.04.2016
Description: Glazed roof extension and glazed three storey front extension

Reference: 16/0755/FUL
Address: 9 Burroughs Gardens, London, NW4 4AT
Decision: Refused
Decision Date: 15.04.2016
Description: Alterations and extension to roof including increase in roof pitch

Reference: 15/03126/FUL
Address: Breasy Place, Burroughs Gardens, London, NW4 4AT
Decision: Approved subject to conditions
Decision Date: 03.11.2015
Description: Demolition of the existing office building and the construction of a new two storey office building

Reference: 15/04868/FUL
Address: 9 Burroughs Gardens, London, NW4 4AT
Decision: Approved subject to conditions
Decision Date: 16.10.2015
Description: Roof extension including 8no. dormer windows and 4no. rooflights to provide additional B1 office space at second floor level

Reference: H/04926/14
Address: 9 Burroughs Gardens, London, NW4 4AT
Decision: Approved subject to conditions
Decision Date: 11.02.2015
Description: Construction of an extension at second floor level to provide 2 self-contained residential units.

Reference: H/02522/14
Address: Breasy Place, Burroughs Gardens, London, NW4 4AT
Decision: Approved subject to conditions
Decision Date: 18.08.2014
Description: Single storey front extension and hipped roof to replace existing flat roof to form additional office accommodation at ground floor and in roof space.

Reference: H/00915/11
Address: 7 Breasy Place, 9 Burroughs Gardens, London, NW4 4AU
Decision: Approved subject to conditions
Decision Date: 11.05.2011
Description: Construction of additional office floor above existing single storey office building. Single storey front extension.

Reference: H/00067/11
Address: 7 Breasy Place, 9 Burroughs Gardens, London, NW4 4AU
Decision: Approved subject to conditions
Decision Date: 06.04.2011
Description: Creation of pitched roof above existing building to create additional floor.

Reference: W16096/07

Address: Unit 7 Breasy Place, NW4 4AU

Decision: Approved subject to conditions

Decision Date: 21.12.2007

Description: Construction of additional office floor above existing single storey office building. Single storey front extension.

3. Proposal

The application seeks permission for the erection of an additional two storeys to the existing building and extension to the existing entrance over the ground, first, second and third floors. The extensions provide for 549sqm of additional employment floorspace.

The proposal consists of the re-constructing of the façade of the existing building that faces the public car park. The front (east) and side (south) elevations would be finished with a red / brown brick with slate tiles to roof. The proposed entrance and rear extensions would be finished with render.

The application is essentially a renewal of an extant planning permission granted in February 2019 (18/7001/FUL). The only material change since consent was granted is the erection of a two storey building to provide Class B1 office space at Land At Breasy Place, Burroughs Gardens, following the granting of planning permission in 2019 (19/5511/FUL),

4. Public Consultation

Consultation letters were sent to 86 neighbouring properties.

8 responses have been received, including an objection from the Diocese of Westminster (owner of St. Josephs), raising the following objections:

- Out of proportion with neighbouring development and Conservation Area
- The combined massing will result in an Imposing form of development
- Litter and noise disturbance
- Increased Parking pressure adding to existing congestion
- Highway safety implications, including loss of much needed car parking spaces
- Impact on residential amenity, loss of light, overlooking, overbearing,
- Increase in vehicles, Insufficient parking.
- Overcrowding
- Massing and scale of development harmful to local school (St. Josephs)

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

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS8, CS9, CS13, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM06, DM14, DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly

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

Sustainable Design and Construction SPD (adopted October 2016)

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

Barnet's Local Plan (Reg 22) 2021

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

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the conservation area;
- Whether harm would be caused to the living conditions of neighbouring residents; and
- Highways matters.

5.3 Assessment of proposals

Principle of development

The principle of providing additional office space has already been established through the previous planning application granted consent on February 2019 (18/7001/FUL)

The site is situated in an accessible location (PTAL of 4) within an established employment use location. Whilst it is acknowledged that the site is not located within a town centre, subject to a scheme being found compliant with the other relevant policies, it is considered that the provision of additional office space in this location would be compliant with the objectives of development plan policy. A sequential test would not be required in this instance.

Impact on the character of the area

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

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

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 DM01 requires that the design and layout of new development should respect the character of the area in which it is situated and respond to the positive features of that character. This will include preserving the character and appearance of the directly adjacent conservation area and the setting of the neighbouring statutory and locally listed buildings.

Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 state that special regard is given to preserving the heritage asset.

The proposal has been previously approved under ref 18/7001/FUL, which has now lapsed the time limit for constructions works. Notwithstanding, site circumstances, principally to the rear, have changed because of planning approval ref 19/5511/FUL at 7 Breasy Place. Consent relates to the construction of a two-storey building to provide Class B1 office space adjacent to the application property, acceptably distanced at approx. 13metres.

The proposed works would support additional office provision on site by way of a two-storey extension along the depth of the existing building and extension to the existing entrance involving a traditional, subordinate, slate tile mansard roof, mixed red brick external surfacing and ordered fenestration with traditional windows.

In terms of external appearance, the proposed front facade would be considerably improved through the provision of a new brick elevation and ordered fenestration with traditional windows. The improvement to this elevation is considered to result in an improved street scene appearance, having a positive contribution to the character and appearance of the conservation area. The proposed mansard roof is of a traditional appearance and is considered to have a scale, design and height which is not harmful to the context of the surrounding area.

The replication of the mansard roof across the proposal is considered to ensure that the bulk and height integrates positively with the new front element and the surrounding context. Its overall height would be no greater than the adjacent buildings within St Joesphs School. Whilst it is taller than the listed buildings to the east facing The Burroughs, it is considered that the separation distance between the buildings and the proposed roof form, mitigates any significant harmful impact. It is noted that parts of the extension would be seen from views across the neighbouring car park. Within the design and access statement, the applicant has provided a series of visualisations to model the potential impact. It is considered that the proposed scale, through the incorporation of a subordinate-scaled mansard roof and the use of tradition materials, the views of the

proposal are considered to be acceptable and would respect the character and appearance of the surrounding context. From the north, views of the site would be fairly limited with the exception from within the school grounds and longer distance views from St Josephs Grove further beyond.

An extension to the existing entrance has been previously approved in principle. It is set back within the site and its scale and design ties in with the rest of the proposal.

The consistent design approach throughout the proposal is considered to result in a form of development that successfully integrates with the appearance and form of the existing building. The proposal would provide for an improved appearance of the site towards the street scene and its overall scale, massing and height is considered to be acceptable. In this instance, the proposal is not considered to have a harmful impact on the surrounding heritage assets and is considered to preserve their special character and interests. Due to the location, position within built context, the development would be largely perceived upon approach from the north comparable to the adjacent houses on Burrough Gardens with longer views from within school grounds and Merchant House Car Park, St. Joseph's Grove and beyond.

No objections have been raised by Urban Design or Heritage Officers.

It is considered that the consistent and traditional design approach throughout the proposal combined with its overall size, scale, mass, and height, would result in an improved form of development in view of the public realm on The Boroughs, that sensitively integrates into the local built context without infringing upon the special character and interests of surrounding heritage assets. With an acceptable separation distance of approx. 13metres from the recently constructed two storey office building at 7 Breasy Place, the objections raised by local residents in terms of overdevelopment, overcrowding and massing cannot be supported.

Impact on the amenities of neighbours

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

Paragraph 130 of the Framework states that planning policies and decision should ensure that development "...create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users..." (part f)

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

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

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

In terms of surrounding uses, there is a row of two-storey terrace dwellings to the north and a public car park and three storey building containing flats to the east. Behind this three-storey building to the south of the proposal site, is a modern office development. Behind the site to the west is St Josephs School. The main impacts are concerned in relation to the residential dwellings.

At the closest point at the entrance extension, there would be a separation distance of approximately 13m to the neighbouring northern boundary, with 22.5m to the habitable windows of the northern dwellings. With the main two-storey extension element set further back from the proposed entrance, the separation distance increases to approx. 30m to the habitable windows. As such, the proposal is not considered to have a harmful impact in terms of overlooking, overbearing or loss of light on the properties along Burroughs Gardens.

The alteration of the building facing onto the car park would involve an increase of windows facing east and towards the rear of Nos. 25 - 29 The Burroughs. Given the proposed employment use and indirect views, it is considered on balance that the proposal would not have a significant impact in terms of overlooking, loss of light or overbearing impact on the dwellings to the east.

In terms of noise and disturbance Environmental Health Officers have been consulted and raise no objections subject to planning conditions requiring construction methods, restrictions on noise from plant and the submission of acoustic information.

In summary, the proposal is not considered to adversely harm the amenities of neighbouring residential properties on accordance with local plan policy objectives.

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 parking standards that the Council will apply when assessing new developments. It states that, with the exception of residential development, the Council will expect development to provide parking in accordance with the London Plan standards. Table 10.4 (maximum office parking standard) of the London Plan sets out the standards for different locations. In relation to employment uses (B1) within an 'outer London Area' upto 1 space per 600 sqm of gross floorspace (GIA) is required. This proposal seeks 572sqm of additional B1 office space therefore requiring 1 additional space.

This current proposal does not provide for any additional parking due to site constraints and in addition, the construction of the two storey office building approved under 19/5511/FUL has reduced on site car parking from 22 to 17 spaces. However, with a PTAL rating of 4 the site is well positioned for access by other means of transport. Hendon Central tube station lies just 612 yards to the south east of the application site. Good bus connections are available in The Burroughs, with routes 183,143,326,643,653 and 683 stopping within 100 yards of the site, and providing excellent access to the local centres of Finchley, Golders Green, Brent Cross and West Hendon. Hendon Mainline station is three quarters of a mile to the south west of the site giving access to London.

Moreover, and perhaps most importantly, the application site and the immediate road network are located within a controlled parking zone (CPZ), thus preventing additional on street car parking pressures.

Overall, the Highways Department have raised no objection to the proposal and therefore it is considered that the additional office space proposed can be accommodated without adversely affecting the surrounding highways network. A suite of highway related conditions have been imposed including the provision of cycle parking and the requirement to provide designated pedestrian routes through the car park (revised parking layout plan).

5.4 Response to Public Consultation

Concerns have been raised in relation to character and appearance as well as increased parking pressure and harm to local amenity, but these matters have been carefully assessed with the conclusion being that the proposal would sensitively integrate into the local built context without infringing upon the special character and interests of surrounding heritage assets or impinge on highway safety or local amenity.

6. Equality and Diversity Issues

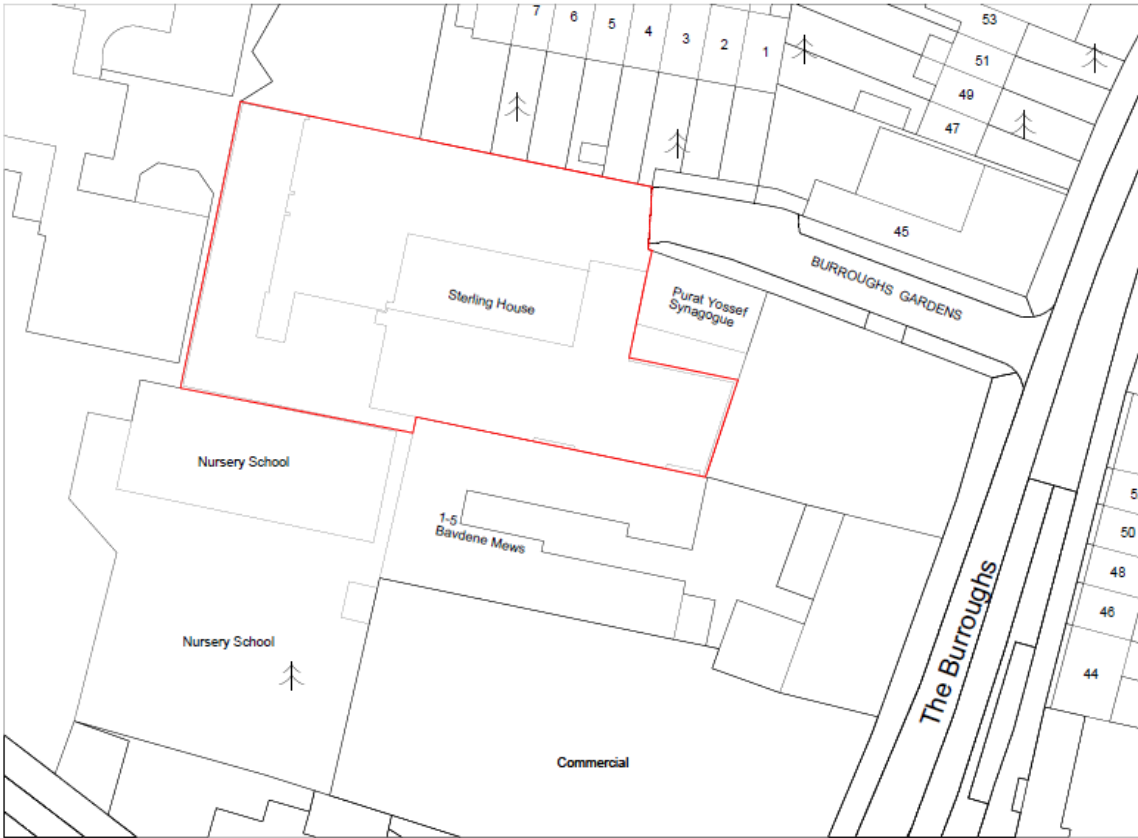
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

In accordance with the Town and Country Planning (Listed Building and Conservation Area) Act 1990, special regard is given to preserving the heritage asset. In this instance, it is considered that there is no harm associated with the proposal to the heritage asset and is therefore acceptable having regard to the provisions of Policy DM06 of the Development Management Policies and Section 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The development is not considered to have an adverse impact on the amenities of neighbouring occupiers or in terms of impact on the highway.

This application is therefore recommended for APPROVAL.



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Location 130 Hendon Lane London N3 3SJ

Reference: 21/6308/FUL

Received: 2nd December 2021

Accepted: 2nd December 2021

Ward: Finchley Church End

Expiry 27th January 2022

Case Officer: Tania Sa Cordeiro

Applicant: JMC Trust Fund

Proposal: Two storey side extension and single storey rear extension

AGENDA ITEM 11

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

Drg.no. HL.130.LP (Location Plan)

Drg.no. HL.130.EX.01 (Existing Ground Floor Plan)

Drg.no HL.130.EX.03 (Existing Roof Plan)

Drg.no. HL.130.EX.04 (Existing Front and Rear Elevations)

Drg.no. HL.130.EX.05 (Existing East and West Side Elevations)

Drg.no. HL.130.EX.06 (Existing Section)

Drg.no. HL.130.PR.01 (Proposed Ground Floor Plan)

Drg.no. HL.130.PR.02 (Proposed First Floor Plans)

Drg.no. HL.130.PR.03 (Proposed Roof Plan)

Drg.no. HL.130.PR.04 (Proposed Front and Rear Elevations)

Drg.no. HL.130.PR.05 (Proposed East and West Side Elevations)
Drg.no. HL.130.PR.06 (Proposed Section)

Planning Statement

Copy of an letter to the appeal Inspector, dated 10 April 2014

Statutory Declaration of Mr Joel Salem

Statutory Declaration of Mr Alberto Cohen

Statutory Declaration of Mr Avner Davidi

Statutory Declaration of Mr Lior Nissim

Statutory Declaration of Mr Ronnie Canzee

Statutory Declaration of Mr Rahamim Kanzen

Statutory Declaration of Rabbi Eliyahu Shalom

Statutory Declaration of Mr Etan Shelemay

Statutory Declaration of Mr Jeremy Kanzen

The above were received on the 02/12/21.

Drg.no. EX02A (Existing First Floor and Loft Plans)

Drg.no. PR07 (Proposed Loft Plan)

The above were received on the 05/07/22.

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

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

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

- 3 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).

- 5 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).

- 6 1.Total occupancy of the building as extended shall not exceed

i) 150 people on the following Jewish Holidays:

Rosh Hashana - 2 days

Yom Kippur - 1 day

Succot - 4 days

Purim - 1 day

Pesach - 4 days

Yom Ha'atzmaut - 1 day

Lag B'aomer - 1 day

Shavuot - 2 days

ii) 100 on any other Saturday or;

iii) 60 at any other time (Sunday-Friday).

iiii) 150 people on five separate occasions in a calendar year for the purpose of a Bar Mitzvah celebration.

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.

Informative(s):

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

assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 This application is determined to be lawful based on the information submitted. If any information provided is inaccurate then this may invalidate the certificate. This would include submission of drawings that do not clearly indicate all non-original extensions to the property; and, inaccurate representation or failure to show level changes across the site.

OFFICER'S ASSESSMENT

1. Site Description

The application site is a large two-storey detached property sited at the junction of Hendon Lane and Waverley Grove. The property is located within the Finchley Church End Ward.

The ground and first floor of the site is in use as a synagogue and the second floor/loft is being used as a one bedroom flat in conjunction with the synagogue. The site benefits from a fore court that provides onsite parking and a modest rear private garden.

There is no clear built form and pattern to the area with properties differing in design, form and massing. The wider area is predominantly residential in character.

The site not located within a conservation area and is not within an area covered by an Article 4 direction.

There are no known TPO's on site.

2. Site History

Reference: F/04345/14

Address: 130 Hendon Lane, London, N3 3SJ

Decision: Refused

Decision Date: 15 July 2015

Description: Retention of change of use of two rooms on first floor as a pre-school nursery from 8.30am- 2pm, Monday to Friday during term time for a maximum of 14 children.

Reference: F/01583/13

Address: 130 Hendon Lane, London, N3 3SJ

Decision: Approved subject to conditions

Decision Date: 1 August 2013

Description: Retention of change of use of two rooms on the first floor as a pre-school

nursery from 8.30am - 2.00pm, Monday-Friday during term time for a maximum of 14 children.

Reference: F/01770/13

Address: 130 Hendon Lane, London, N3 3SJ

Decision: Refused

Decision Date: 30 August 2013

Description: Change of use to synagogue. Part single, part two storey side extension and single storey rear extension.

Reference: F/02996/12

Address: 130 Hendon Lane, London, N3 3SJ

Decision: Withdrawn

Decision Date: 17 April 2013

Description: Change of use of 2no. rooms at first floor level as a pre-school nursery for 25 children from 8.30am - 2.00pm Monday to Friday Term Times.

Reference: F/00279/08

Address: 130 Hendon Lane, London, N3 3SJ

Decision: Approved subject to conditions

Decision Date: 30 July 2008

Description: Proposed ground and first floor rear extension with associated pitch roof above part ground floor extension. Side and rear dormers to facilitate a loft conversion. Conversion of existing religious meeting rooms with associated first floor to a synagogue and loft to be a one bedroom flat

Reference: C15691/04

Address: 130 Hendon Lane, London, N3 3SJ

Decision: Approved subject to conditions

Decision Date: 12 July 2004

Description: Continued use of ground floor as a specialised religious meeting room with associated library and cloakroom. Two bedroom flat at first floor level.

Reference: C15691A/07

Address: 130 Hendon Lane, London, N3 3SJ

Decision: Withdrawn

Decision Date: 9 January 2008

Description: Two storey rear extension. Part ground floor side extension.

3. Proposal

The proposal seeks consent for a 'two storey side extension and single storey rear extension in association with the existing Synagogue use'.

The two-storey side extension will replace a single storey structure in situ. The extension will be set back by 1m from the front elevation and will have a width of 5m. It will project with a depth of 10.1m at ground floor and will join the rear extension. The first floor side will follow the footprint of the ground floor extension and will be set back from the rear elevation by 0.8m.

Due to the angle of the site, the extension will be set away from the boundary with neighbouring property at no.128 by approximately 4m to the front and 2m to the rear. It will feature a hipped roof that will be set down by 1.3m from the main ridge, with eaves to

match existing.

To the rear the single storey will project adjacent to the neighbouring property at no.2 Waverley Grove, with a depth of 4.5m and a width of 16.2m abutting the rear wall of the new side extension. It will be set back by 1.5m from the flank wall of the new side extension, adjacent to no.128. It will have a flat roof measuring 3.1m in height. 3no. rooflight are proposed on top of the flat roof.

4. Public Consultation

Consultation letters were sent to 18 neighbouring properties.

136 correspondences were received.

19 objections and 117 in support

Objections have been summarised below;

- Additional stress on parking
- Limit of 45 people in the property (which is already flouted on a weekly basis), and this would take it up to 140
- Result in the loss of a residential unit which would be detrimental to the character of the wider area
- The proposed extensions would result in a disproportionate addition to the existing building and would be overly dominant
- Road safety as visitor parking
- Will lead to increased visitor numbers and intensification of the site usage
- Grounds of security if 130 Hendon Lane becomes a fully functioning religious centre
- Increased the noise pollution
- Hinder privacy by overlooking
- Questioned whether a planning application for extensions is the correct procedure for establishing a breach of condition

Letters of Support have been summarised below;

- Never witnessed any noise or disturbance
- No issue whatsoever with parking or traffic congestion on the Sabbath and High Holydays as all make their way to the synagogue by foot
- Proposed plan is simply a natural extension that many other houses have been granted and will be totally in keeping with other buildings in the area
- Much needed support to this community facility
- Serves a unique demographic who for their own historic cultural reasons are not able to have their religious needs met by any other local synagogue or community centre

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 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 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

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

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

Relevant Development Management Policies: DM01, DM02.

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 application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;

5.3 Assessment of proposals

Character and appearance

Policy DM01 of the adopted Development Management Policies (2012) states, that 'development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'. Policy DM01 goes on to states that all development should represent high quality design.

Barnet's Residential Design Guidance (2016) states that side extensions to existing buildings can be unacceptably prominent features in the street scene. Paragraph 14.15 states that side extensions should not be more than half the width of the original house. In addition, the setting back of the front wall from the front building line can help to reduce the visual impact on the street scene. Paragraph 14.17 states that in order to reduce the visual impact of two storey or first floor side extensions, there should normally be a gap of 2m between the flank walls of properties at first floor level (i.e. a minimum gap of 1m between the boundary and the extension at first floor level for most two storey extensions). In addition, paragraph 14.15 of the Residential Design Guidance SPD seeks a minimum set back of 1m from the front main wall of the existing house and paragraph 14.16 of the Residential Design Guidance SPD seeks the roof to have a minimum set down of at least 0.5m from the main ridge.

It is noted that a two storey side and a single storey rear extension was proposed under

ref.no. F/01770/13. No concerns were raised within the report with regards to the principle of the side extension. However, concerns were raised with regards to the massing of the roof and its proximity with the boundary of the adjoining building at no.128, particularly at first floor level. Under the current scheme, the proposed two storey side extension will replace the existing single storey side extension in situ and will not occupy more than half the width of the main dwelling. Due to the angle of the site, the extension will be set away from the boundary with neighbouring property at no.128 by approximately 4m to the front and 2m to the rear. It has a reduced height, set down by 1.3m from the main ridge which is considered to be adequate and helps to reduce the perceived massing particularly at roof level.

To the rear the single storey will project adjacent to the neighbouring property at no.2 Waverley Grove, with a depth of 4.5m and a width of 16.2m abutting the new side extension. Barnet's Residential Design guidance states that a depth of up to 4m is acceptable for a detached property. However, it has been noted that a much larger depth of 6m was considered to be acceptable under ref. F/01770/13 and therefore officers are unable to object to this depth.

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 boroughs 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.

As mentioned in the section above, the principle of the two storey side and rear was considered to be acceptable under ref. F/01770/13. The currently scheme has proposed a reduced scheme and therefore the proposal is not considered to be acceptable in terms of its impact on the amenities of neighbouring properties.

Other matters

The site has the benefit of a number of planning consent as seen in the history section above. The most relevant in terms of use of the premises is ref. F/00279/08, which confirms the last lawful use of the premises to be used as a synagogue on the ground and first floor and a one bedroom flat within the loft, which was approved in July 2008. Under the current application, no change in use of the premises is proposed. The proposed extensions will allow for bigger rooms associated with the Synagogue use at ground and first floor level. The residential unit within the loft/second floor will remain as a residential unit, therefore, no loss of a residential use.

This consent (ref. F/00279/08) allowed the use as a synagogue subject to a number of conditions which restricted how the building could be used. Condition 13, was put in place to restrict the number of people visiting the premises stating "No more than a maximum of 45 persons shall be present on site at any one time. Reason: To protect the amenity of neighbouring residential occupiers."

However, Sworn Affidavits / signed Statutory declarations have been provided as evidence to support the claim that the premises was being used on separate occasions for up to 150

people for over 10 years. The Authority has reviewed the evidence provided and has on balance accepted that condition 13 has been breached on several occasions and is therefore now lawful through passage of time. It is not considered necessary to vary the parent application (ref. F/00279/08), instead an amended condition has been attached to the current application.

Essentially, if the physical extensions were not being proposed, the applicant could apply for a certificate of lawfulness to prove that the premises have been used by more than the 45 people that was conditioned on the previous consent. The LPA consider that the evidence submitted demonstrates that the lawful position is as is being conditioned with this application. The onus of proof is on the applicant to show, on the balance of probability, that what is proposed is accurate. The council has not found any evidence to contradict the evidence provided by the applicant and it is therefore of the opinion that on the balance of probability based on the information that has been provided, the LPA considers that the property has breached its condition on several occasions for more than 10 years and is considered to be Lawful.

The condition relating to the number of people on site at any given time is a reflection of what the applicant has demonstrated to be lawful. The LPA have not allowed anything more than what they consider to be lawful.

The number of objections relating to the additional stress on parking and noise have been noted. Environmental Health Officers and Highways Officers have confirmed that they had not received any complaints for over 10 years with regards to noise nuisance and parking related issues. However, in the interest of neighbouring amenities, a condition has been attached restricting the number of people attending the site at one given time in line with the evidence submitted. In terms of parking, as stated above, the breach has occurred and this application will regulate the breach in terms of number of people attending the site, therefore it is not envisaged that that will be any additional stress on parking than what currently exists.

5.4 Response to Public Consultation

Comments have been addressed in the body of the report.

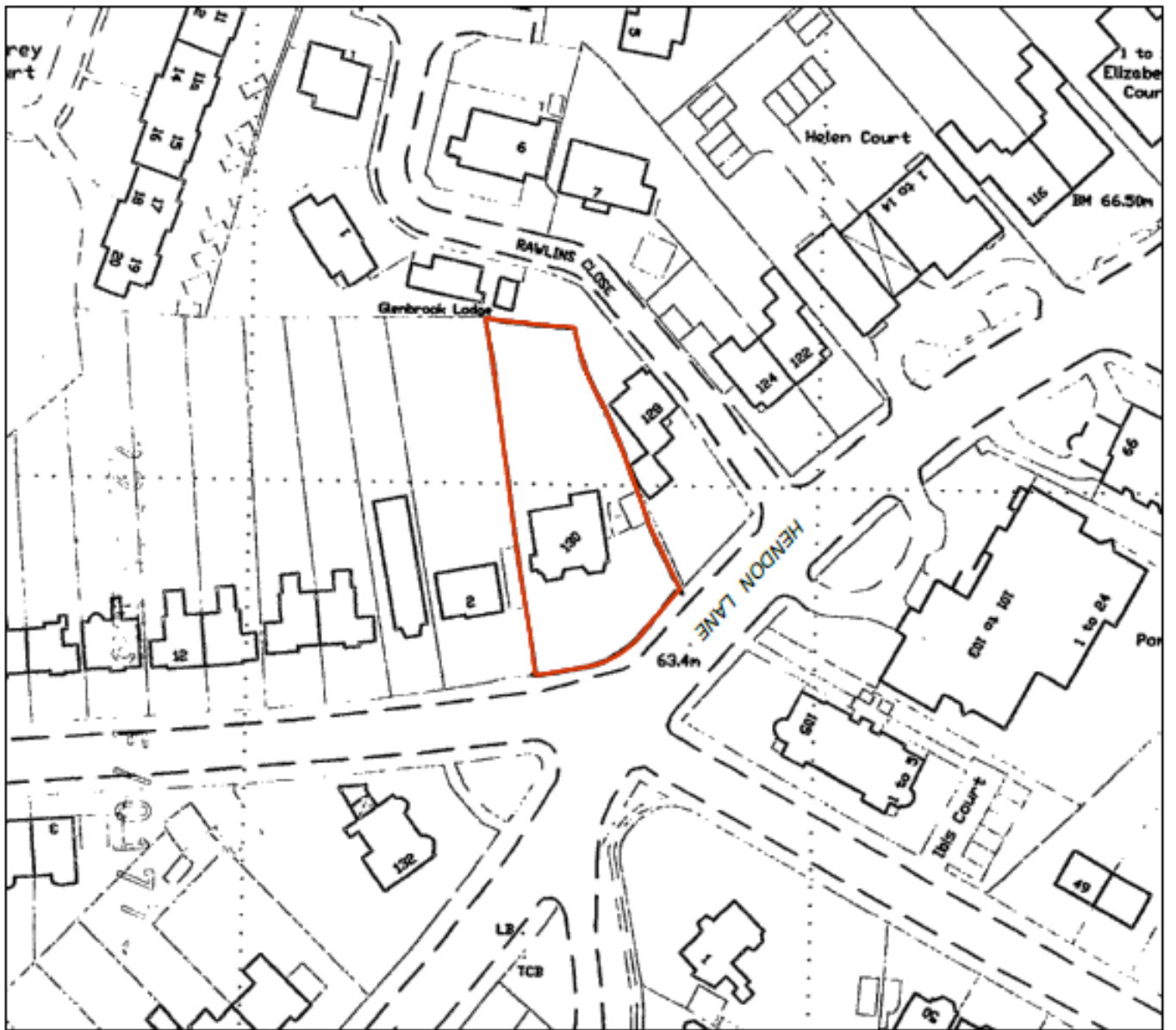
Concerns were also raised with regards to the authenticity of the declarations as they were not in the public domain. These declarations have now been redacted and placed in the public domain.

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



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Location 15 Cheyne Walk London NW4 3QH

Reference: 22/2291/FUL

Received: 28th April 2022

Accepted: 29th April 2022

Ward: Hendon

Expiry 24th June 2022

AGENDA ITEM 12

Case Officer: Emily Bell

Applicant: Mr Ari Sufrin

Proposal: Conversion of existing dwelling into 2no semi-detached dwellinghouses including, part single, part two storey rear extension, alterations to front elevation including two-storey bay extension, roof extension including 2no. rear dormer windows and 1no. dormer window to each side elevation and 4no. rooflights to front roofslope. Associated amenity space, refuse storage, access and off-street parking

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 01a dated 15/3/22 Existing Floor Plans
 - 01a 15/3/21 Location Plan
 - 02
 - 03
 - 04a
 - 05a
 - 06a
 - 07a

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) Before the development hereby permitted is first occupied, details of the subdivision of the amenity areas in accordance with approved drawing no.07a 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).

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

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

Reason: To ensure that 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 Policy T5 and Table 10.2 of the London Plan (2021), London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 7 Prior to occupation of the development the proposed parking spaces within the parking area as shown in approved drawing no.07a, submitted with the planning application and the corresponding access to the parking area from public highway shall be provided and 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.

- 8 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).

- 9 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 D5 and D7 of the London Plan (2021)

- 10 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and

efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

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

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

- 12 Before the building hereby permitted is first occupied the proposed window(s) in the first floor flank elevations and side dormers facing No 13 and No 17 Cheyne Walk 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).

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

Reason: To safeguard the amenities of neighbouring occupiers and the general locality in accordance with policies 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 Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

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

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

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

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

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

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

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

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

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

- 5 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority.

Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.2 meters.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

- 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 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.
- 8 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.
- 9 Any gates must open inwards and not out onto the public highway for health and safety reasons.

OFFICER'S ASSESSMENT

1. Site Description

The application site relates to a two storey detached dwellinghouse located on Cheyne Walk, NW4 3QH. The road is residential in character and consists predominantly of detached dwellings similar in size, scale and design to the subject dwelling aside from enlargements which have been undertaken over time to a number of properties.

The property is not listed and does not fall within a designated conservation area. There are no other restrictions on the site.

2. Site History

Reference: 22/1400/192

Address: 15 Cheyne Walk, London, NW4 3QH

Decision: Lawful

Decision Date: 13 April 2022

Description: Single storey rear extension. Roof extension including 2no. rear dormer windows. Single storey outbuilding to rear. New front porch

Reference: 22/2766/PNH

Address: 15 Cheyne Walk, London, NW4 3QH

Decision: Prior Approval Not Required

Decision Date: 27 June 2022

Description: Single storey rear extension measuring 8 meters in depth, maximum height of 2.85meters and an eaves height of 2.85 meters.

3. Proposal

The proposal seeks planning permission for the conversion of the existing property into a pair of semi-detached houses, including part single, part two storey rear extension, alterations to front elevation including two-storey bay extension, roof extension including 2no. rear dormer windows and 1no. dormer window to each side elevation and 4no. rooflights to front roofslope. Associated amenity space, refuse storage, access and off-street parking.

During the course of the application, revised plans were received to address officer concerns. The revised plans are the subject of this assessment.

The proposed ground floor extension would extend for a depth of 4 metres and spans the full width of the existing dwelling. At first floor the extension would be set 3m in from the flank wall to either side and extend for a depth of 3.2m. Two rear bay windows would be created.

The front extensions include an additional two storey bay window and amended front porch with a single entrance door. Independent entrances for the two dwellings would be incorporated from within the lobby area.

Two rear dormers are proposed as well as one dormer to each side roofslope.

3no parking spaces would be provided.

4. Public Consultation

Consultation letters were sent to 22 neighbouring properties. 9 letters of objection have been received, summarised below:

- o Proposal to convert a single residency into two is out of character
- o Will cause parking problems
- o Conversion will lead to pressure on local amenities/services
- o Devalue properties within the vicinity

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, DM17.

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

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

Barnet's Draft Local Plan (Reg 22) 2021

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (2016)

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

cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of the development;
- Whether harm would be caused to the character and appearance of the street scene and locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the living conditions of future occupiers;
- Traffic and Parking;

5.3 Assessment of proposals

Principle of the development:

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

The Council recognises that additional units through the subdivision of existing plots can make an important contribution to housing provision, 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.

The character of Cheyne Walk along this stretch consists almost exclusively of detached dwellings within fairly large plots. It will therefore be a pre-requisite for any development to respect this dominating character. The proposal following revisions has been sensitively designed to ensure that the principal elevation of the property retains the appearance of a detached single family dwelling house through the use of a single front door entrance housed in a centralised front porch. The additional two storey front bay window has also been amended throughout the lifetime of the application to appear as a more subordinate bay extension which reflects the design of other houses within the street, for example nos. 2 and 4.

Indicative details of the refuse store(s) also depicts a back to back system which would effectively appear as a single bin store from the street scene.

Whilst it is acknowledged that the proposed 3no. parking spaces could indicate inflated occupancy levels, it is noted that the existing sizeable property could similarly provide a comparable area of hardstanding and therefore such provision in of itself would not be harmful to the character of the area. Following a review of aerial photography, properties with 2 or 3 parking spaces to the front can be seen.

Taking the above into consideration, the proposal would not take the form of two distinct semi-detached dwellings and thus the subdivision would not be overtly visible ensuring the character of the area is maintained. Additionally, the proposal will result in a net gain of 1no family-sized dwelling (with regard to the priorities of the Development Plan laid out under Policy DM08) which will contribute positively to the Council's housing targets within the borough and the addition of 1no household is not considered to result in an unacceptable detriment to the character of the use of the site.

As such, the principle of the development is considered acceptable.

It is noted the principle of the proposed development for the subdivision of the existing dwelling into 2no. dwellings echoes similar consented schemes along Rundell Crescent and Foscoote Road which lie within 10 minutes walking distance of Cheyne Walk. Examples of such are nos. 4, 14 and 16 Rundell Crescent and 30 Foscoote Road. The basis for these approvals were due to the sensitivity of the design which ensured there would be little manifestation of the subdivision and therefore in keeping with the predominant character of detached single family dwelling houses.

Whether harm would be caused to the character and appearance of the street scene and locality:

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

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

As noted within the proposal section, the development has been subject to amendments during the course of the application to ensure any enlargements proposed would respect the character and appearance of the host property and surrounding neighbourhood.

Front Extensions:

The additional bay window would replicate the design and form of the existing bay window. Amendments were received to include a reduction in the size of the additional bay window in order to increase the appearance of the building as one dwelling. It is noted that houses opposite and further along Cheyne Walk also display double bay projections and therefore such a feature is considered to be commensurate with the local character. Moreover, the proposal would retain the existing visual gap between neighbouring properties.

Rear Extensions:

Residential Design Guidance states the depth of a ground floor rear extension, normally considered acceptable for detached properties is 4m and first floor rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable.

The proposed ground floor extension would measure 4 metres in depth which is compliant with this guidance. Although the first floor extension would measure approximately 3.2 metres at its deepest from the original rear wall, given the set in from both flank walls of 3 metres, its centralised positioning and set down from the ridge of the main dwelling, this is considered to be acceptable.

Dormer extensions:

The proposal incorporates a total of 4no dormer windows; two would be sited on the rear roofslope and one would be sited to either side roofslope all similar in size, scale and design.

It is considered that the amended dormers would be centrally and visually contained within the respective roofslopes and would thus read as subordinate additions and respect the scale, mass and design of the subject property. It is also noted that a number of properties benefit from similar sized roof dormers and would therefore appear consistent with the local character.

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

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

Both neighbouring properties, nos. 13 and 17 Cheyne Walk benefit from ground floor rear extensions adjacent to the common boundary with the host site. The plans indicate that the proposed ground floor would not project any further in depth than the existing neighbouring properties and as such would not have a detrimental impact on neighbour amenity with regards to loss of light and outlook.

At first floor, although the proposed extension would extend to a maximum depth of 3.2 metres, the extension has been centrally positioned on the rear elevation and would be set in 3 metres from the flank elevation of the host building. As such, it is not considered that demonstrable harm would arise as result of this element.

The side dormer windows would both serve staircases leading to the loft level bedroom. In order to protect the amenity of neighbouring occupiers from overlooking, it is considered appropriate to include a condition to any approval requiring these windows to be obscure glazed.

The rear dormer windows are set sufficiently within the rear roofslope away from the neighbouring properties and would allow views over the rear gardens rather than into neighbouring properties.

In terms of the additional residential unit, given the context of the site and surrounding area which consists of detached dwellings within sizeable plots, it is not considered that

the addition of 1 unit would be so overt or intense - in respect of increased coming-and - going or general activity - so as to cause unacceptable harm in terms of activity, noise and disturbance.

In conclusion, it is not considered that an unacceptable adverse impact would be sustained to neighbouring occupiers as a result of the proposed development.

Whether harm would be caused to the living conditions of future occupiers

The London Plan (2021), Barnet's policies and Sustainable Design SPD (Oct 2016) set out the minimum space requirements for residential units and bedrooms.

Each dwelling would provide a 4 bed, 6 person unit across three floors.

Table 3.1 of the London Plan states that the minimum space standards for such a dwelling is 112sqm.

Each dwelling would provide in excess of the required space standard.

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

The proposed bedrooms would meet these minimum requirements.

Furthermore, both dwellings would be dual aspect and all habitable rooms would benefit from adequate outlook and levels of light/sunlight.

Stacking:

The proposed new dwellings would have like for like stacking on a vertical plane and therefore acceptable.

Outdoor amenity space:

Table 2.3 of the SPD states that 85m² of outdoor private amenity space should be provided for each dwelling.

The site benefits from a sizeable rear garden which would be subdivided between the two dwellings. House A would retain approximately 87m² of outdoor garden space and House B would retain 100m² of outdoor garden space. As such both dwellings would provide in excess of the requirement.

In conclusion, both dwellings would meet/exceed the required standards and would provide a good standard of living accommodation for future occupiers.

Traffic, parking, cycle parking and refuse/recycling

Traffic/parking:

Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

Highways officers have reviewed the application and have the following comments:

The applicant is proposing to convert the existing 1 x 4 bed single family dwelling into 2 x 4 bed single family dwellings. The applicant is proposing to make provision for 3 off-street car parking spaces.

The site lies within a PTAL 4 zone, which means that there is a greater than average public transport accessibility to and from the site. The proposed provision of 3 off-street parking spaces is in line with requirements set out in Policy DM17 of the Barnet Local Plan (1.5-2no spaces per dwelling) and exceed the London Plan requirement (0.5-0.75no spaces per dwelling) and is therefore acceptable on highways grounds. The Local Highway Authority have not objected to the proposal.

There is currently 1x vehicular access from the public highway. This will have to be increased to 4.2m wide in order to provide safe access for 2 vehicles. Another crossover will also have to be constructed. An application must be made to the Highways Domestic Crossover Team prior to commencement of any works on the public footway and prior to occupation of the proposed units. The Crossover Team have not objected in-principle to the proposal.

Refuse/Recycling:

In respect of their access from to servicing from the highway, the Refuse/Recycling stores would be located within the front forecourt as indicated on the submitted site plan which is acceptable. Further details of the bin store and provision will be secured by way of a condition.

Cycle Parking:

Cycle parking should be provided in a secure, covered, lockable and enclosed compound. Also, the type of stands used must allow both wheels and the frame of the bicycle to be locked. The site plan indicates cycle stores would be located to the rear. For the proposed development, a minimum of 4 cycle parking spaces are needed. Further details of cycle parking will be secured through a condition.

5.4 Response to Public Consultation

- o Proposal to convert a single residency into two is out of character

As discussed within the main body of the report, the design of the front elevation is such that the appearance will remain as a single family dwelling. A more detailed response is provided within the report.

- o Will cause parking problems

Highways officers have deemed the application acceptable on highways grounds. Again, a more detailed response is provided within the report.

- o Conversion will lead to pressure on local amenities/services

It is not considered that the addition of 1 no family sized unit would significantly impact the local amenities to an extent that would warrant refusal of the application. The development would also be CIL liable, meaning a contribution towards community infrastructure would be required.

- o Devalue properties within the vicinity

The perceived loss of property value is not a material planning consideration.

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, the proposed development would have an acceptable impact on the character and appearance of the streetscene and locality. The development would have an acceptable impact on the amenities of neighbouring and future occupiers. The application is therefore recommended for APPROVAL.



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Location 12 Highview Avenue Edgware HA8 9TZ

Reference: 22/1953/HSE

Received: 12th April 2022

Accepted: 12th April 2022

Ward: Edgware

Expiry 7th June 2022

AGENDA ITEM 13

Case Officer: Tia Olivo

Applicant: Mr Sanjay Kohli

Proposal: Single storey side and rear extension with raised patio area following demolition of existing garage. Additional two-storey bay window to front elevation with pitched roof. First floor side 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:

DD305-01
DD305-02-P2
DD305-03-P1
DD305-04-P0
DD305-05-P0

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).

- 5 Before the building hereby permitted is first occupied the proposed window in the side elevation facing No 10 Highview Avenue 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).

- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation of the extension hereby approved, facing No10 Highview Avenue.

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.

OFFICER'S ASSESSMENT

1. Site Description

The application site comprises a two storey detached property situated at 12 Highview Avenue within the ward of Hale.

The surrounding area is pre-dominantly residential. This part of Highview Avenue is characterised by mainly detached properties, though with a significant degree of variation in style and architectural detail. Further north, the road becomes dominated by semi-detached dwellings.

The site is not situated within a Conservation Area nor is it a protected building. The site is not in an area covered by an Article 4 direction and therefore has permitted development rights. There are no nearby Tree Preservation Orders.

2. Site History

Reference: 21/4419/HSE

Address: 12 Highview Avenue, Edgware, HA8 9TZ

Decision: Approved subject to conditions

Decision Date: 4 October 2021

Description: Single storey side and rear extension with raised patio area following demolition of existing garage. Changes to existing fenestration.

Reference: 21/4420/192

Address: 12 Highview Avenue, Edgware, HA8 9TZ

Decision: Lawful

Decision Date: 7 September 2021

Description: Roof extension involving partial hip to gable, rear dormer window with Juliette balcony and 3no front facing rooflights

Reference: 22/2443/HSE

Address: 12 Highview Avenue, Edgware, HA8 9TZ

Decision: Refused

Decision Date: 4 July 2022

Description: New front boundary wall with associated piers and railings and 2no. electronic sliding access gates. New front hardstanding to provide off-street parking

3. Proposal

The applicant seeks permission for: Single storey side and rear extension with raised patio area following demolition of existing garage. Additional no2 bay windows to front elevation with pitched roof to first floor bay. First floor side extension (Amended Plans and Description)

The proposed dimensions for the side/rear extension are: 3.4m-9.8m (depth) x 2.5m- 13.5m (width) x 3.1-3.5m (height). This element in its own right has already been approved under 21/4419/HSE.

The first-floor side extension is proposed at: 1.8m (width) x 5.5m (depth) x 5.8m (eaves) - 7.8m (maximum height).

A pitched roof is also proposed to the approved additional bay windows which have not yet been built out. This measures 3.7m (width) and up to 7.0m from ground level. It protrudes 1.3m above the first-floor front facing bay window.

4. Public Consultation

Consultation letters were sent to 12 neighbouring properties, 8 responses were received in objection.

The comments can be summarised as:

- o The applications have been carried out in parts to make each development look small.
- o A site visit should be carried out before any decisions are made
- o Loss of sunlight and privacy into properties on Highview gardens
- o Concerns of parking and noise and disturbance for the additional bedrooms created and reduced garden size
- o Over-development of the property, reducing the appeal of over properties in the area
- o Concerns of HMO use
- o Overbearing and out of character

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

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

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

Barnet's Local Plan (2012)

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

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

The Council's approach to 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) 2022

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 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

Impact of the proposal on the character and appearance of the building, the street scene and the wider area

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

The single storey side and rear extension has already been approved under 21/4419/HSE. It was deemed that as a precedent of a similar development exists at the neighbouring property at no.14 Highview, which benefits from a similar sized wrap-around side and rear extension which was approved under planning reference no. W16189/07, the principle of this large proposal is not out of character with the surrounding area. In addition, the two additional bay window features at single and first-floor level have already been approved, as well as the raised patio all under 21/4419/HSE.

The neighbouring property at no.10 Highview was approved to undergo a two-storey side extension under planning reference no. W16187/07 in 2007. However, this permission was never implemented. In the surrounding vicinity there are some examples of first-floor or two storey side extensions namely at properties no.19, 20, 43, 52 Highview Avenue as such these types of developments to the dwellings are characteristic of the wider area.

The design of the first-floor side extension is in accordance with Barnets Residential Design Guidance (2016) as it is set down from the main roof ridge by 0.6m, the front wall is set back from the front wall of the property by 1.0m and a 1.0m distance is maintained between the shared boundary allowing for a 2.0m separation between the host property and no.10 Highview Avenue. In addition, the side extension is less than half the width of the existing property. Overall, this ensures that the addition appears as subordinate to the dwelling and allows for the site lines between its neighbouring property to be maintained.

A pitched roof is proposed to the as-approved bay window features (as approved under 21/4419/HSE) which have not yet been built. It was considered during a character assessment of the nearby properties that there is a degree of variation between the front elevation of the properties whereby some feature pairs of bay windows, some only feature only one and some properties have pitched roofs to their bay windows of different sizes. Thus, this element would not detract from such a mixed typology which characterises Highview Gardens. Furthermore, it is modest in size and smaller than the existing pitched roof on the alternative side of the principal elevation thus does not appear dominating.

The external facing materials are to match the existing external facing materials as confirmed via the plans. This will be conditioned into any permission given for this development. The proposed fenestrations are proportionate by way of their size and suitable for the extension. Whilst the front facing first-floor window is not in a central position, this is due to the internal design of the extension. Where this element is set back from the front of the dwelling, it already appears as secondary, and this element is not so harmful to warrant refusal of the application.

The addition of the first floor side extension is not considered to result in a cumulative over-development.

Given the above, the proposal is acceptable with regards to its character to the dwelling and the street scene.

Impact of the proposal on the amenities of neighbours

Following the assessment of the wider character and amenity of the area, any potential adverse effects on neighbouring properties must be assessed. Policy DM01 notes that any proposed development must protect the amenity of neighbouring properties. As such, any potential impact on light, outlook, privacy and dominance towards the adjoining properties at no. 10 and no. 14 Highview and the properties at the rear on Highview Gardens.

The impact of the single storey rear and side extension has already been assessed and concluded to be acceptable on all neighbouring properties. Therefore, the below will focus solely on new matters which have not already been approved.

No.14 Highview Avenue sits on the alternative side to the host property and thus will not be affected by the first-floor side extension.

No.10 Highview Avenue benefits from a small flank window which is obscure glazed. The side extension which will be built on this side of the dwelling will not detrimentally reduce light into this window given that it is already obscured and is not window to a habitable room. Furthermore, there is 2.3m gap between the flank walls of the host dwelling and no.10.

The flank and rear facing window proposed to the extension are both noted to be obscure glazed and given this they will not cause any overlooking. The side window will be conditioned to be obscured into any permission granted. It is not considered that the rear facing window will need to be conditioned with this given that there is a significant distance of at least 21m from the proposed window and opposite facing windows on Highview Gardens.

For these reasons it is not considered the proposed extension would harm the amenity of the neighbouring occupiers.

5.4 Response to Neighbouring Consultation

In terms of matters not discussed in the report above, a site inspection to place to the property on the 10/05/2022. It was noted that the side and rear extension and bay window developments to the front have not yet been built to a substantially complete level and thus they should then form part of the proposal of this application. Therefore, the totality of the scheme has been assessed under this application.

The rear facing window which will face onto Highview Gardens is noted on the plans to be obscure glazed and thus there will not be overlooking caused by the extension. A significant distance between the extension and such properties is maintained of approximately 21m which is not considered in any event to enable harmful overlooking and thus this has not been included as a condition to any permission granted. Furthermore, the proposal is not considered to cause any detrimental loss of sunlight or shadowing to any nearby properties due to its sitting as a side extension.

The owner has confirmed that the use will be a single-family dwellinghouse and there is no intention of it being used as a HMO, hostel or Airbnb type premises. Construction is currently underway to hardstand the front driveway and therefore the property will benefit from sufficient car parking space for at least three cars. Any future breach of planning control would remain liable for enforcement action.

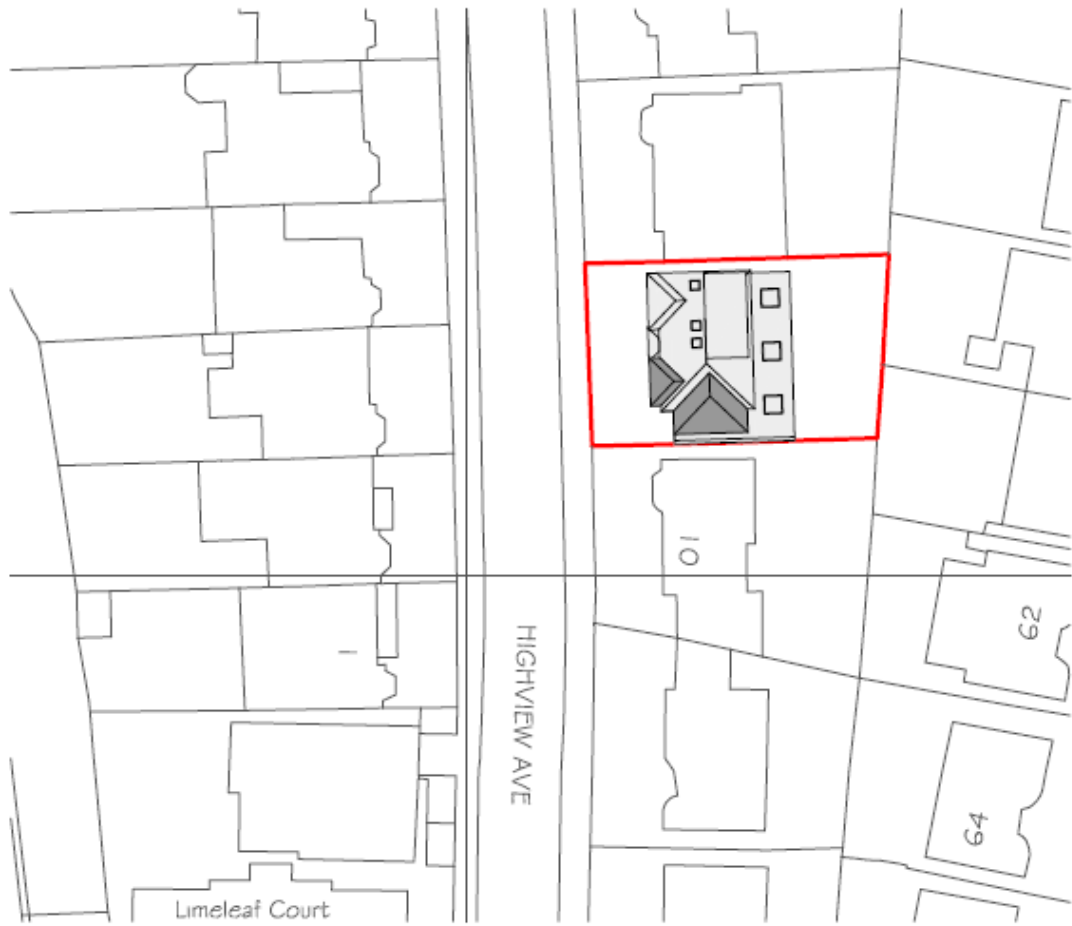
A character assessment has occurred of the wider area and the development to this property is not considered to be out of character with the surrounding area.

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



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Location 3 Shirehall Lane London NW4 2PE
Reference: 22/2067/HSE
Ward: Hendon
Case Officer: Madara Tukisa
Applicant: Mr A Grossnass
AGENDA ITEM 14
Received: 18th April 2022
Accepted: 19th April 2022
Expiry: 14th June 2022

Proposal: Part single, part two storey rear extension. New first floor front bay window. Front porch extension. Replacement of garage door with window. Roof extension including rear dormer window, enlargement of side dormer windows. Alteration/extension to rear patio (amended description).

OFFICER'S RECOMMENDATION

Refuse

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

- 1 The proposed roof of the first-floor rear extension, together with the proposed crown roof extension and rear dormer extension, by virtue of excessive size and rearward projection, would constitute a bulky, incongruous and insubordinate additions that would constitute overdevelopment of the site and would create detrimental impact to the character of the host property and the surrounding area. The proposal is contrary to Policy CS5 of Barnet's Core Strategy DPD (2012), Policy DM01 of Barnet's Development

Management Policies Document DPD (2012) and the guidance contained within Barnet's 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:
4D-240 E00, 4D-240 E 01, 4D-240 P 01, 4D-240 E 02, 4D-240 E 03, 4D-240 P 03,
4D-240 E 04, 4D-240 P 04, 4D-240 E 05, 4D-240 P 05, 4D-240 E 06, 4D-240 P 06,
4D-240 E 07 and 4D-240 P 07 dated 28.02.2022
4D-240 P 02 Revision A dated 18.07.2022

OFFICER'S ASSESSMENT

The application has been called to committee by Councillor Joshua Conway for the following reason:

"Having studied the above-named planning application and looked at the surrounding homes & the extension works they have all carried out, please note that if officers are minded to refuse the application, I would like to call it in.

The plans are smaller in size to those of Number 5 next door. There is no harm to neighbour's amenities and the extension blends in nicely with the surrounding homes. There have also not been any objections from neighbours"

1. Site Description

The application site relates to a two-storey, detached dwelling which is situated on the eastern side of Shirehall Lane. The surrounding area is residential in character, comprising of predominantly detached properties. The site is located within the Hendon ward.

The site is not located within a conservation area and is not subject to any other relevant restrictions.

The property benefits from several non-original extensions including a two storey side, single storey rear and roof extensions involving side and rear dormers.

2. Site History

Planning

Reference: W09674B

Address: 3 Shirehall Lane NW4

Decision: Approved subject to conditions

Decision Date: 15/05/1998

Description: Dormer windows to side and rear elevations.

Reference: W09674A

Address: 3 Shirehall Lane NW4

Decision: Approved subject to conditions

Decision Date: 09/07/1991

Description: Two-storey side and single-storey front and rear extensions.

Reference: W09674

Address: 3 Shirehall Lane NW4

Decision: Refused

Decision Date: 07/05/1991

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

Reference: W03351P

Address: 3 Shirehall Lane NW4

Decision: Approved subject to conditions

Decision Date: 21/05/1986

Description: Restoration of hallway of property to its original state.

Enforcement

No planning enforcement history.

Other relevant history

Reference: 20/4339/HSE
Address: 5 Shirehall Lane, London, NW4 2PE
Decision: Refused (Allowed at appeal, Ref. APP/N5090/D/21/3266193)
Decision Date: (Appeal allowed 23.03.2021)
Description: First floor rear extension

Reference: 20/4339/HSE
Address: 5 Shirehall Lane, London, NW4 2PE
Decision: Refused (Allowed at appeal, Ref. APP/N5090/D/21/3266194)
Decision Date: (Appeal allowed 23.03.2021)
Description: Erection of previously approved first floor rear extension (19/4242/HSE)
[amended description]

3. Proposal

The proposal relates to the following elements:

- Part single, part two storey rear extension. The ground floor rear element would replace the existing single storey rear extension and would take full width of the property, with a depth of 4.5 metres from the original rear elevation. The roof of the ground floor element would be flat with a height of 3.3 metres. The proposed first-floor rear element would also take full width of the property and would align with the existing two-storey rear projection, with a depth of 3 metres from the main rear elevation. The roof of the first-floor element would form part of the roof extension to create a crown roof to the main roof. The proposal also includes a rear dormer to the roof of the first-floor extension which would measure 5.2 metres in width and 2.9 metres in depth.
- The existing rear patio would be extended to take full width of the property and to measure 3 metres beyond the ground floor extension. The patio would measure 0.5 metres in height.
- The existing side dormers would be increased in width from 2.7 metres to 4.4 metres.
- New first floor front bay window, measuring 0.6 metres in depth and 2 metres in width.
- Front porch extension to enclose the existing canopy.
- Replacement of garage door with a window. It has been noted that the garage door serves an existing home office.

Amendments to the proposed scheme were requested during the course of the application as follows:

- omit the rear dormer from the scheme, which extends beyond a non-original roof
- OR
- set down the roof of the first-floor extension and retain a small dormer to the main rear roof

The scheme was not amended as per the amendment request, however the proposed loft plan was amended to replace the proposed bedroom with a study as the side windows would be obscure-glazed and concern was expressed that the bedroom would not have any outlook.

4. Public Consultation

6 consultation letters were sent to neighbouring properties. No responses 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 Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined

in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016):

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

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

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

Sustainable Design and Construction SPD (adopted October 2016):

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Impact to Character

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

The Residential Design Guidance SPD states that the depth normally considered acceptable for single storey rear extensions to detached properties is 4 metres. It also sets out that two-storey rear extensions should not exceed a depth of 3 metres where they are within 2 metres of the side boundary.

Although the proposed ground floor rear extension would exceed the guidance depth, in relation to the main property it is not considered that this element would be overly dominant to the detriment of the host property or the surrounding area. It has also been noted that both of the neighbouring properties at no. 1 and no.5 Shirehall Lane feature larger rear

extensions. In this context, the ground floor extension is not considered to be uncharacteristic.

It is noted that a first floor full width extension was granted at no.5 Shirehall Lane. Given this existing neighbouring extension and the existing two storey rear extension at the host site, the depth of the proposed first-floor rear extension is considered appropriate in relation to the host property and the surrounding properties. However, it is considered that the roof of the extension which would create a crown roof extension to the main roof, together with the proposed rear dormer beyond the new roof, would create substantial bulk to the property. It is considered that the roof extensions and alterations would create a substantial rearwards projection that is uncharacteristic of the area and that would create a top-heavy, bulky and incongruous appearance to the host property.

It has been noted that the neighbouring property at no. 5 Shirehall Lane benefits from a dormer roof extension and a part single, part two-storey rear extension, however the roof extension was achieved under permitted development (ref: 19/4241/192) and the roof of the first-floor rear extension has a small pitched roof which creates a separation between the dormer extension and the first-floor extension. The roof of the first-floor extension at no.5 does not form part of the roof extension as is being proposed at the host property. As part of the appeal for the first floor rear extensions at no.5 (detailed above), the Planning Inspector noted:

"The stepping down of the built form from the dormer, the first-floor extension and the ground floor extension would also provide a degree of articulation that would help break up the mass of the building and soften any visual impact. As a result of this, neither proposal would represent the over-development of the host property."

In contrast, the large rear dormer proposed at no.3 would be sited beyond an enlarged crown roof and result in a larger roof extension than seen in the vicinity. It is considered that this lack of set down of the roof of the extension results in an insubordinate roof extension.

It has been noted that where other properties in the immediate surrounding area benefit from first-floor rear extensions and roof extensions these are separate elements and/ or do not form part of the same operation. Nearby examples include extensions at no. 7 and no.11 Shirehall Lane.

The property at no. 7 benefits from a two-storey rear extension and a crown roof extension which were approved on 05/09/2012 (app ref: H/02517/12) with a rear dormer extension approved on 15/03/2013 (ref: H/04752/12). Although the neighbouring property features similar extensions, it is not considered that these proposals are comparable as the crown roof element and the roof of the first-floor are separate and do not form part of the same extension. Moreover, the first-floor extension does not span the whole width of the property, the roof of the extension is not set down from the main ridge and the rear dormer is a small addition compared with the proposed dormer under the current scheme at the host property.

The property at no. 11 Shirehall Lane benefits from a part single, part two-storey rear extension and a rear and side dormer which were approved under app ref: H/04033/12 on 29/01/2013. The first-floor rear extension does not span the whole width of the property and the roof of the extension has been set down from the main ridge. Moreover, the rear dormer is a small addition to the main rear roof.

Taking all of the above into account it is considered that the proposed roof extensions together with first floor extension would be excessive and uncharacteristic of the area.

It has been noted that both of the neighbouring properties at no.1 and no.5 Shirehall Lane feature small first-floor bay windows similar to what has been proposed at the host property. It is considered that the first-floor front bay window would be a subordinate and harmonious addition that would be in keeping with the character of the host property as well as the street scene.

It is considered that the replacement garage door with a window, the front porch extension and rear patio would be appropriate and harmonious additions/alterations to the host property that would not create detriment impact to the character of the host property or the surrounding area.

Conclusively, it is considered that the proposal would not be in accordance with Policy DM01 for the reasons detailed above.

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.

The neighbouring property at no.1 Shirehall Lane features a part single, part two-storey rear extension. The proposed single storey rear element of the rear extension would more or less align with the neighbouring rear wall which is not considered to unduly impact upon neighbouring amenity. Moreover, given that the first-floor rear extension would not project beyond the existing two-storey rear projection at the host property it is not considered that this element would impact neighbouring amenity at no. 1 Shirehall Lane. It is not considered that the other elements of the proposal would cause significant impact to neighbouring amenity in terms of appearing overbearing or causing significant levels of loss of light, outlook or privacy.

It has been noted that the neighbouring property at no. 5 Shirehall Lane benefits from a part single, part two-storey rear extension. Given that the proposed ground floor extension would not project beyond the neighbouring extension and that the first-floor extension would only marginally project beyond the neighbouring first-floor extension it is not considered that these elements would cause harmful impact to neighbouring amenity. Furthermore, it is not considered that the other elements would unduly impact upon neighbouring amenity at no. 5 Shirehall Lane.

In the event of approval or at appeal, a condition would be recommended to obscure glazed any side windows.

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

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

The proposed roof of the first-floor rear extension, together with the proposed crown roof extension and rear dormer extension, by virtue of excessive size and rearward projection, would constitute a bulky, incongruous and insubordinate additions that would constitute overdevelopment of the site and would create detrimental impact to the character of the host property and the surrounding area. The application is therefore recommended for REFUSAL.

8. Conditions in the Event of an Appeal

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

4D-240 E00, 4D-240 E 01, 4D-240 P 01, 4D-240 E 02, 4D-240 E 03, 4D-240 P 03, 4D-240 E 04, 4D-240 P 04, 4D-240 E 05, 4D-240 P 05, 4D-240 E 06, 4D-240 P 06, 4D-240 E 07 and 4D-240 P 07 dated 28.02.2022

4D-240 P 02 Revision A dated 18.07.2022

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. The roof of the single storey rear 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).

5. Before the building hereby permitted is first occupied the proposed dormer windows in the side elevations facing no. 1 and no. 5 Shirehall 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).



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