

**MEETING**

**PLANNING COMMITTEE B**

**DATE AND TIME**

**WEDNESDAY 20TH JULY, 2022**

**AT 7.00 PM**

**VENUE**

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

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

Chair: Councillor Claire Farrier  
Vice Chair: Councillor Arjun Mitra

**Councillors**

Melvin Cohen Gill Sargeant  
Nick Mearing-Smith Tony Vourou

**Substitute Members**

Richard Barnes Joshua Conway Michael Mire  
Nagus Narenthira Danny Rich Tim Roberts

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

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

**Andrew Charlwood – Head of Governance**

**ASSURANCE GROUP**

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

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## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	5 - 12
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.	27 Ashley Walk, London, NW7 1DU- 22/0671/FUL- Mill Hill	13 - 30
7.	1 Ridge Road London NW2 2QT- 18/2270/FUL- Childs Hill	31 - 58
8.	18 & 20 Russell Gardens London NW11 9NL- 21/6566/FUL- Golders Green	59 - 78
9.	10 Garrick Road London NW9 6AP- 20/2437/FUL- West Hendon	79 - 96
10.	Hendon Cemetery And Crematorium Holders Hill Road London NW7 1NB- 22/1267/FUL- Mill Hill	97 - 112
11.	Yamor House 285 Golders Green Road London NW11 9JE- 21/4742/FUL- Golders Green	113 - 148
12.	26 Oaklands Road London N20 8AX- 22/0453/FUL- Totteridge & Woodside	149 - 170
13.	Morris House 2B Elm Walk London NW3 7UP- 22/0433/HSE- Childs Hill	171 - 180
14.	686-688 Finchley Road, London, NW11 7NN- 21/6737/FUL- Garden Suburb	181 - 206
15.	Any item(s) that the Chair decides are urgent	

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## Decisions of the Planning Committee B

22 June 2022

Members Present:-

AGENDA ITEM 1

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

Councillor Melvin Cohen                      Councillor Gill Sargeant  
Councillor                      Nick Mearing-  
Smith

Apologies for Absence

Councillor Tony Vourou

### 1. MINUTES OF THE LAST MEETING

**RESOLVED** that the minutes of the meeting held on 30 March 2022 be agreed as a correct record.

### 2. ABSENCE OF MEMBERS

Apologies were received from Councillor Tony Vourou.

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

The Chair and Councillor Mittra declared a non-pecuniary as one of the speakers on Item 8, Roger Chapman was known to them in their capacity as East Finchley, local ward councillors.

### 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. 1522 HIGH ROAD LONDON N20 9PT - 21/5449/FUL - BARNET VALE

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

The Committee received verbal representation from David Ford who spoke in objection to the application.

The Committee received verbal representations from the Agent, Gardiner Hanson 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 subject to conditions as set out in the addendum and report.

Votes were recorded as follows:

For (Approval): 4

Against (Approval): 0

Abstention: 1

Not present: 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).**

#### **7. 39 FRIERN PARK LONDON N12 9DE - 21/4204/FUL - WOODHOUSE**

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

The Committee received verbal representation from Thomas Padgham who spoke in objection to the application.

The Committee received verbal representation from Rikesh Shah who spoke in support of the application.

The Committee received verbal representations from the Agent, Nicholas Lisowski 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 subject to s106 and conditions as set out in the addendum and report.

Votes were recorded as follows:

For (Approval): 4

Against (Approval): 1

Abstention: 0

Not present: 1

**RESOLVED that the application was APPROVED subject to conditions and s106 AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in**

their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

**8. FORMER SUB-STATION ADJACENT TO 98 GREAT NORTH ROAD LONDON N2 ONL - 21/5217/FUL - GARDEN SUBURB**

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

The Committee received verbal representations from Deborah Linton and Roger Chapman who spoke in objection to the application.

The Committee received verbal representations from the Agent, Luke Raistrick 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 subject to S106 as set out in the report and the addendum with an informative.

Votes were recorded as follows:

For (Approval): 2

Against (Approval): 3

Abstention: 0

Not present: 1

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

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

The proposed

1. The proposed development, by reason of its size, siting, height, bulk and design, would be harmful to the character and appearance of this part of East Finchley and the town centre and the visual amenity of Cherry Tree Woods, as well as detracting from the enjoyment of users of Cherry Tree Woods, contrary to policies CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), policies DM01 and DM15 of the Development Management Policies (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).
2. The proposed development does not include a formal undertaking to meet the costs of provision of carbon off-set, highways mitigation, the loss of trees both on and off-site, the provision of affordable workspace, and the skills, employment, enterprise and training opportunities and contributions. 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, DM14 and DM17 of the Development Management Policies (adopted September 2012), the Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD (adopted October 2014) and the Planning Obligations SPD (adopted April 2013).

3. The proposed development would fail to provide adequate private amenity space for the occupiers of the development contrary to Council's standards set out within the adopted Sustainable Design and Construction SPD (2016). The lack of a formal undertaking to meet the costs in lieu of this shortfall, would mean the development would fail to provide adequate mitigation, contrary to Policies DM01 and DM02 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

The vote on the motion to refuse the application was recorded as follows:

For (Refusal): 3  
Against (Refusal): 2  
Abstention: 0  
Not present: 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).

The Chair called for a comfort break at 8:32pm and the meeting was adjourned and returned at 8:39pm.

#### **9. 55 THE BROADWAY LONDON NW7 3DA - 21/1521/FUL - MILL HILL**

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

The Committee received verbal representations from the Agent, Stuart Wighton 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 subject to conditions as set out in the addendum and report.

Votes were recorded as follows:

For (Approval): 5  
Against (Approval): 0  
Abstention: 0  
Not present: 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).



**10. 393 - 395 HENDON WAY LONDON NW4 3LP - 21/3308/FUL - WEST HENDON**

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

The Committee received verbal representation from William Chen and Nelesh Patel who spoke in objection to the application.

The Committee received verbal representation from Councillor Rishikesh Chakraborty, the Local Ward Councillor, who spoke in objection to the application.

The Committee received verbal representations from the Agent, Paul Smith 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 subject to conditions as set out in the addendum and report.

Votes were recorded as follows:

For (Approval): 2

Against (Approval): 3

Abstention: 0

Not present: 1

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

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

1. The proposed development by reason of its size, siting, bulk and height would appear overbearing, result in an increased sense of enclosure and reduced outlook, which would be detrimental to the residential amenities of the occupiers of Kennyland Court, contrary to policies CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), policy DM01 of the Development Management Policies (adopted September 2012), the Residential Design Guidance SPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).
2. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing or to secure early and late stage viability reviews to assess potential contributions to affordable housing. The proposal would therefore not address the impacts of the development, contrary to Policy DM08 of the Local Plan Development Management Policies (2012), CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013), and Policy H5 of the London Plan 2021.
3. The proposed development does not include a formal undertaking to meet the costs of the required carbon off-set provision. The proposal would therefore not address the impacts of the development, contrary to Policy SI.2 of the

London Plan (2016), Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM04 of the Adopted Development Management Policies DPD.

The vote on the motion to refuse the application was recorded as follows:

For (Refusal): 3

Against (Refusal): 2

Abstention: 0

Not present: 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).

**11. DAWLISH COURT AND 63 DAWLS LANE DAWLS LANE LONDON NW7 4SG - 20/4355/FUL - MILL HILL**

Under Article 7.28 and Article 7.29 of the Constitution this item was not considered and duly deferred to the next meeting.

**12. 121 FRIERN PARK LONDON N12 9LH - 21/6306/HSE - WOODHOUSE**

At 10pm the Chair under Article 7.29 of the constitution extend the period for the transaction of business to three and a half hours after the start time of the meeting.

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

The Committee received verbal representations from Peter Pickering and Melanie Sassienie who spoke in objection to the application.

The Committee received verbal representations from the Agent, Nicholas Lisowski 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): 2

Against (Approval): 3

Abstention: 0

Not present: 1

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

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

1. The proposed side extension, by reason of its siting and design, would be harmful to the character and appearance of the property and the group of locally listed properties of which it forms part, contrary to policies CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), policies DM01 and DM06 of the Development Management Policies (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

The vote on the motion to refuse the application was recorded as follows:

For (Refusal): 3

Against (Refusal):2

Abstention: 0

Not present: 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).**

**13. 27 ABBOTS GARDENS LONDON N2 0JG - 22/1312/HSE - EAST FINCHLEY**

Under Article 7.28 and Article 7.29 of the Constitution this item was not considered and duly deferred to the next meeting.

**14. 356 CRICKLEWOOD LANE LONDON NW2 2QH - 20/3715/S73 - CHILDS HILL**

Under Article 7.28 and Article 7.29 of the Constitution this item was not considered and duly deferred to the next meeting.

**15. 133 BRENT STREET LONDON NW4 4DA - 21/4966/FUL - HENDON**

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

The Committee received verbal representation from Alistair Falk who spoke in objection to the application.

The Committee received verbal representations from the Councillor Shooter the Local Ward Councillor, in support of the application.

The Committee received verbal representations from Barry Ackerman 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 refuse the application for the reasons as set out in the report.

Votes were recorded as follows:

For (Refusal): 3

Against (Refusal): 2

Abstention: 0

Not present: 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).

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

None.

The meeting finished at 10.30 pm

**Location** 27 Ashley Walk London NW7 1DU

**Reference:** 22/0671/FUL

Received: 10th February 2022

Accepted: 15th February 2022

**Ward:** Mill Hill

Expiry: 12th April 2022

AGENDA ITEM 6

**Case Officer:** Dominic Duffin

**Applicant:** Mr Cavusoglu

**Proposal:** Demolition of existing dwelling. Erection of a three storey dwelling containing 3no self contained flats. Associated amenity space, refuse/recycling and cycle store

### **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 Chairman (or in their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The proposal would result in the loss of a dwelling into flats in a road characterised by houses and consequently would harmfully increase noise and disturbance by virtue of increased coming and going and associated general activity and result in an over-intensive use that will have an adverse effect on amenity, contribute towards change in the function and character of the street and be out of character with the established pattern of development, contrary to Policies D3 and D14 of the London Plan (2021), Policies CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM02 and DM04 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted 2016) and the Sustainable Design and Construction SPD (adopted 2016)
- 2 The proposed development, by reason of its size, siting, bulk, height and design, would result in a discordant, visually dominant and overbearing development, which would fail to respect the appearance, scale, mass, height and pattern of surrounding buildings, to the detriment of the character and appearance of the application site and the street scene, contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet Local Plan: Core Strategy (2012) and Policy DM01 of the LB Barnet Local Plan: Development Management Policies (2012)

- 3 The proposed development, by reason of its scale, height, design and siting, would have an imposing and overbearing impact, leading to an unacceptable loss of outlook, loss of daylight/sunlight and increased sense of enclosure to the neighbouring property at No 84 Oakhampton Road, to the detriment of the residential amenities of these neighbouring occupiers and contrary to Policy DM01 of the LB Barnet Development Management Policies DPD (2012), Policy CS5 of the LB Barnet Core Strategy DPD (2012), Policy D3 and D6 of the London Plan (2021) and the Sustainable Design and Construction SPD (2016)
  
- 4 No Preliminary Ecological Appraisal or Preliminary Roost Assessment has been undertaken and as such the Local Planning Authority is therefore unable to properly assess the likely presence/absence of protected species, including bats, and therefore any potential impact on protected species and their habitats. In the absence of detailed information it is considered that the proposed development could cause undue harm to protected species contrary to the duty conferred by Section 40 of the Natural Environment and Rural Communities Act 2006, policy CSNPPF of Barnet's Adopted Core Strategy (2018), as well as policies DM01 and DM16 of the Adopted Development Management Policies DPD (2012), and Policy G6 of the London Plan (2021)

**Informative(s):**

- 1 The plans accompanying this application are:

Location & Site Plans - A100  
Existing & Proposed Block Plans - A101  
Existing Ground Floor Plan - A102  
Existing Loft Floor Plan - A103  
Existing Roof Plan -A104  
Existing Section AA - A105  
Existing Front & Side Elevations - A106  
Existing Rear & Side Elevations -A107

Proposed Site Plan - A108  
Proposed Ground Floor Plan - A109  
Proposed First Floor Plan - A110  
Proposed Second Floor Plan - A111  
Proposed Roof Plan -A112  
Proposed Section AA - A113  
Proposed Section BB - A114  
Proposed Front Elevation - A115  
Proposed Rear Elevation - A116  
Proposed Side (North) Elevation - A117  
Proposed Side (South) Elevation - A118  
Proposed Street View - A119  
Details of Bin & Cycle Storages - A120  
3D Images

- 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](mailto:cil@barnet.gov.uk).

## Relief or Exemption from CIL

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

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

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

Please visit

[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)  
for further details on exemption and relief.

## **OFFICER'S ASSESSMENT**

This application has been brought before the Committee as one of the objections received during the public consultation comes from a planning officer of the LPA.

### **1. Site Description**

The application site comprises a single-storey bungalow-style dwellinghouse situated on the eastern side of Ashley Walk, within the Mill Hill ward, set behind a deep grassed verge. The property is at the end of Ashley Walk, near the junction with Oakhampton Road. The site benefits from hardstanding to the front providing off-street car parking and a garden to the rear. The front elevation faces the tree lined boundary of Hendon Golf Club, which runs along the roadway of Ashley Walk. The Golf Course is within the Metropolitan Green Belt. The site is not within a conservation area, nor does it contain any listed buildings.



## **2. Relevant Site History**

Reference: 16/5866/191  
Address: 27 Ashley Walk, London, NW7 1DU  
Decision: Unlawful  
Decision Date: 11 October 2016  
Description: Single storey side extension

Reference: 17/3508/FUL  
Address: 27 Ashley Walk, London, NW7 1DU  
Decision: Approved subject to conditions  
Decision Date: 7 August 2017  
Description: Single storey side extension (Retrospective Application)

Reference: 21/8073/QCD  
Address: 27 Ashley Walk, London, NW7 1DU  
Decision: Pre-application advice issued  
Decision Date: 05 May 2021  
Description: Proposed redevelopment of site with erection of a 3 storey building which will accommodate 3 x self-contained residential units.

## **3. Proposal**

Consent is sought to demolish the existing dwelling and replace it with a new three storey building which would provide 3 No. residential flats (1 x one bedroom, 1 x two bedroom, and 1 x three bedroom).

The building would be finished in brick on the ground and first floor, with cladding features, with a set-back upper floor finished in cladding. The building would have a flat roof. The access to the building would be from a communal front entrance.

A sub-divided amenity area to serve each unit would be provided to the rear, with one parking space and refuse storage and cycle parking provision provided to the front.

## **4. Public Consultation**

Consultation letters were sent to 28 neighbouring properties. 32 responses were received comprising 32 letters of objection. The response received can be summarised as follows:

- The properties are semi detached houses and flats would not be in keeping with the style of the road.
- There is limited parking and the construction phase would create considerable disruption.
- Inadequate parking -A further problem is that as a street becomes congested with parked cars.
- Loss of daylight/sunlight to adjoining neighbours.
- Overlooking of neighbouring properties causing loss of privacy.
- Design is out of character with the area, a flat roof will look out of place.
- The building of a block of flats is not in keeping with the existing houses in the area which are all of a semi detached suburban nature
- Over-development of the site.
- Pollution -Increases vehicle emissions and noise in the quiet residential area.

- There are enough flatted developments in Mill Hill.
- The loss of the only bungalow in this area would be discriminatory to any future disabled or elderly person searching for a single level easy access home in the area
- The proposed building would be obtrusive to the area.

Comments have been received from No.84 Oakhampton Road, the occupant of this property is a Planning Officer within the Planning Department of Barnet Council. The comments received were as follows:

- The three storey building would block our natural light and we would be looking at a blank wall and black cladding from our habitable rooms at the back of our house.
- The enjoyment of our garden would be compromised by lack of privacy from the balconies if residents have access to the roofs.
- The design is obtrusive and not in keeping with the properties on Ashley Walk or Oakhampton Road.
- There are no blocks of flats in the immediate area and this building will be an anomaly.
- Increase on street parking near this corner site could cause impact on car and pedestrian safety.
- Three flats would lead to lots of coming and going compared to the existing amount of people that could live in the chalet bungalow.
- The land housing the property was part of no. 84 Oakhampton Road, therefore limited distance lays between both dwellings with the side of the bungalow being almost built up to the rear boundary of our house. Due to this close proximity and not having opaque rear windows as these facilitate light and outlook, the bulk is considered to block natural light and lead to loss of outlook.
- The mass and bulk of the extension along with the incongruent materials, further detracts from the character of the immediate and area.
- The lack of parking would have a detrimental impact on Highways due to the intermittent CPZ on the immediate and general area during match days at Saracens Rugby Club. With existing parking pressures, extra parking from the proposed flats is considered unacceptable. Future occupiers would have to park on the street. The property is set on a blind corner. Vehicle accidents have happened on this corner and any further on street parking could lead to detriment of car and pedestrian safety.
- The character of the area is mainly single family dwelling houses and a block of flats would be contrary to the character.
- The planning history for both Ashley Walk and Oakhampton Road online at [www.barnet.gov.uk](http://www.barnet.gov.uk), lists one application for conversion of the single family dwelling into two flats under reference W07906, refused in 1986. All other applications are mainly to facilitate proportionate extensions at the single family dwellinghouses on both roads. Therefore, the principle of flats is considered out of character with the immediate and general locale.
- With regards to the design, character and appearance of the proposed building, it is considered bulky, incongruous and out of character with the area. It's height and flat roof is at odds with the neighbouring properties on these roads. The proposed green roofs appear to be an after-thought which cannot be utilised by future occupiers. Its' use would lead to further overlooking and loss of privacy.
- When viewed from the rear elevation and garden of no. 84 Oakhampton Road, the flank wall of the proposed property at no. 27 Ashley Walk, would result in loss of light, overlooking and loss of privacy. It would be overbearing and unduly obtrusive.
- Loss of outlook would be caused to the habitable rooms upstairs and downstairs including the bedrooms and dining room situated at the rear of no. 84. The Block drawings submitted are considered to be misleading due to the size of no. 84 Oakhampton Road appearing smaller and further away from no. 27, than what exists.

-The proposed building could have an obtrusive impact on no. 26 Ashley Lane due to its size and siting.

-Furthermore, with a lack of onsite parking provision, future occupiers may be tempted to park on the bend where Oakhampton Road and Ashley Walk meets, outside no. 27 Ashley Walk and no. 84 Oakhampton Road. It should be noted that it is a 'blind spot' where car accidents have happened; with one such accident knocking down the dwarf wall and front retaining garden wall at no. 84. This bend is in close proximity, opposite the pedestrian entrance of the bridleway leading to the pedestrian entrance of Hendon Cemetery and Crematorium, within the greenbelt. It is also an informal entrance to Hendon Golf club, within the greenbelt, which is directly opposite no. 27 Ashley Walk and no. 84 Oakhampton Road-leading to Ashley Lane via the walkway. This also leads to further excess parking on both roads - but usually directly opposite 84 Oakhampton Road.

Therefore, further parking near to the properties could adversely impact drivers and pedestrian safety.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

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

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

#### The Mayor's London Plan 2021

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS14.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM16, DM17.

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

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

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

## Supplementary Planning Documents

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the application site, the street scene and wider locality;
- Green Belt
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Other material considerations

## **5.3 Assessment of proposals**

### Principle of development

The application follows a pre-application submission as detailed in the planning history above. Under the Advice Note issued on 05 May 2021, the response cited concerns with regards to the development of a block of flats at this location, with particular concern relating to the character of the area, the amenity of adjoining neighbours and issues relating to car parking requirements to serve the development's occupants.

Both Ashley Walk and Oakhampton Road consists entirely of single family dwellinghouses.

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

Within Chapter 2 of the Core Strategy, which is a material consideration in the determination

of this application, the Council state the following: "The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or streets but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate."

Policy DM01 of Barnet's Local Plan Development Management Policies DPD states that proposals should be based on an understanding of local characteristics. Criterion (h) of the same policy states that the conversion of dwellings into flats in roads "characterised by houses" will not normally be appropriate. Criterion (i) states that loss of houses in roads characterised by houses will not normally be appropriate.

Under pre-application discussions the council raised concern that the proposed flatted use would be out of keeping with the established character of the area and would set a harmful precedent for conversions on Ashley Walk. It is therefore considered that the development of a flatted scheme would be out of character, resulting in an intensification in use which would cause harm to this established character.

The proposed flatted use would not be in keeping with the established character of the area. The increased comings and goings, requirements for parking, refuse storage, deliveries, and other associated impacts would be detrimental to the local character.

Ashley Walk and Oakhampton Road have a strong identifiable character which consists of single-family dwellings arranged in a block system. This is a characteristic of the area which is worthy of preservation. This could not be achieved with the introduction of a flatted development which would appear discordant and distinctly out of character. The general principle of the scheme cannot be accepted.

### Character and appearance

The NPPF attaches great importance to the design of the built environment, stating that, The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. (para.126).

Policy D3 of the London Plan 2021 - "Optimising site capacity through the design-led approach" requires, amongst other things, an optimisation of site capacity through a design-led approach and to 'enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions' and responding to 'the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character'.

Policy D.3 further states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site.

Core Strategy Policy CS5 seeks to protect and enhance Barnet's character to create high quality places.

Policy DM01 states that development proposals should have due regard for the character and pattern of development in the local area. The surrounding area is residential in character. It comprises predominantly two-storey detached and semi-detached houses.

As detailed above, the council acknowledges the role that flatted development can play in the provision of housing for residents of the borough. The council will also look for opportunities to optimise the capacity of a site, and to ensure that previously developed land is utilised, where possible, to increase housing supply.

However, a fundamental consideration will be how any new development would assimilate into the existing character of an area. The area around the site has a strongly identifiable character of single family dwellinghouses, almost exclusively two storey, save for the application site, and the block system and adjacent Golf Club has a sub-urban character that is easily identifiable. Flatted development are more commonplace in the wider Mill Hill Area, often standalone developments on main roads, or the redevelopment of large scale sites, such as along the Ridgeway and Bittacy Hill, where multiple unit schemes e.g. Millbrook Park and Ridgeway Views create their own separate character.

The application site is a single storey structure, its reduction from two storey, owing to its original development on garden land. It does therefore differ to some degree from the two storey properties that prevail. However, the more confined site, is developed to ensure deference to the established character, and the building offers a discreet, subordinate divergence to the established streetscene.

The introduction of a three-storey building on this confined site, would offer a strident divergence to this established character. There is further divergence in the design of the building. Its overall height and finish, including a flat roof to the set-back third floor, which also uses contrasting cladding materials, would appear stark and out of place. It would contrast with the form and appearance of properties in the surrounding area. The introduction of a three-storey building in this location would be a discordant and incongruous feature within the streetscene and would be detrimental to the local character. Additionally, the cycle and refuse stores at the front would result in a cluttered forecourt to the detriment of the streetscene.

The subdivision of the rear garden into three small areas with additional boundaries treatments would also be contrary to the established pattern of development of the area and the sense of spaciousness at the site.

Whilst set in a different context this building may be viewed as a fairly conventional flatted scheme, context and setting are often a critical and fundamental consideration, the setting of this site goes to the heart of the analysis of this application. The proposed scheme would cause harm to the character and appearance of the wider streetscene and this is an inappropriate development at this location which would appear out of place.

## Green Belt

The site is opposite the boundary to the Metropolitan Green Belt, at this location this takes the form of Hendon Golf Club's course, which is opposite the site. Para. 138. of the NPPF outlines that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Given the development would be contained within the site, and would be viewed in the context of wider development, albeit it would appear much more imposing, it is not considered the above aims would be significantly offended. Therefore, it is not considered the proposal would have any appreciable adverse impact on the openness of the Green Belt and the open character at this location would still be maintained; secured through the existence of Hendon Golf Club's open character.

## **Neighbouring Amenity**

Paragraph 2.7.1 of Policy DM01 states that

Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the borough's residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

The existing dwelling was developed from part of the garden serving No.84 Oakhampton Road, and given the confines of the site, this goes some way to explaining the single storey nature of the dwelling. The flank wall is 1.0m from the common boundary and above this is a low set roof that pitches away from the boundary. Given the orientation of the sites, the rear garden area of No.84 abuts the flank boundary of the application site. The rear elevation according to submitted plans, is located 10.0m from the boundary, the distance, as per council records, suggest a circa 8.7m distance to the boundary. The boundary is demarcated with a screen of hedging.

The introduction a three-storey building within 1 metre of this boundary and given the proximity to the boundary and to rear-facing windows of the neighbouring property, it is considered that the building would appear imposing and result in a loss of light and outlook to the neighbouring occupiers.

The existing screening, currently of value, owing to the single storey nature of the existing building, would be of no benefit in screening a three-storey building. There would be significant overshadowing of the garden area and rear facing windows in the later part of the day. The development of a block of flats in this proximity would be an unneighbourly form of development, which would have a highly detrimental impact on the existing amenity levels currently enjoyed by occupants of this property. This impact would be material and represents another concern with this proposed development.

No.82 Oakhampton Road, located to the east, adjacent to No.84, shares a common

boundary with the rear of the site, the lower section of the garden's side boundary adjoins the rear boundary of the application site. Whilst the separation distance to the boundary is 7.0m - 10.3m, an infringement if the 10.5m guidance distance, the rear elevation would look towards the bottom section of the site and it is considered, on balance, any impact would be acceptable.

The ground floor rear corner of the building would extend 2.6m beyond the rear elevation of No.26 Ashley Walk, located adjacent to, and north of the site, the first floor 0.30cm beyond the rear corner. This extension beyond the building line would not be overbearing and there would be no serious impact on the light received to rear facing windows. The existing garage at No.26 provides a buffer to the main living quarters of the house.

A window at first floor level could be reasonably conditioned as obscure glazed. A further condition would be required to ensure the sections of the ground and first-floor roof, was not used as a balcony by occupants of the first and second floor flats. This would result in serious overlooking, but could be restricted by condition.

The introduction of a flatted use, which would entail a greater level of activity and intensity of use at the site, would result in increased noise and disruption to adjacent neighbouring occupiers, particularly those at 25 Ashley Walk and 84 Oakhampton Road. The subdivision of the garden into three areas of private amenity space would entail a more intense use of this space, also to the detriment of neighbouring amenity.

## **Living standards for future occupiers**

Floor Area:

The London Plan (2016) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum gross internal area (GIA) space requirements for residential units. A bedroom measuring 11.5m<sup>2</sup> and above is calculated as a two-person room.

The proposed dwellings would be required to meet the minimum internal space standards as demonstrated below:

3-bed/4-person - 74 sq. m  
2-bed/3-person - 61 sq. m  
1-bed/2-person - 50 sq. m

The units meet the requirement;

- Flat 1: 3-bed/4-person, 83.2 sqm;
- Flat 2: 2-bed/3-person, 61.5 sqm;
- Flat 3: 1-bed/2-person, 50.2 sqm.

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

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All proposed bedrooms meet the above standards.



Floor to ceiling height:

The London Plan states that a minimum ceiling height of 2.5 metres is required for at least 75% of the gross internal area of a dwelling.

The proposed dwellings meet the above standard.

Light/outlook:

Section 2.4 of Barnet's Sustainable Design & Construction SPD (Oct 2016) states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and should provide reasonable levels of outlook to all habitable rooms.

It is considered that each habitable room would benefit from an acceptable level of outlook and daylight / sunlight. All units are dual aspect. The scheme provides a good standard of outlook for future residents.

Amenity Space:

The Sustainable Design and Construction SPD advocates that suitable outdoor amenity space should be provided for all new residential units. The SPD specifies that 5sqm of outdoor amenity space should be provided per habitable room. A room measuring 20m<sup>2</sup> or more is calculated as two habitable rooms.

The proposal shows a rear garden space of 90sqm, sub-divided to provide three separate private amenity areas.

All units would be served by a reasonably sized, usable, external amenity space, albeit there are character concerns with regards to this sub-division.

Based on the above, it is considered that the proposed development would provide an acceptable level of amenity for future occupiers.

## **Highways**

The Local Highway Authority provided the following initial comments:

### **Car Parking**

The site lies within a PTAL 0 zone, which is the worst public transport accessibility rating. In line with requirements set out on Policy DM17 of the Barnet Local Plan, the required off-street car parking provision for this proposal is 4.5 spaces. Therefore, the proposed provision of 1x space means an under-provision of 3.5 spaces. The applicant has not provided any justification for this under-provision.

Highways will therefore require that a car parking survey be carried out in line with the Lambeth Methodology in order to ascertain whether there is sufficient availability on the surrounding streets to accommodate the potential over-spill of 3.5 spaces.

In light of these comments, the applicant has provided a Parking Stress Survey, using the Lambeth methodology.

85% is an indicative level at which parking stress becomes a cause for concern after allowance has been made for parking generated by the development. At this point, residents will begin to have difficulty parking close to their homes. Anything over 95% represents a situation where full capacity has effectively been reached. The use of a 200 metres walking distance to define the roads affected by the development is accepted as standard practice.

The surveys took place between 01:00am and 05:30am on Tuesday 23rd and Wednesday 24th of February 2022.

The day 1 result at 54.12% and day 2 result at 52.06% gives an average stress of 53.09%, reflecting an average of 92 unoccupied spaces.

Highways commented on the survey as follows;

*The applicant has provided the results of a car parking survey conducted in line with the Lambeth Methodology on Wednesday 23rd and Thursday 24th of February 2022. The results of the survey demonstrate that there is currently an average on-street car parking stress level of 53%. This means that there appears to be sufficient availability on street to accommodate the potential over-spill of 3.5 spaces. Off-street car parking arrangements are proposed to remain as existing, the only change is the potential for an increase to on-street car parking stress, which has been justified by the results of the car parking survey. Highways therefore have no grounds for objection to this proposal in terms of highways.*

It is considered that the parking requirement generated by the development could be accommodated within the surrounding streets and would not lead to a position of local parking stress.

The London Plan espouses maximum parking standards, the requirement for this development would be a maximum of 4.5 spaces. Opportunities to reduce car dependency should however be sought. Therefore, the proposed 1 parking space, given on street capacity, can be accepted.

The applicant is proposing to make provision for 4x secure cycle parking spaces. 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.

## **Refuse**

The proposed development is required to comply with Barnet's Waste and Recycling Strategy (2018). The proposed refuse and recycling bins are to be located to the front of the properties within the site. It is considered that the proposed development would comply with the highlighted standards and the waste strategy for this application is acceptable to the Street Scene collections team.

## **Trees and Landscaping**

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that trees should be safeguarded and that proposals will be required to include hard and soft

landscaping. This policy also states that when considering development proposals, the Council will seek the retention and enhancement, or the creation of biodiversity.

There are no protected trees on site, and limited vegetation owing to the tight confines around the building. The proposal offers limited enhancement opportunity through planting, and this would add to the stark appearance of a flat development. There are fundamental concerns with this proposal but details of hard and soft landscaping could be secured by condition as some form of mitigation.

## **Ecology**

No ecological surveys have been undertaken at the application site. The ecologist has commented on the application and stated;

*"It is established under Defra circular 08/2006 that the presence of a protected species is a material consideration within the planning decision process and that Planning Authorities have a duty under Section 41 of the NERC Act 2006 to have confidence in undertaking your duties within the decision process that no detriment to biodiversity is incurred.*

As no ecological information to support the application has been provided, and the proposed plans require the demolition of a building and land take of habitats the council are unable determine whether the proposals could result in impacts to protected species or assess to assess the likely impacts of the proposals may have on biodiversity. Without such information it cannot be determined if the proposals achieve sustainable development as required by the National Planning Policy Framework (NPPF). Therefore, a Preliminary Ecological Appraisal (PEA) should be undertaken in accordance with CIEEM (2017) guidelines. Surveys should be undertaken by a suitably qualified and experienced ecologist. The existing dwelling is to be demolished and therefore we would also expect a Preliminary Roost Assessment to be undertaken.

These surveys should be completed, together with any further surveys as dictated by the findings of the PRA and PEA; and reported to the Local Planning Authority (LPA) for review along with any required mitigation, prior to determination. The application should not be determined in the absence of this material, and protected species surveys cannot be conditioned. It is worth noting that the last -minute discovery of a protected species at any time is a consideration and the presence of planning permission does not override this legality.

Guidance within Circular 06/2005 - Biodiversity and Geological Conservation - Statutory obligations and their impact within the planning system advises the presence of a protected species is a material planning consideration. The Circular clearly outlines that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted. In the absence of even a preliminary appraisal potential impacts on protected species, particularly bats, cannot be ruled out.

This forms another concern with regards to the proposal, whilst the applicant was advised of this requirement early in the process no surveys were provided, and as the recommendation is to refuse consent for other reasons, the absence of surveys form another reason for refusal.

Potential for ecological enhancement does exist and it is noted a green roof is proposed.

### Accessibility and Sustainability

The application scheme is required by Policy D7 of the London Plan (2021) to meet Building Regulation requirement M4(2), a condition, in the event of a recommendation for approval, would be attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the scheme has to be designed to achieve a 10% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy SI(2) of the London Plan (2021) and a condition, in the event of a recommendation for approval, would be attached to ensure compliance with these Policies.

In terms of water consumption, a condition, in the event of a recommendation for approval, would be required for each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy S.I 5 of the London Plan (2021).

## **5.4 Response to Public Consultation**

Most issues have been dealt with above.

-Pollution -Increases vehicle emissions and noise in the quiet residential area.

Officer Comment: Controls through planning conditions would limit pollution output during construction. It is not considered that the addition of 2 dwellings would seriously rise local pollution levels.

-The loss of the only bungalow in this area would be discriminatory to any future disabled or elderly person searching for a single level easy access home in the area

Officer Comment: it is not considered that the loss of this unit would be discriminatory, and this concern would not amount to a sustainable reason to refuse permission. Policy DM08 points to a medium priority for 3-bedroom units. The site would retain a 3 bed unit as part of the redevelopment.

The lack of parking would have a detrimental impact on Highways due to the intermittent CPZ on the immediate and general area during match days at Saracens Rugby Club. The property is set on a blind corner where car accidents have happened.

Officer Comment: The submission has been reviewed by the Highways Department who raise no highway safety issues. The submission of a Parking Stress Survey demonstrates available on street parking to serve the development.

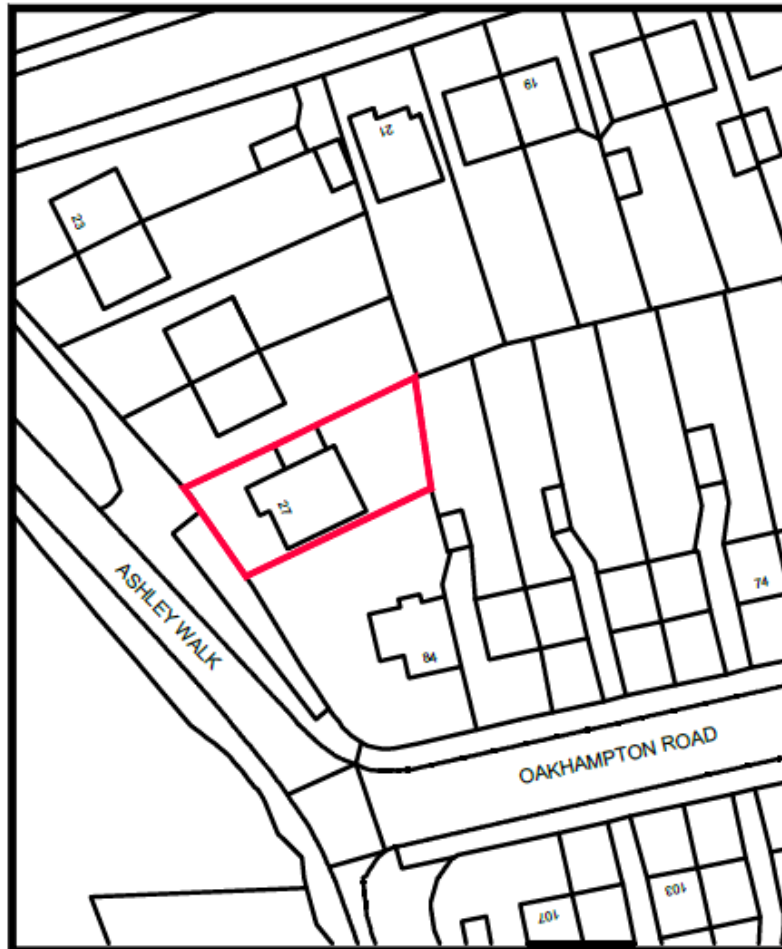
## **6. Equality and Diversity Issues**

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

equality responsibilities.

## 7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would have an unacceptable impact on the character and appearance of the application site, the street scene and the locality and would be harmful to the amenity of neighbouring occupiers. No account has been taken to the potential presence of protected species. This application is therefore recommended for REFUSAL



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**Location** 1 Ridge Road London NW2 2QT

**Reference:** 18/2270/FUL

Received: 13th April 2018

Accepted: 3rd May 2018

**Ward:** Childs Hill

Expiry 28th June 2018

AGENDA ITEM 7

**Case Officer:** Syndsey Ballet

**Applicant:** Mr Amir Sharon

**Proposal:** Demolition of existing office building and erection of a part two-storey, part-three storey building consisting of 4no self-contained flats. Associated amenity space and 2no light wells. Provision of cycle and refuse and recycling storage. (Additional information submitted relating to basement impact assessment)

### **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. Contribution towards amending the traffic order - £2,392.01

## **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:

Campbell Reith (Consulting Engineers) BIA Audit Project no. 12530-06 Rev F1 dated March 2022

Morph Structures (Consulting Structural and Civil Engineers) BIA Project no. 2745 rev C dated January 2022

A Daylight, Sunlight & Overshadowing Report ref: 16.2856 dated January 2017 on behalf of the client by Syntegra Consulting Ltd

Internal Daylight Analysis Report ref 16.2856 dated April 2018 on behalf of the client by Syntegra Consulting Ltd

Viability Assessment (Draft Report) dated October 2017 by Dr. Andre Golland

Transport Assessment dated March 2017 by Caneparo Associates

Site location plan 399-CDA-Z1-00-DR-S1-A-0105 rev 02

Marketing report by Uk Property Agents dated 25.07.2018

Revised design and access statement dated October 2018

Existing site plan drwg no. 0105 Rev 2

Existing elevations drwg no. 399B(20)E00 Rev C

Existing basement floor drwg no. 399B(20)P01 Rev A

Existing ground floor drwg no. 399B(20)P00 Rev B

Existing first floor drwg no. 399B(20)P01 Rev B

Proposed lower ground floor plan drwg no. 0099 rev 02

Proposed ground floor plan drwg no 0100 rev 02

Revised first floor plan drwg no. 0101 rev 03

Proposed second floor plan drwg no. 0102 rev 02

Proposed roof plan drwg no.0103 rev 02

Proposed elevation 01 drwg no. 0200 rev 02

Proposed elevation 02 drwg no. 0201 rev 02

Proposed side elevation 03 drwg no. 0202 rev 02

Proposed side elevation 04 drwg no. 0203 rev 02

Proposed section 02 drwg no. 0400 rev 02

Proposed section 01 drwg no. 0401 rev 02

Overlooking and distances ground floor drwg no. 0803 rev 02

Overlooking and distances first floor drwg no. 0804 rev 02

Overlooking and distances second floor drwg no. 0805 rev 02

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 Before the building hereby permitted is first occupied the proposed window(s) in the rear elevation shall be fixed shut and glazed with obscure glass only as shown on drawing numbers:- Proposed ground floor plan drwg no 0100 rev 02, Revised first floor plan drwg no. 0101 rev 03, Proposed second floor plan drwg no. 0102 rev 02 and shall be permanently retained as such thereafter.

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).

- 5 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).

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

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

- 7 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 the ground floor units shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

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

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies SI 1 and SI 2 of the London Plan (2021) and the 2016 Mayors Housing SPG.

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

water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

The development shall be maintained as such in perpetuity thereafter.

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

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

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

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

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

- 11 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in

Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

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

- 12 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).

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

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

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

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

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 5.11 of the London Plan 2021.

- 15 The roof of the building 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).

16 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).

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

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy T.5 and Table 10.2 of The London Plan (2021) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

18 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 19 The development hereby approved shall be implemented in accordance with the measures and mitigations specified in the Basement Impact Assessment rev C and the Campbell Reith BIA Audit.

Reason: To ensure that the development protects the hydrology and hydrogeology of the area and the amenities of neighbouring occupiers, in accordance with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), Policy DM04 of the Development Management Policies SPD(adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016) .

### **RECOMMENDATION III:**

#### RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 01.12.2022, 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 development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 4 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 5 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

## **OFFICER'S ASSESSMENT**

This application was reported to the Finchley and Golders Green Area Planning Committee on 13.11.2018. Members of the committee voted to defer the application to request an independent review of the Basement Impact Assessment. This has taken some considerable time to accomplish but the final report by Campbell Reith Consulting Engineers was received in March 2022. A further round of consultation with neighbours was carried out following publication of this report. The responses received are included in section 4 of this report.

### **1. Site Description**

The property contains a two-storey (above ground level) office building with basement (below natural ground level) that is located on the northern side of Ridge Road. The street forms one side of a roughly triangular plan street block, the other sides of which are formed by 336 - 344 Cricklewood Lane (even numbers) to the north and 2, 4 and 6 Sunnyside to the east. Both of these frontages are typified by late Victorian era development, three storeys on the Cricklewood Lane frontage rising to four storeys (a twentieth century building) towards the corner of Sunnyside. The houses on Sunnyside are two storey Victorian terrace houses. Adjacent ground floor levels at Cricklewood Lane are typically retail/ commercial use at ground level with flats above. The shops are defined within the secondary shopping frontages within a local shopping centre. On the western side of Ridge Road, the pattern of development becomes more open with mid to late 20th



century terrace house and flats beyond a car parking area accessed from Ridge Road. The closest of these dwellings to the south of the site are about 30.0m from the front of the site, sited perpendicular to and with their flank walls facing the application site. Ridge Road and the frontage to the site slope up on a moderate gradient from Cricklewood Lane. Levels change more steeply immediately to the rear of the site, towards Sunnyside, where the gardens and terraced houses are elevated above the application site by about half a storey.

## 2. Site History

Ref: 17/1572/FUL

Address: 1 Ridge Road London NW2 2QT

Description: Demolition of existing building and erection of a part two-storey, part-three storey building consisting of 4no self-contained flats. Associated amenity space and lightwells. Provision of cycle and refuse and recycling storage

Decision: Refused

Decision date: 2 June 2017

Reason(s):

1. The positions of windows and balconies at the rear of the building, which are located in close proximity to the boundaries with the adjoining properties, would result in overlooking and a loss of privacy that would be detrimental to the residential amenities of the neighbouring occupiers, contrary to Policies DM01 and DM02 in the London Borough of Barnet Development Management Policies DPD and advice in the Residential Design Guidance Supplementary Planning Document (October 2016), and to advice in the National Planning Policy Framework 2012.

2. While marketing information has been submitted, this is considered inadequate to demonstrate that the site is no longer suitable for B Class Use or is no longer viable for its existing or alternative business use in the short, medium and long term. The proposal does not therefore comply with Policy DM14 of the London Borough of Barnet Development Management Policies DPD.

3. While the application has demonstrated that internal space standards and light is satisfactory within the development, light levels to the main living area for Unit 2 are only marginally acceptable and are likely to become worse with the introduction of the boundary walls which would be necessary to ensure the privacy of occupiers both at the development and at neighbouring properties. While the level of accommodation provided is largely acceptable, external amenity standards also fall short of the standards in the Council's Residential Design Guidance SPD. Taking these aspects together, the standard of the proposed accommodation provided would be contrary to Policy DM02 in the Development Management Policies SPD.

4. The proposal would be likely to result in on-street car parking congestion which would be detrimental to highways and pedestrian safety and to the free flow of traffic. Although this could be mitigated by entering into a legal agreement to restrict future occupiers from eligibility for residents' parking permits, no such agreement has been entered into. The proposal therefore fails to comply with Policy DM17 of the Development Management Policies DPD (2012) and the Council's Planning Obligations Supplementary Planning Document.

Ref: 17/6101/FUL

Address: 1 Ridge Road London NW2 2QT

Decision: Withdrawn

Decision date: 18 December 2017

Description: Demolition of existing office building and erection of a part two storey part three storey building consisting of 4no. self-contained flats. Associated amenity space and lightwells. Provision of cycle and refuse and recycling storage

Ref: 16/5078/PNR

Address: 1 Ridge Road London NW2 2QT

Decision: Prior approval required and approved

Decision date: 26.09.2016

Description: Change of use from office (B1) to residential (C3) to provide 6 units

Ref: F/01531/14

Address: 1 Ridge Road London NW2 2QT

Decision: Refused

Decision date: 15 May 2014

Description: Demolition of existing office building and erection of 1no. detached part two, part three storey building to provide 5no. self-contained flats, including hard and soft landscaping, cycle store and refuse facilities

Reason(s)

1. The applicant has failed to clarify the period for which the building has remained vacant and has not submitted any marketing information to demonstrate that there is no demand for B1 use on the site. Accordingly, the proposed loss of B1 office use would fail to comply with policy DM14 of the Development Management Policies DPD (2012).

2. The applicant has failed to provide a legal agreement to ensure financial contributions are secured in order to mitigate against the potential harm from the proposed development on the highway. The proposal would therefore fail to comply with policy DM17 of the Development Management Policies DPD (2012) and the council's Planning Obligations Supplementary Planning Document.

3. The redevelopment of this site for 5 flats by reason of the number of units proposed results in an unacceptable over-intensification of the site and cramped form of development. The proposal does not accord with policies DM01 and DM02 of the Development Management Policies DPD (2012), Residential Design Guidance SPD (2013), Sustainable Design and Construction SPD (2013).

4. The layout of the proposed flats would result in sub-standard accommodation for future occupiers of the unit contrary to policies DM01 and DM02 of the Development Management Policies DPD (2012), Residential Design Guidance SPD (2013), Sustainable Design and Construction SPD (2013).

5. The proposal fails to provide adequate standards of outdoor amenity space for occupiers of the flat contrary to Policies DM01 and DM02 of the Development Management Policies DPD (2012), Residential Design Guidance SPD (2013) and Sustainable Design and Construction (2013)

Ref: F/03313/14

Address: 1 Ridge Road London NW2 2QT

Decision: Approved subject to conditions

Decision date: 4 September 2014

Description: Demolition of existing office building and erection of part three part two storey building to create 5no. new B1 office units

Ref: F/04714/13

Address: 1 Ridge Road London NW2 2QT

Decision: Refused

Decision date: 6 December 2013

Description: Demolition of existing office building and erection of 1no. detached part two, part three storey building to provide 5no. self-contained flats, including hard and soft landscaping, cycle store and refuse facilities

Reason(s)

1. The applicant has failed to clarify the period for which the building has remained vacant and has not submitted any marketing information to demonstrate that there is no demand for B1 use on the site. Accordingly, the proposed loss of B1 office use would fail to comply with Development Management policy DM14.

2. The proposal by virtue of the mass and bulk of the building, in particular its height, would form a prominent addition to the frontage of the site which would be detrimental to the character and appearance of the property and surrounding area. The proposal would therefore be contrary to the National Planning Policy Framework 2012, Development Management Policy DM01, the Residential Design Guidance Supplementary Planning Document 2013 and Sustainable Design and Construction Supplementary Planning Document 2013.

3. The proposal by virtue of its scale and siting, in particular its height, would have an overbearing impact and result in loss of outlook to the amenity of adjoining residents. The proposal would therefore fail to comply with National Planning Policy Framework 2012, Development Management Policies DM01, DM02, the Residential Design Guidance Supplementary Planning Document 2013 and the Sustainable Design and Construction Supplementary Planning Document 2013.

4. The applicant has failed to provide a legal agreement to ensure financial contributions are secured in order to mitigate against the potential harm from the proposed development on the highway. The proposal would therefore fail to comply with Development Management policy DM17 and the council's Planning Obligations Supplementary Planning Document.

5. The proposed roof terrace would provide unsatisfactory amenity space for future occupiers and would result in an unacceptable loss of privacy for neighbouring residents. The scheme is therefore contrary to the National Planning Policy Framework, policies DM01 and DM02 of the adopted Development Management Policies DPD (2012) and to the Residential Design Guidance SPD (2013) and Sustainable Design and Construction SPD (2013).

### **3. Proposal**

The application proposes the demolition of the existing office building and the erection of a part-two, part- three storey residential building with accommodation at basement level. External materials would encourage visual articulation and interest by way of complimentary surface renders by way of a white brick clad at ground level, white render external surface at first floor and metal sheet clad at second floor.

In scale, the replacement building would follow the building envelope, except that a second-floor level would be added, which is designed in the regular form of a box clad with

a contrasting material. Due to the irregular shape of the plot, the plan form of the second floor would be set in from the main building lines on all sides, apart from two points where it would be aligned with the rear / side walls that would also mark the boundary to the site.

The accommodation proposes four apartments, as follows:

Unit 01: 3no. bed 5no. person duplex apartment across 2no. floors (basement and ground level), 117.8 sq.m, with main living accommodation at basement level, 2no. bathrooms, 2no. double bedrooms and 1no. single bedroom (1no. ensuite) at ground level. Private outdoor amenity space would consist of a 12.4 sq.m basement-level garden and 1.40 sq.m rear-facing balcony at ground level and 6.80m front lightwell (total amenity space 20.6 sq.m). (Built-in storage provision 4.10sq.m, Min req. 2.50sq.m)

Unit 02: 2no. bed 4no. person duplex apartment across 2no. floors (basement and ground level), 105.5sq.m, with main living accommodation at basement level and 2no. bathrooms, 2no. double bedrooms (1no. ensuite) at ground level. Private outdoor amenity space would consist of 15.80sq.m basement-level garden and 1.40 sq.m rear-facing balcony at ground level and 6.40m front lightwell (total amenity space 23.6 sq.m). (Built-in storage provision 6.80sq.m, Min req. 2.0sq.m)

Unit 03: 3no. bed 6no. person duplex apartment across 2no. floors (first and second floor level), 126.1sq.m with main living accommodation, 3no double bedroom and bathroom at first floor level (2no. ensuite). Private outdoor amenity space would consist of 6.50sq.m first floor front facing balcony and 23.4sq.m second floor front facing balcony (total 29.9 sq.m). (Built-in storage provision 8.90sq.m, Min req. 2.50sq.m)

Unit 04: Studio flat at first floor level; 47.1 sq.m internal floor area with 6.8 sq.m front-facing balcony at ground level. (Built-in storage provision 1.90sq.m, Min req. 1.0sq.m)

First floor roof green roof terrace.

No on-site car parking is proposed.

No levels have been provided for the proposal, but street elevation drawings show the slope of the site and street frontage, which as noted above is from north-west to south-east.

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

Consultation letters were sent to 197 neighbouring properties.

19 responses have been received, which raise the following issues:

- loss of light
- impacts on neighbours' security
- loss of privacy
- lack of car parking therefore pressures on existing parking provision
- structural impacts and risk of subsidence
- impacts on views
- the proposed building appears bigger and taller in very close proximity to the boundary with properties on Sunnyside
- out of keeping with the area
- noise and disruption during building works, including danger to children playing nearby
- redevelopment of the existing building would be preferable to demolition and rebuilding
- likely to increase crime
- inadequate drainage in the area

- the path around the building does not fall within ownership of the applicant

These issues are considered in sections 5.3 and 5.4 of this report.

Other consultation:

Highways England: No objection

Thames Water: no objection

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

National Planning Policy Framework (2021)

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

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

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

The Mayor's London Plan 2021

The new London Plan is the overall strategic plan for London, and sets out a fully integrated economic, environmental, transport and social framework for the development of the capital for the next 20 to 25 years. It was adopted on the 2nd of March 2021 and supersedes the previous Plan.

It forms part of the development plan for Greater London and is recognised in the NPPF as such.

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.

Policy D1 London's form, character, and capacity for growth

Policy D3 Optimising site capacity through the design-led approach

Policy D4 Delivering good design

Policy D5 Inclusive design

Policy D6 Housing standards

Policy D7 Accessible housing

Policy D10 Basement development

Policy D14 Noise

Policy H1 Increasing Housing Supply

Policy H2 Small sites  
Policy H10 Housing size mix  
Policy G1 Green infrastructure  
Policy G5 Urban greening  
Policy G6 Biodiversity and access to nature  
Policy SI 1 Improving air quality  
Policy SI 2 Minimising greenhouse gas emissions  
Policy SI 7 Reducing waste and supporting the circular economy

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

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

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

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

#### - Relevant Core Strategy Policies:

CS NPPF National Planning Policy Framework - Presumption in favour of sustainable development  
CS1 Barnet's place shaping strategy - the Three Strands approach  
CS3 Distribution of growth in meeting housing aspirations  
CS4 Providing quality homes and housing choice in Barnet  
CS5 Protecting and enhancing Barnet's character to create high quality places  
CS8 Promoting a strong and prosperous Barnet  
CS9 Proving safe, effective and efficient travel  
CS12 Making Barnet a safer place  
CS13 Ensuring the efficient use of natural resources  
CS14 Dealing with our waste  
CS15 Delivering the Core Strategy

#### - Relevant Development Management Policies:

DM01 Protecting Barnet's character and amenity  
DM02 Development standards  
DM03 Accessibility and inclusive design  
DM04 Environmental considerations for development  
DM08 Ensuring a variety of sizes of new homes to meet housing need  
DM09 Specialist housing - Houses in Multiple Occupation, student accommodation and housing choice for older people

DM10 Affordable housing contributions  
DM14 New and existing employment space  
DM16 Biodiversity  
DM17 Travel impact and parking standards

The Council's approach to development as set out in Policy DM01 is to minimise impacts 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

#### Mayor of London's Housing SPG

- This sets out a range of Standards for residential in London.

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

- Sets out information for applicants to assist in the design of new residential development. 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.

- In respect of amenity, development 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.

### Other relevant planning documents

#### London Borough of Barnet Characterisation Study (2011)

- This provides a valuable analysis of urban and suburban typologies with detailed descriptions of the main residential types within the Borough.

### Other relevant documents

Building Research Establishment (BRE) report (BRE 209): "Site layout planning for daylight and sunlight: A guide to good practice" Second Edition (2011)

- This was used by the applicant's consultant to assess access to natural light within the development and impact on daylight and sunlight for neighbours.

## **5.2 Main issues for consideration**

Any new application for residential redevelopment of the site would need to overcome the

reasons for refusal of previous applications.

- i. Whether the proposed loss of B1 floorspace is acceptable
- ii. Whether the proposal's height, bulk and mass would be detrimental to the character and appearance of the area
- iii. Whether the proposal would result in over intensification and cramped form of development.
- iv. Whether a satisfactory standard of accommodation would be provided, including good quality amenity space.
- v. Whether the proposal would result in detriment to the amenity of neighbouring occupiers.
- vi. Whether the proposal would be acceptable in terms of impacts on the highway network.

### **5.3 Assessment of proposals**

#### Loss of B1 floorspace

Policy DM14 states that the loss of a B Class use will only be permitted where it can be demonstrated to the council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken. Where this can be demonstrated the policy sets out that the priority for re-use should be a mix of small business units alongside any residential use.

Predecessor planning refusal ref 17/1572/FUL was refused on the basis of inadequate marketing information demonstrating that the site is no longer suitable for B.1 Class Use or is no longer viable for its existing or alternative business use in the short, medium and long term, contrary to policy DM14 of the London Borough of Barnet Development Management Policies DPD.

A revised marketing report dated 25.07.2018 by UK Property Agents has been provided which demonstrates the property to have been marketed from 31st October 2016 - 31st October 2018 (uploaded on estate and letting agent websites, Rightmove and Myukpa) for an office let, during which there was very little interest in the property. The marketing carried out related to the freehold interest in the property as existing, and it is apparent that the building would require significant upgrading from its current condition to make it suitable for commercial occupation.

In-house details produced incorporated colour photography of the subject premises and an OS extract outlining the availability of the property's freehold interest based on the current permitted use. When promoted for letting the site was in reasonable order however became dilapidated once it was empty for a protracted period of time. Supporting evidence submitted states that the following marketing methods were carried out from October 2016 to date.

#### **Marketing Board**

A marketing board was erected in October 2016 with the option let as is or rebuild according to a potential tenant.

#### **Letting rate and Terms**

Whole Office: The letting rate is approx. 5% lower than the current market prices; the landlords aim was to have one tenant on a long lease for continuity. The lower letting rate



was a compromise to provide an incentive for a long term let. For example: the cheaper rate per sq/ft in the area is £20.50 sq/ft. The advertising is for £19.45 for the site.

Per Unit: 5 Lettable Units: £200 per unit per week.

Terms: The landlord offered a commercial lease on flexible terms with a lease period of 3 years plus with break clauses to be agreed. Additionally, there was an option for the tenant to continue the lease once the lease ends.

Deposit: 3 months in advance with the option to pay one month deposit and every quarter to add one month until 3-month deposit was reached.

#### Mailing

The following regular mailing was undertaken since marketing of the property began.

#### Estates Agent Clearing House

The particulars were circulated to Barnet and North London Agents (approximately 650 commercial property agents) on a quarterly basis.

#### In-House Database

The approved marketing brochure was sent out quarterly to all registered applicants seeking accommodation of this nature (offices, workshops and storage) as well as local and national investors, developers, solicitors, accountants and other agents included in the in-house - database.

#### Applicants

Details were sent continuously to applicants who enquired for a property similar to the ones available at Ridge Road.

#### National Publications

The property was advertised in Property Direct on a monthly basis from August 2012 - January 2016. The current owner purchased the property in 2016.

Submitted details provide copies of online adverts marketing the property for an office let on estate and lettings agents Rightmove and Myukpa from 31st October 2016 -31st October 2018, during which there was very little interest in the property.

#### Marketing Progress

Despite minimal to nil demand for use of the site as offices, the majority of demand for the site was received from residential developers in the later stages of marketing. Some interest for educational centre/ training centres were received in the initial stages, which planning policy excludes (on the basis of a replacement within a B1 employment site). Interest for the property for office use was met with concern over the fit-out costs.

Permission was granted in 2014 for a replacement office building.

The site was advertised as new build, but it was found that tenants would not commit to a lease before it has been built due to the long lead in period. It is considered that the property is suitable for smaller business' that tend to require property in a useable condition as short notice.

The site has been vacant for 7+ years despite extensive market exposure by multiple estate and lettings agents. The site is considered an unmarketable proposition for

commercial and or office use due to the costs involved in bringing it back into use. This level of expenditure is beyond that for most tenants, which has been reflected by the lack of demand for the sites approved use over a broad marketing period.

It is therefore considered that while the prior approval for residential use must be given some weight in any application for residential redevelopment, it is considered that the requirements of Policy DM14 to protect office space can only outweigh where the conversion to flats by way of the prior approval has been demonstrated to represent a realistic fall-back position. The Marketing Report provided has satisfactorily justified the loss of the B1 employment use and priority for re-use of the site for residential proposes and has subsequently addressed one of the previous reasons for refusal of application ref: 17/1572/FUL in accordance with Policy DM14 of the Barnet Local Plan DMP 2012.

### The character and appearance of the area

Chapter 12 Para. 126 of the National Planning Policy Framework 2021 states that, 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Para 134 states, ', significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'.

In addition to the NPPF, Policy CS5 of the Core Strategy 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'. In addition to this, Policy DM01 of the Council's Development Management Policies 2012 states that 'development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets; development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused'.

The proposal would result in the demolition of the existing (B1) building, which is not considered to be of any architectural merit that would warrant its retention and erection of a new replacement (C3) building within the footprint of the site. It is considered that the building at present is vacant and in a state of disrepair. The footprint of the original (B1) building measures an area of approx. 256sq.m whilst the replacement building would measure an area of approx. 205sq.m. The reduction in footprint of approx. 51sq.m is the result of a reduced ground floor bulk with set-in of 1.0m - 1.20m from the common boundaries with adjoining nos. 336 - 344 Cricklewood Lane (even numbers) to the north and 2, 4 and 6 Sunnyside to the east to create an access path around the property.

Elevations demonstrate that the new replacement building would follow (existing site levels) sloping gradient of the site and therefore building heights have been noted accordingly. The original (B1) building is two storeys (notwithstanding basement level) above natural ground level and measures approx. 6.12m (at its shortest point on the south-east corner) and 8.89m (at its highest point on the southwest corner). The bulk of the new replacement (C3) building would measure approx. 6.0m (at its shortest point on

the south-east corner) and approx. 7.80m (at its highest point on the southwest corner), although it would include an additional second floor level by way of a metal clad floor centrally located within the triangular site with a floor area of approx. 80sq.m. This would be set away from the building envelope and be approx. 2.50m in height. A transparent glass balustrade at the front would serve a second-floor front-facing balcony.

The bulk of the building would be approx. 1.0 metre lower than the height of the existing building's parapet although the second-floor element, which would be provided as a distinct element within a smaller floor area than those below it, would be 1.50 m higher than existing. High quality materials are proposed, as shown in the Design and Access Statement, which in conjunction with the rather modernist style of the proposal would result in an attractive building that would enhance the streetscape of Ridge Road. While this style differs from any nearby building, the mixed styles of architecture on this road are such that the building is considered to sit well within this street frontage. No objection is therefore raised on grounds of character and appearance.

### Whether the proposal would result in over intensification and a cramped form of development

Policy D6 of the London Plan does not give any guidance on the actual appropriate densities of proposed developments in relation to the setting or the local PTAL (public transport accessibility level). The policy requires planning officers to assess local development proposals on subjective evaluation of local characteristics and devise their own evaluation criteria. The appropriate density of a site should be arrived at through a design-led approach, taking account of the site context and infrastructure capacity. Chapter 11, Paragraph 124 (Achieving appropriate densities) of the NPPF (2021) requires planning policies and planning decisions to support development that makes efficient use of land, taking into considering a range of contextual factors, a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; b) local market conditions and viability; c) the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use; d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places.

While in previous reports the site has been defined as 'suburban' in accordance with the London Plan definition, it is immediately adjacent to the more urban environment of Cricklewood Lane. It has a PTAL score of 3 to 4. As demonstrated, the marketing of the site to maintain B1 (office) use on popular estate and letting agent websites revealed very little interest and currently stands derelict and visually unkept. The nature of development for the purpose of larger, residential units, would support needed single-family housing provision, regarded as high priority within the Barnet DMP and be accommodated within the limitations of a lesser footprint, resulting in a more compact form of development. All units would exceed the minimum internal GIA and outdoor amenity requirements and provide adequate levels of daylight, outlook, and privacy for the rooms at a satisfactory distance from neighbour occupiers. The new second-floor element, which would be provided as a distinct element within a smaller floor area than those below it, would be 1.50 m higher than existing, albeit largely set away from the building envelope by 2,50 metres. As such, the proposed material changes would not generate any harmful impact on the character and amenities of the surrounding area. The development would be car-free subject to the applicant entering into a legal agreement to mitigate against the potential harm from the proposed development on the highway and located within

convenient walking distance of local shops and easily accessible by public transport. In line with the Local and National Plan Policy, it is not considered that the proposal would result in an overly intensive and cramped development.

#### The standard of accommodation including amenity space to be provided

All new residential development is expected to meet minimum space standards as outlined in Policy D6, Table 3.1 of the London Plan (2021).

Unit 01: 3no. bed 5no. person duplex apartment across 2no. floors (basement and ground level), 117.8 sq.m, with main living accommodation at basement level, 2no. bathrooms, 2no. double bedrooms and 1no. single bedroom (1no. ensuite) at ground level. Private outdoor amenity space would consist of a 12.4 sq.m basement-level garden and 1.40 sq.m rear-facing balcony at ground level and 6.80m front lightwell (total amenity space 20.6 sq.m). (Built-in storage provision 4.10sq.m, Min req. 2.50sq.m)

Unit 02: 2no. bed 4no. person duplex apartment across 2no. floors (basement and ground level), 105.5sq.m, with main living accommodation at basement level and 2no. bathrooms, 2no. double bedrooms (1no. ensuite) at ground level. Private outdoor amenity space would consist of 15.80sq.m basement-level garden and 1.40 sq.m rear-facing balcony at ground level and 6.40m front lightwell (total amenity space 23.6 sq.m). (Built-in storage provision 6.80sq.m, Min req. 2.0sq.m)

Unit 03: 3no. bed 6no. person duplex apartment across 2no. floors (first and second floor level), 126.1sq.m with main living accommodation, 3no double bedroom and bathroom at first floor level (2no. ensuite). Private outdoor amenity space would consist of 6.50sq.m first floor front facing balcony and 23.4sq.m second floor front facing balcony (total 29.9 sq.m). (Built-in storage provision 8.90sq.m, Min req. 2.50sq.m)

Unit 04: Studio flat at first floor level; 47.1 sq.m internal floor area with 6.8 sq.m front-facing balcony at ground level. (Built-in storage provision 1.90sq.m, Min req. 1.0sq.m)

As shown above, all units would exceed minimum space standards for internal space as set out in the Council's Residential Design Guidance SPD and Sustainable Design and Construction SPDs (both updated October 2016) and the London Plan (2021).

Sections provided demonstrate a headroom of approx. 2.70m across all units, which would exceed the minimum recommended height of 2.50m for new builds as per the London Plan (2021).

The provision of built-in storage space per unit (as shown above) would far exceed the minimum provision required as per the London Plan (2021).

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practically possible to ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. Units are stacked vertically (therefore side by side, rather than above one another) therefore considered appropriate and acceptable, helping to ensure a minimum of noise and disturbance between units. However, to control transmission of noise and vibration, 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 therefore subject to a condition.

The Barnet's SPD Sustainable Design and Construction requires a minimum of 5sqm of amenity space per habitable room for flats and 55sqm for houses of up to 5 habitable rooms. The provision for outdoor amenity space (as noted above) standards have been adequately met by way of external outdoor garden amenity (for the purposes of units 01 and 02 at basement level) and rear and front-facing balconies for all units (reference: Table 1.2 in the Residential Design Guidance SPD) and is therefore acceptable in this regard. It should be noted that the scheme has been designed to ensure that amenity areas do not result in overlooking of neighbouring residential homes and gardens.

Refuse storage and bicycle stores are located at the front of the building, and while the external access for the bicycle store is not ideal, both stores are accessible for residents.

The northern aspect, small area and below surface level aspect for the basement level gardens for Units 1 and 2 would limit their utility, although the generous internal space provision, dual aspect served living spaces and relative proximity to open space within the Borough are considered to balance the under-provision for these units. Unit 4 would comprise a studio unit with dual aspect served by combined living/kitchen/bedroom space and in this case, exceed the provision of outdoor amenity space by way of a front facing balcony therefore considered to make for a satisfactory standard of accommodation. Unit 3 would be adequately served by 2 front facing balconies.

Given the site orientation, a concern raised under previous planning refusal ref 17/1572/FUL was in respect of access to daylight and natural light, particularly at basement level (due to boundary walls, which is required to ensure privacy for future occupiers and existing neighbouring occupiers) and proposed northern aspect habitable openings. To address this, an Internal Daylight Analysis Report ref 16.2856 dated April 2018 was submitted with the application on behalf of the client by Syntegra Consulting Ltd, which assessed internal daylight levels to all habitable rooms across all units in accordance with BRE recommendations for internal daylight using the Average Daylight Factor (ADF) criteria in BRE Digest 209. The report demonstrates that adequate levels of internal daylight are met in 100% of the rooms and all the rooms have passed the ADF criteria. This report demonstrates that four rooms (R02, R05, R06, R07) have failed to meet the No-Sky Line criteria. However, the percentage of No-Sky Line for the room is not considered a concern as the ADFs are met and will provide adequate levels of daylight for the rooms. On balance, the proposed development will provide good residential accommodation which will enjoy good levels of daylight.

Boundary walls would be necessary to prevent mutual overlooking between the small basement level gardens in Units 1 and 2, and to prevent adverse overlooking of neighbours.

In summary, the revised scheme would create a satisfactory standard of accommodation for future occupiers and is therefore acceptable in this regard.

#### Whether the proposal would result in harmful impacts on the amenity of neighbouring occupiers

In terms of impact of the proposal on the amenity 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.

There are gardens to the rear of 340, 342 and 344 Cricklewood Lane, although it appears that these areas serve servicing for the ground floor shops. Key impacts relate to distances and views involved to habitable room window openings above ground floor levels. It is noted that views are angled at a minimum distance of approx. 15.0m from multiple viewpoints.

A Daylight, Sunlight & Overshadowing Report ref: 16.2856 dated January 2017 was submitted in support of the previous planning refusal ref 17/1572/FUL on behalf of the client by Syntegra Consulting Ltd, which assessed impacts on adjoining properties using the vertical sky component (VSC) and Annual Probable Sunlight Hours (APSH) methodologies in BRE Digest 209. The assessment demonstrates the potential impact of the proposed development in relation to daylight, sunlight and overshadowing on the surrounding building at 336-344 Cricklewood Lane, Sunnyside House, 2-10 Sunnyside, and 14-16 Ridge Road. Specifically, it takes into consideration the possible effect and influence that the new development would have on neighbouring properties and respective amenity areas. Impacts on all adjoining neighbouring properties (particularly rear facing window openings) were demonstrated to be negligible. Results in respect of daylight, sunlight and overshadowing met BRE criteria and demonstrated the new development to have negligible impact on adjoining nos. 336-344 Cricklewood Lane, Sunnyside House, 2-10 Sunnyside, and 14-16 Ridge Road. This appeared to be a result of reduction of the height of the building on the boundary where it directly abuts the boundary. It is noted that property addresses are incorrect in Diagram 3.1 within the study. However, this is not considered to affect the outcome of the analysis.

Notwithstanding this, the scheme has since been revised to include a set-in of approx. 1.0m -1.20m from the common boundaries with nos. 336 - 344 Cricklewood Lane (even numbers) to the north and 2, 4 and 6 Sunnyside to the east (hence a reduced footprint over the existing footprint). These revised changes, despite a marginal increase in height above the existing by approx. 1.50m (the extent of which would be limited within the envelope of the site) combined with the results of the (previous) Daylight, Sunlight & Overshadowing Impact Assessment (on residential amenity of adjoining residential occupiers) supports the argument of an overall lesser impact on the residential amenities of adjoining neighbouring occupiers in respect of loss of light and any overshadowing.

Given existing site circumstances, the standard of amenities for residents are already prejudiced to some degree by way of the position and siting of the existing (B1) building on the common boundaries with adjoining neighbouring properties. The replacement building is considered to marginally disperse the existing level of impact upon neighbouring occupiers.

No windows in the flank elevations are proposed. Openings to the front and rear elevations would support ventilation and light source for all units and allow for dual aspect living spaces where possible. Recessed rear balconies at ground and first floor level would be supported by timber railings approx. 1.0m high. To prevent a loss of privacy, a condition has been attached to ensure that rear facing openings are obscurely glazed. This would subsequently address a previous reason for refusal as per ref: 17/1572/FUL.

#### Highways and car and cycle parking issues

The site sits at the edge of areas with PTAL ratings of 3 and 4. While secure cycle parking would be provided (at ground level), the lack of any on-site parking provision is likely to result in overspill parking onto the surrounding highway network. Discussion with

Highways Officers indicate that the development would be acceptable without car parking provision on the basis that a legal agreement is entered into that would restrict future occupiers from obtaining on street parking permits. This was the case with the previous application.

The recommendation for approval is subject to the applicant entering into a legal agreement to mitigate against the potential harm from the proposed development on the highway.

#### Drainage and impact of the basement

Following consideration by the previous committee, a Basement Impact Assessment (BIA) was submitted. This was independently reviewed by Campbell Reith consulting engineers. Additional information was requested including a Flood Risk Assessment. The Audit reviewed the Basement Impact Assessment for potential impact on land stability and local ground and surface water conditions arising from basement development in accordance with LBB's policies and technical procedures, with additional reference to Planning Guidance published by the London Borough of Camden. (Campbell Reith assess many basement applications in LB Camden). The summary states that It is accepted that the proposed basement will not affect the hydrology and hydrogeology of the area. The BIA states that any damage to surrounding structures will not exceed Burland Category 1. Due to the limited extent of the basement works, a qualitative assessment is accepted.

A condition is proposed requiring development to comply with the Campbell Reith Audit and submitted BIA.

#### **Other material considerations**

##### Impacts on protected wildlife and the adjacent tree

It is noted that the building has been unoccupied for a considerable length of time, and for any acceptable planning application it would be necessary to survey the building to establish that there is no protected wildlife that would require relocation. While it is advisable to provide a survey as part of any application, no objection is raised in this case.

There is a mature sycamore tree growing at the rear of one of the Cricklewood Lane properties; however, this has been heavily pruned and is not considered to be of such great amenity value that it would require protection in any acceptable planning application.

##### Sustainability and Environmental Issues

Compliance with the Barnet Sustainable Design and Construction SPD (2016) and London Plan (2021) standards in terms of carbon dioxide emissions and water consumption has been secured by way of a condition and should also demonstrate compliance with respect to part M4(2) of the Building Regulations.

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

Most of the issues referred to in neighbour letters are addressed in the above discussion. The remaining points are considered here:

Impacts on neighbours' security and increased crime: It is considered that redevelopment of the site would result in an improvement in neighbours' security.

Structural impacts and risk of subsidence: This would be a matter for building regulations. It is noted that there is an existing basement at the site.

Impacts on views: There are no protected views across the site. Residents do not have a right to a view under planning legislation. It is considered that neighbours outlook would not be adversely affected.

Noise and disruption during building works, including danger to children playing nearby: A Demolition and Construction Method Statement would be required by condition for any acceptable application.

Redevelopment of the existing building would be preferable to demolition and rebuilding: Construction impacts would be managed as noted above.

Inadequate drainage in the area: A Flood Risk Assessment was submitted as part of the Basement Impact Assessment

The path around the building does not fall within ownership of the applicant:  
The agent has produced a revised site plan in this regard. Revised plans submitted demonstrate that the access path that runs along the perimeter of the site will be retained as existing.

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

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

## **7. Conclusion**

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





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<b>Location</b>	<b>18 And 20 Russell Gardens London NW11 9NL</b>	
<b>Reference:</b>	<b>21/6566/FUL</b>	Received: 15th December 2021
		Accepted: 15th December 2021
<b>Ward:</b>	<b>Golders Green</b>	Expiry 9th February 2022
<b>Case Officer:</b>	<b>Shay Bugler</b>	
<b>Applicant:</b>	Noa Girls	
<b>Proposal:</b>	Change of use from residential to Class F1 use (Learning and non-residential institutions) together with the retention of the existing building at the rear of no.20 Russell Gardens for Class F1 use	

**AGENDA ITEM 8**

**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. "Car Free" Agreement- £2,392.01 contribution towards amending the relevant Traffic Management Order  
Travel Plan- £5,000 contribution towards the Council's costs of monitoring the planning obligation.

**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 this permission.

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

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

- Existing drawings: LP-01-Rev P03; EX- 01-Rev P03; EX- 02-Rev P00; EX-03 Rev P00; EX-04-Rev P00; EX-05-Rev 01; PA-01 Rev P03; PA-02-P00
- Planning Statement by SMB Town Planning Limited ( ref: SMB/jb/2020/24) December 2021
- Design and Access Statement by XUL Architecture Rev 02 dated 29 November 2021
- Alpine Bike Sheds specification by Bikedock Solutions
- Transport Statement by December 2021 by ttp Consulting Limited.
- Transport Note from ttp Consulting Limited dated 18th March 2022 (File ref: N01-KM- Transport Note)
- Noise Assessment Report dated 29th October 2021 (project no: 2120739) by Sharp Redmore Acoustic Consultants

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 Prior to occupation of the development, existing parking spaces and the access to the parking area from public highway shall be retained in accordance with the submitted planning application. Thereafter, 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 adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 4 The maximum number of people onsite shall not exceed the proposed 45 staff and no more than the proposed 110 clients per week.

Reason: 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.

- 5 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.

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

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

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

- 7 a) Before the development hereby permitted is first occupied or brought into use, a Travel Plan incorporating measures to reduce trips to the site by the private car and encourage non-car modes such as walking, cycling and public transport shall be submitted to and approved by the Local Planning Authority.

The Travel Plan shall include a clear action plan for implementing the measures, and shall be monitored, reviewed and resubmitted in writing annually, for approval by the local planning authority, in accordance with the targets set out in the Plan and the associated S106 agreement.

b) The measures set out in the Travel Plan approved under this condition shall be implemented and retained until such time as the site is no longer in use or occupied.

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).

- 8 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.
- b) The details approved by 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 enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policies D13 and D14 of the London Plan 2021.

- 9 (a) Prior to commencement of works onsite, a bespoke Noise Report for Educational and Therapy Use should be carried out by an approved acoustic consultant and submitted to the Local Planning Authority for approval. The report shall assess the likely noise impacts from the development with regards to its use as an Educational and therapy space. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels; 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 contents and recommendations.
- (b) The measures approved under this condition shall be implemented in their entirety before (any of the units are occupied/ the use commences), and retained as such thereafter.

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

- 10 The development hereby approved shall be solely used and occupied by Noa Girls, and not for any other purposes under F1 of the Use Classes Order 1987 (as amended).

Reason: To ensure the use hereby approved for Noa Girls Community is retained onsite.

- 11 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).

### **RECOMMENDATION III:**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20th 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 fails to provide a legal undertaking to secure a Travel Plan monitoring contribution or secure a "car free" agreement which restricts future occupiers from applying for car parking permits. The proposal would therefore not address the impacts of the development, contrary to Policy DM17 of the Development Management Policies DPD (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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering'

process.

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

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

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

- 3 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.

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

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

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

- 5 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

No. 18 Russell Gardens was an unoccupied residential property until June 2021 when the applicants began to use it in conjunction with the use of no. 20. No.20 Russell Gardens together with the building in the rear garden is used as a therapy centre for Jewish girls

and young women (aged between 12-24). The facility is known as "Noa Girls". The applicant advises that the service provides "emotional, practical, and therapeutic support to girls from the London Orthodox Jewish community. Individuals who attend this facility often face complex challenges ranging from mental health, difficult home situations and traumatic life events".

Both properties are set back from the road by front gardens and no.18 has a driveway which provides one off-street parking space.

The building at the rear of no.20 was erected in July 2019 replacing a smaller "garden shed". This building is a single-storey structure divided into two with the larger portion (16.7sqm) used as a therapy room and the smaller section (9.95sqm) as a gym. This building is part of the F1 use at no.20.

The site has a PTAL of 3, which means it has moderate access to public transport (on a scale where 1 is extremely poor and 6b is excellent). The closest bus stop on Golders Green is approximately 140m away. Brent Cross Underground Station is located approximately 640m from the site.

The surrounding area is predominantly characterised by residential development. The site does not lie within a Conservation Area and there are no listed buildings onsite.

## **2. Site History**

### 18 Russell Gardens

Ref no: W09113A

Description of development: Conversion into two self contained flats

Decision: Refused

Decision date: 5 September 1989

Ref no: C07912A

Description of development: One double-sided, internally illuminated advertising panel.

Decision: Approved subject to conditions

Decision date: 13th May 1987

Ref no: C01925

Description of development: Installation of dormer window and formation of room in roof space.

Decision: Approved

Decision date: 18th April 1968

### 20 Russell Gardens

Ref no: 15/03244/FUL

Description of development: Part single part two storey rear extension, two storey side extension, conversion of single dwelling house into 2 no. self-contained flats

Decision: Refused

Decision date: 01.07.2015

Reasons for Refusal:

1. The proposed conversion of this property into self-contained flats would be out-of-

character within an area characterised predominantly by single family dwellings and would be detrimental to the character and appearance of the surrounding area.

2. The proposed side and rear extensions at first floor level by reason of their depth, size, massing and siting would result in an overly-dominant and imposing development which would be detrimental to the residential amenities of the occupiers of the adjoining properties and result in direct overlooking.

3. The cumulative impact of the proposed side and rear extensions by reason of their depth, size, massing and siting would result in an overly-dominant development which would be detrimental to the established character and appearance of the immediate and general area.

Ref no: 16/1781/HSE

Description of development: Single storey side extension following the demolition of the existing sheds

Decision: Approve subject to conditions

Decision date: 01 June 2016

Ref no: 18/7452/191

Description: Certificate of Lawful Development for use as Class D1 (Non residential Institution

Decision: Lawful

Decision date: 29.03.2019

### **3. Proposal**

The proposal on site comprises of the following:

-Change of use of no.18 Russell Gardens from residential to Class F1 use (Learning and non-residential institutions) to provide specialised counselling; support and therapy for adolescents and young women within the Jewish Community.

-The retention of the outbuilding at the rear of no.20 Russell Gardens for its continued use in connection with the principal F1 use at that property.

-The creation of an internal link on the ground floor between nos. 18 and 20 Russell Gardens.

-The insertion of a gate in the fence in the rear garden between the two properties (this technically does not require planning permission).

-The provision of 7 cycle parking spaces at the rear of no.18 Russell Gardens.

-There will be no physical alterations to the building.

- Vehicular and pedestrian access to the site would remain as per existing, and cycle parking would be provided in line with the London Plan.

- The applicant has advised that the proposal is likely to generate an additional 6 members of staff, and 10 additional girls attending the site on a weekly basis.

### **4. Public Consultation**

Consultation letters were sent to 117 neighbouring properties on 15.12.2021 and advertised onsite (site notice) on 16.12.2021.

The objections received by the Local Planning Authority were as follows:

17 Objection letters were received by the Local Planning Authority, which are summarised as follows:

- Lack of car parking spaces on Russell Gardens, and nearby streets including Sneath Avenue and Leaside Crescent. Noa Girls Facility have obtained parking permits for their staff. Increase in staff as a result of this proposal could mean more on street parking in the Controlled Parking Zone, which would increase pressure for on street car parking spaces and on existing Permit holders; exacerbate problems associated with congestion and highway safety.
- Increase in number of clients at Noa Girls Buildings could compromise safety of residents, particularly in the evening.
- Noise disturbance

8 letters of support were received by the Local Planning Authority, which are summarised as follows:

- Noa Girls is a valuable asset to the Jewish community.
- It is a convenient and establish location for the Community.
- The organisation understands the cultural background, which is of critical importance to the Jewish Community.
- The experience the school has with adolescent girls, as well as ongoing conversations with staff and heads of other schools, makes it clear that there is increasing need for the service which Noa offers, and their current premises are no longer (on their own) able to cater for the extent of the demand there now is for additional facilities. The need and demand to expand the existing facility is high. It is necessary to expand this facility to meet the growing demand of this very specific need for the Local Community. The girls Noa School supports face complex challenges ranging from mental health challenges to traumatic life events, and therefore the proposed expanded provision in Russell Gardens is very much needed.
- Hasmonean High School for Girls regularly refers students to Noa, from whom they receive emotional, practical, and therapeutic support. The service the staff provide is hugely unique in the sense that the team understand the girls from the community and their religious background.
- No 18 Russell Garden is the most suitable location to expand the Noa Girls, as it adjoins no 20 Russell Gardens. Noa Girls is in discreet location (in a building with the appearance of a residential property) means that the students have the confidence and flexibility to access these services when they most need it.

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

## **Consultees**

LBB Highways team

LBB Highways raise no objections to the proposal and consider it to be acceptable on highway grounds. The results of the applicants Car Survey submitted to the Council in March 2022 demonstrates there are sufficient car parking spaces available on street, during operating hours of the site, which means that there should not be detrimental impact on the surrounding public highway due to the proposed development. The proposal is therefore deemed acceptable on highways grounds, subject to a planning condition which requires that, prior to occupation of the development, existing parking spaces and the access to the parking area from public highway shall be retained in accordance with the submitted planning application. 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. This is 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.

A planning condition should be attached which limits the maximum number of clients which must not exceed the proposed 45 staff and no more than 110 clients per week.

The application would be required to submit a Travel Plan to be approved in writing by the Local Planning Authority and monitored thereafter. This is to encourage both staff and visitors to use sustainable modes of transport (ie walking and cycling) to and from the site.

A "car free" Agreement would be required which restricts future staff members from applying for car parking permits on Russell Gardens and nearby streets. This would be secured within a S106 legal Agreement.

LBB Environmental Health team

LBB Environmental Health do not raise any formal objections, subject to noise conditions which requires:

- Details of all acoustic walls, fencing and other acoustic barriers
- A bespoke Noise Report for Educational and Therapy Use. The report shall assess the likely noise impacts from the development with regards to its use as an Educational and therapy space

The above would be secured by way of planning conditions 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.

## **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 NPPF sets out the Government's key economic, social, and environmental objectives

and the planning policies to deliver them. The social objective includes accessible services "that reflect current and future needs and support communities' health, social and cultural well-being."

The NPPF emphasises that local planning authorities in their decision making should "support healthy lifestyles, especially where this would address identified local health and well-being".

### The Mayor's London Plan 2021

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

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

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

The relevant London Plan policies are as follows: D1; D2; D3; D4; D5; D11; D12; D14; H8; SI 7; SI 8; T1; T2; T3; T4; T5; T7; SC1; SC2

### 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; CS5; CS8; CS9; CS10; CS11; CS13; CS14; CS15

Relevant Development Management Policies: DM01; DM02; DM03; DM04; DM13; & DM17

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

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

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

in the draft Local Plan and the stage that it has reached.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of proposed development and land use onsite;
- Design and its' impact on the character and appearance of the existing building and the wider locality
- Impact on neighbouring residential amenity
- Impact on local highway

## **5.3 Assessment of proposals**

### **Principle of the proposed development and land use onsite**

Loss of a residential unit onsite

Policy H8 of the London Plan stipulates that the loss of existing housing should be replaced by new housing at existing. The loss of a residential use would only be acceptable, should the alternative land use, demonstrably provides a use, which can be robustly justified as a significant public benefit. The LPA should balance the potential benefits of loss of a residential use against the wider social and environmental impacts of the alternative use.

Policy DM07 of the Local Plan (2012) states that: "Loss of residential accommodation will not be permitted unless the proposed use is for a local facility (children's nursery, educational or health use) provided that it is not detrimental to residential amenity; where need can be demonstrated and; the demand for the proposed use cannot adequately be met elsewhere and is in line with other policies."

The proposal would result in the loss of a 4-bedroom semi-detached house. The applicant has advised that the property became vacant in September 2017 and remained unoccupied until June 2021, when "out of desperation for additional floorspace Noa Girls began utilising the accommodation that the trust had purchased for its use for class F1 purposes. As a result of this Noa Girls has supported 202 girls so far in 2021, compared to 180 girls in 2020".

The applicant has provided the following information to demonstrate there is a growing need and demand for this facility, specific to this subject site:

- The applicant has advised that approximately 84% of Noa Girls' clients either reside or attend school within the LB of Barnet and the organisation is well established in Golders Green (at no.20 Russell Gardens)
- The organisation is supporting three times as many girls as they were five years ago. Their plan is to support up to approximately 150 girls and young women.
- The need for privacy of Noa Girls' clients is paramount. It is crucial that girls feel they can receive the required services without anyone in the community (or indeed the wider public) knowing.
- Noa Girls deliberately keep an extremely low public profile so as to maintain the girls' confidentiality and reduce any possible stigma that may dissuade them or their families from seeking help

- Noa Girls operate from an intentionally unassuming "residential property". This means that the girls can feel comfortable coming to Russell Gardens as their entrance into a "house" does not raise questions or attention in the same way as a commercial building would in a more central location.
- The property is location in a relatively discreet location. The entrance is shielded from public view. The girls feels self-conscious when entering and exiting. This is an important factor as 77% of the girls in Noa's remit live in the LB of Barnet and a further 7% go to school in the Borough
- The ability to operate from a residential, rather than institutional, building, allows Noa Girls to create a personalised and non-clinical environment which is conducive to building one-to-one relationships of trust between girls and staff members in a relaxed and nurturing surrounding.
- The premises at no.18 would provide Noa Girls with several additional rooms which will be used to deliver vital key working, mentoring and therapy sessions. The property is also large enough to contain a room for support in a group setting.

Based on the information and justifications provided above, Officers are satisfied that the adjoining premises at no.18 represents a much needed opportunity for Noa Girls to expand their current services and appreciate that this is a special circumstances, and in particular its very specific value to Jewish girls and women. These community benefits would outweigh the loss of the existing residential use onsite.

The principle of expanding the existing Noa Girls facility

Policy S1 & S2 of the London Plan (2021) seeks to provide high quality; inclusive; social infrastructure to meet the local needs and demands. Development proposals that support the provision of high-quality new and enhanced health and social care facilities to meet identified need and new models of care should be supported.

Policy CS5 of the London Plan stipulates that development respects local context and distinctive local character creating places and buildings of high-quality design. The policy states that: "For future provision of youth facilities, the emphasis will be on ensuring services are targeted at those most in need of support and enabling community groups and the voluntary sector to build capacity around providing a range of positive activities across the borough from a wide range of locations."

Policy CS10 of the Core Strategy (2012) supports "the enhancement and inclusive design of community facilities ensuring their efficient use, and the provision of multi-purpose community hubs that can provide a range of services to the community at a single accessible location." Moreover, Policy DM13 of the Core Strategy (2012) states that where new community and education uses are proposed these "should be located where they are accessible by public transport, walking and cycling. New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties"

The proposed development would provide Noa Girls with the accommodation they currently require to meet the growing demand for their services. Linking the two properties would enable the organisation to operate in an efficient manner; whilst retaining the character and appearance of the properties as a pair of semi-detached houses within a residential area. The proposal would provide a quality service that addresses an urgent local need which plays an important role in the lives of some members within the Jewish community, in accordance with policy.



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

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

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

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

Any scheme for the site is required to respect the character and appearance of the local area, relate appropriately to the site's context and comply with development plan policies in these respects.

The existing residential character of nos. 18 and 20 Russell Gardens would be retained, as there are no external alterations to either building proposed to facilitate the change of use of no.18 Russell Gardens. The properties would remain in appearance as a pair of semi-detached houses. As such, the proposal would not present any new design considerations, and would continue to have an acceptable impact on the streetscene and local area.

The Residential Design Guidance in relation to outbuildings states:

The same principles apply to the design of back garden buildings as to rear extensions:

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

In relation to the retention of the outbuilding, this is timber clad and does not exceed 2.5m in height. Its size and design are commensurate with a domestic outbuilding and it is considered not to be out of keeping within the domestic garden setting along Russell Gardens.

## **Impacts on amenity of neighbouring residential amenity**

Amenities of Neighbouring and Future Residents Part of the 'Sustainable development' imperative of the NPPF 2019 is pursuing improvements to amenity through the design of the built environment. Policies CS5, DM01, DM02 and DM04 of the Barnet Development Management Policies DPD seeks to manage the impact of new developments to ensure

that there is not an excessive loss of amenity in terms daylight/sunlight, outlook and privacy for existing residential occupiers or gardens.

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

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

The orientation of the outbuilding is in such a way that it causes no overshadowing to or unduly affect the outlook from neighbouring properties. It is less than 2.5m high and would need the requirements for a domestic outbuilding.

Given the above factors there are no cogent reasons for the Council to object to the proposed retention of the building at the rear of no.20 Russell Gardens.

There are no external changes, (no additional windows) to the elevations, and therefore the proposal would continue to have the same impacts on daylight and sunlight levels to nearby properties. It would not result in overshadowing or loss of outlook to neighbouring properties.

## Noise

Policy D14 of the London Plan (2021); policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) seek to ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surrounding area.

The Noise Assessment submitted by the applicant is considered to be acceptable, subject to the following conditions:

- 1) A bespoke Noise Report for Educational and Therapy Use to assesses the likely noise impacts from the development with regards to its use as an Educational and therapy space. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels; 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 contents and recommendations.
- 2) Full details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to and approved by the Local Planning Authority in writing.

The above would be secured by way of planning conditions to ensure that the amenities of occupiers are not prejudiced by the expansion of this Noa Girls facility.

## Impact on local highway

Policies T1; T2 ; T3 & T4 seek to promote highways safety; ensure developments do not have a detrimental impact on the highway and ensure that transport

assessments/statements should be submitted with development proposal to ensure that impacts on the capacity of the transport network (including impacts on pedestrians and the cycle network), at the local, network-wide and strategic level, are fully assessed. Transport assessments should focus on embedding the Healthy Streets Approach within, and in the vicinity of, new development. Travel Plans. The cumulative impacts of development on public transport and the road network capacity including walking and cycling, as well as associated effects on public health, should be taken into account and mitigated.

Policies CS9 and DM17 of the Local Plan (2012) seeks 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.

The applicant has provided the results of a car parking survey carried out on Thursday, 4th November 2021 between the hours of 09:00 - 19:00; on Sunday 27th February 2022 (between 09:30 and 18:00), Monday 28th February 2022 (between 08:00 and 22:00) and Wednesday 2nd March 2022 (between 08:00 and 21:30). The busiest days are Mondays and Thursdays. Clinical staff work around 15% of their hours in the evening. Currently there are 40 members of staff with 4 on maternity, and 3 staff members are due to join in the next few weeks (one on maternity cover for another staff member about to go on maternity). Between 9am-2pm on Monday there were between 20 and 23 staff on-site and between 1 and 9 girls. The evening periods are considered to be significantly quieter. The below table reflects the patterns for 40 members of staff, supporting 120 girls (100 on-site). The parking survey identifies and assesses the impacts of an additional 6 members of staff, and 10 additional girls attending the site on a weekly basis.

LBB Highways team have reviewed the car parking survey details and confirm that the results of the survey demonstrate that there would be sufficient spaces available on street, during operating hours of the site, and therefore should not have an unduly detrimental impact on the surrounding public highway.

Notwithstanding, in order to mitigate against the development on the local highway, the following would be secured by way of planning conditions:

- Prior to occupation of the development, existing parking spaces and the access to the parking area from public highway shall be retained in accordance with the submitted planning application. The parking spaces shall be used as approved and not for any other purpose other than the parking and turning of vehicles in connection with approved development. This is 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.
- Maximum number of clients must not exceed the proposed 45 staff and no more than 110 clients per week.
- The application would be required to submit a Travel Plan to be approved in writing by the Local Planning Authority and monitored thereafter. This is to encourage staff and clients to utilise sustainable modes to transport (ie walking and cycling) whilst visiting the site..

#### Car parking

There are no new onsite car parking spaces proposed, which is supported by LBB Highways team.

The applicant would be required to enter into a legal agreement to secure a "car free"

development, which would restrict future staff of Noa Girls from applying for on street parking on Russell Green Road, and surrounding streets including Sneath Avenue and Leaside Crescent.

### Cycling Parking

Policy T5 Cycling of the London Plan (2021) requires secondary schools provide the following:

- 1 cycle space per 8 FTE staff & 1 space for 8 students (Full time spaces)
- 1 space per 100 students (visitor cycle parking).

The applicant advises that the proposed change of use at no 18 Russell Gardens would likely "generate an additional 6 members of staff, and 10 additional girls attending the site on a weekly basis". The proposal make provision for 7 x no cycle parking spaces to the rear of no 18 Russell Gardens, which is broadly acceptable. The provision of the cycle parking spaces as shown on the proposed drawings must be provided, prior to occupation. This would be secured by way of a planning condition.

### Refuse and Recycling

Policy S1 8 of the London Plan (2021) and policies DM01; DM02 and DM17 of the Development Management Document seek to ensure that all new development makes adequate provision for refuse and recycling facilities in appropriate locations. The applicant has not provided details of refuse and recycling storage facilities onsite.

The applicant would be required to submit the following details to and be approved in writing by the Local Planning Authority prior to the commencement of development onsite:

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

This is to ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

## **5.4 Response to Public Consultation**

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

Given that there will be no adverse impacts from the proposed development that would outweigh the benefits, there is no conflict with the general presumption in favour of sustainable development. The prevailing character and setting of the area would be maintained.

The proposal is acceptable on highway safety grounds subject to conditions sets out within the report. The maximum number of clients must not exceed the proposed 45 staff and no more than 110 clients per week, which would be secured by way of planning condition.

The majority of people who visit the site do not drive to their sessions as they are too young and/or lack the funds to do so. The applicant would be required to submit a Travel Plan to be approved in writing by the Local Planning Authority and monitored thereafter. This is to encourage both staff and clients to use sustainable modes of transport (i.e walking and cycling) to and from the site.

Moreover, the applicant would also be required to enter into a legal agreement to secure a "car free" development, which would restrict further staff from applying for on street parking on Russell Green Road, and surrounding streets including Sneath Avenue and Leaside Crescent.

Further, LBB Highways have reviewed the car parking survey and confirm that the results of the survey demonstrate that there appear to be sufficient spaces available on street, during operating hours of the site, which means that there should not a significantly detrimental impact on the surrounding public highway due to the proposed development.

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

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

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

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

For the purposes of this planning application, the term "protected characteristic" relates to age; gender; race and religious beliefs, specific to girls and young women within the Jewish Community.

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

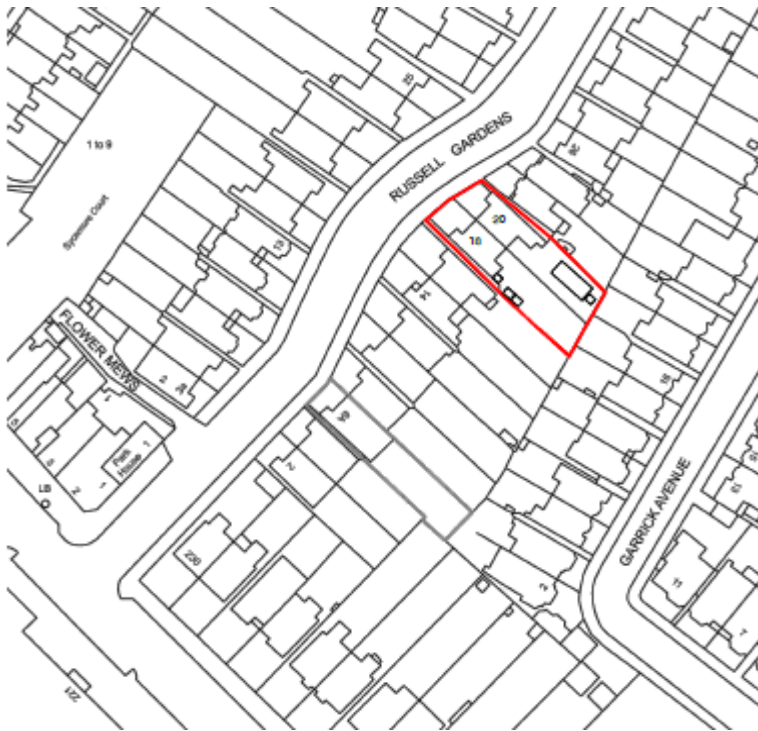
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

## **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 streetscape and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers, and the local highway.

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for conditional approval, and completion of a legal agreement.



**Location** 10 Garrick Road London NW9 6AP

**Reference:** 20/2437/FUL

Received: 1st June 2020

AGENDA ITEM 9

Accepted: 3rd August 2020

**Ward:** West Hendon

Expiry: 28th September 2020

**Case Officer:** Elizabeth Thomas

**Applicant:** Mr Pol Gallagher

**Proposal:** Two storey side and rear extensions. Extension to roof including 2 x rear dormer windows, with juliet balcony door opening inwards. Conversion of resultant building to provide 4 no. self-contained flats and associated cycle store, refuse/ recycling store and amenity space. (Amended Plans and Amended Description)

### **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. i. Amendment to the Traffic Management Order:

-A contribution of £2392 towards the amendment of the Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing CPZ parking permits.

- 
- 
- ii. Meeting the Council's costs of monitoring the planning obligation

## 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:

- 100 RevA - Existing Site Plan
- 101 RevA - Existing Basement Plan
- 102 RevA - Existing Ground Floor Plan
- 103 RevA - Existing First Floor Plan
- 104 RevA - Existing Loft Floor Plan
- 105 RevA - Existing Floor Plans
- 200 RevA - Existing Section
- 300 RevA - Existing Front Elevation
- 301 RevA - Existing East Elevation
- 302 RevA - Existing Rear Elevation
- 303 RevA - Existing West Elevation
- 353 RevE - Proposed East Elevation
- 106 RevE - Proposed First Floor Plan
- 351 RevB - Proposed Front Elevation
- 105 RevE - Proposed Ground Floor Plan
- 352 RevE - Proposed Rear Elevation
- 107 RevF - Proposed Second Floor Plan
- 251 RevA - Proposed Section
- 354 RevE - Proposed West Elevation
- Site Location Plan
- Design Proposal (prepared by ZAP Architecture; dated 19/07/2021)

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

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

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

- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s), unless otherwise specified in the approved Design Proposal (prepared by ZAP Architecture; dated 19/07/2021)



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

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (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) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

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

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

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

- 7
- a) Notwithstanding the approved plans, before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) - including the safeguarding of privacy to habitable room windows - 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).

- 8
- a) Prior to the first occupation of the hereby approved development, details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.
  - b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and Policies G1, G5 and G6 of the London Plan (2021)

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies G1, G5, G6 and G7 of the London Plan 2021

- 10 Before the building hereby permitted is first occupied the proposed window(s) in the first floor side elevation facing No 14 Garrick Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

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

- 12 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the wholesome water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of

the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

The development shall be maintained as such in perpetuity thereafter.

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

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 14 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of Policies DM01 and DM02 of the LB Barnet Development Management Policies DPD (2012), Policy SI 2 of the London Plan (2021) and the Mayors Housing SPG (2016)

- 15 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).

### **RECOMMENDATION III:**

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted within three months of the date of any resolution to approve, 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 to ensure that the new occupants are prevented from purchasing CPZ parking permits. The proposal would therefore not address the impacts of the development and would have a detrimental impact on the free flow of traffic and parking provision, contrary to Policy T6.1 of the London Plan (2021), Policies CS9 and CS15 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policy DM17 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Planning Obligations SPD (2013)

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

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

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

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

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

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

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

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

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

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

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

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

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

5 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

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

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

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

7 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 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 an existing two storey detached dwellinghouse which benefits from a vacant plot of land that sits adjacent to No.14 Garrick Road.

The area is mixed in typology, consisting predominately of terrace properties but with No.8 and 10 being detached. A number of properties have been converted into flats including No.s 6 and 8 Garrick Road. The immediate area has a mixed in character sitting opposite the Garrick Road industrial estate and commercial units along Wilberforce Road.

The site is not within a conservation area, nor is it a listed building. The PTAL of the site is 3 which indicates a medium level of transport accessibility, though it is 5 minutes walk to Hendon mainline station and with numerous shops and services on West Hendon Broadway. The street is within a controlled parking zone.

### **2. Site History**

N/A

### **3. Proposal**

Two storey side and rear extensions, extension to roof including 2 x rear dormer windows with juliet balcony door opening inwards, conversion of resultant building to provide 4 no. self-contained flats and associated cycle store, refuse/recycling store and amenity space. (Amended Plans and Amended Description)

The resultant building will have a width of 15.9m set 1.2m off both neighbouring boundaries. A maximum depth of 14.7m at ground floor level 12.6m at first floor level. The eaves height and ridge height of the extended part of the building will align with the existing established building heights, however, the measurements will vary due to the gradient of the street.

The design of the extended part of the building will replicate the design features of the existing building including bay window and window openings, however, it is noted that the windows be reprovided as casement windows to the front elevation across the whole building.

The building to the rear will have a more contemporary design and will incorporate a staggered rear building line and dormer windows.

Due to the layout of the proposal the building will be effectively split to form two separate

The proposal will provide 4 self contained units consisting of:

2 x 3 bed units at ground floor level

2 x 3 bed duplex units over the first and second floor levels



The ground floor units will have access from the front elevation and the upper flats will be accessed via side entrance on either side of the building. The ground floor flats will also benefit from a private decking area immediately outside the lounge area with the remainder of the garden being shared space.

No additional parking will be provided.

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

Consultation letters were sent to 83 neighbouring properties.  
17 responses have been received, comprising 17 letters of objection.

The objections received can be summarised as follows:

- Flood risk/Drainage due to over-development of site - undue pressure on existing drains and rain water will run off down hill causing problems for neighbouring properties.
- Loss of privacy and overlooking into my property- I would ask you to consider the Human Rights Act Protocol 1, Article 1 a person has the right to peaceful enjoyment of all their possessions, which include the home and other land.
- Overshadowing/Loss of natural light
- Over-development not in keeping with surrounding area
- General over-development
- Lack of parking - there are existing problems with available parking in the surrounding road and the proposal will result in increase demand for parking spaces resulting in further problems with existing residents. Parking spaces have already been given to the school on Wilberforce Road which has exacerbated problems with parking availability  
Barnet council have plans to make it a one way street which will cause disruption. Already have problems with industrial estate and customers of angels fancy dress shop.
- No need for further flats as there are already provided for with redevelopment and conversions in the West Hendon area.
- Proposal will result in 2 to 3 years of building works leading to increased disruption/noise/parking problems/untidy roads
- Only motivated by commercial interest

Further consultation was carried out following amendments to the description of development removing the previously provided outbuilding to provide a self contained unit. One objection was received following this further round of consultation.

The objection is summarised as:  
Objection to the principal of further flats in the area.  
Parking is an existing problem.

#### **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 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 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.

### 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 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

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:

- Principle of development;
- 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 harm would be caused to the living conditions of future residents.
- Whether the development would impact traffic and highways to an unacceptable level.

## 5.3 Assessment

Principle of development:

For areas such as the application site, policies CS1 and CS3 of the Barnet Core Strategy (2012) expect new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

Residential Design Guidance SPD advises that, "Where new development is considered detrimental to the site and local character, planning permission will normally be refused."

The proposal involves the extension of the existing building to the side and rear and the creation of 4 self contained flats. The provision of flatted development in this location is not considered to be harmful to the established character of the area and the way it functions. There are examples of other flatted developments within the immediate area and taking into context the mixed character of the area being sited opposite an industrial estate it is not considered that the proposal would change the way the area functions.

In addition, the proposal would contribute 4no 3-bed family sized dwellings - a priority dwelling type recognised in both Policy DM08 of the Local Plan and in the London Plan.

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

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), D1, D3 and D4 (both of the London Plan). Policy DM01 states that all proposals should preserve and enhance the local character of the area.

Paragraph 131 of the NPPF states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.'

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

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).

Paragraph 6.6 of the Councils Residential Design Guidance (2016) SPD states, "the design and layout of new development should be informed by the local pattern of development. The continuity of building lines, forecourt depths, road layout, space about the building and rear garden areas are all likely to be significant factors when redeveloping sites within existing residential areas, or at the interface of larger development sites and existing housing". Although the proposal relates to extensions to an existing building rather the aforementioned factors are still considered to be relevant.

The proposed extension will align with the existing building with a continued eaves and ridge height. The proposal will maintain the style of the existing building including the provision of an angled bay window to replicate the existing bay and window openings and alignment will be retained. The proposal will appear as a pair of semi-detached properties and remain in-keeping with the surrounding context which is characterised by a mix of building types.

The proposal will have a contemporary design to the rear which is considered to be acceptable in this location and would not result in harm to the wider character of the area, which is of mixed character. The proposal will respect the established building lines of this stretch of Garrick Road. It is noted that both neighbouring properties benefit from substantial two storey rearward projections which would also frame the proposal and their unsympathetic nature is considered to provide the opportunity for a more contemporary approach.

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

Policy DM01 notes that any proposed development must protect the amenity of neighbouring properties. The proposed two storey side extension is located adjacent to 14 Garrick Road, this property benefits from a two storey rear extension with flat roof which currently extends deeper than the rear building line of 10 Garrick Road.

The proposed extension will maintain a distance of 1.27m to the neighbouring property, whilst at first floor level the rear extension will maintain a distance of 3.9m.

At its deepest point in the centre it will extend only 0.6m beyond the neighbouring building line. Taking into account the distance to the neighbouring property and the depth of the proposed extensions rearwards it is not considered that the extension would result in harm to the neighbouring amenities or result in an unacceptable loss of light, outlook, or undue overbearing impact to the neighbouring occupiers.

The first floor of the proposal would not extend beyond the rear of the two storey rear projection at No 8. As such, no unacceptable harm to amenity is anticipated.

The proposal would not feature habitable windows on the side elevation of the proposal facing either 8 or 14 Garrick Road. Where side windows are proposed within the living area of the first floor units these windows face towards largely blank flank walls of the neighbouring extensions. Nonetheless, those facing No 14 have the potential for oblique views toward the rear garden and there is a window at first floor level in the flank wall of No 14 itself. As such, these windows are proposed to be obscured and a condition to that effect is included.

The proposed rear-facing windows are not considered to result in any undue loss of privacy to neighbouring occupiers with the rear of the site backing on to the rear of the garden space of properties on Russell Road. There are no facing windows that will be impacted by the proposed rear extension at the application site.

It is not considered that the proposal would result in an intensity of use that would be harmful to the neighbouring occupiers by way of increased comings and goings.

In accordance with the above, the proposals are not considered to result in any unacceptable impacts to the residential amenities of neighbouring occupiers.

### Whether the proposal would provide adequate amenity for future residential occupiers

The National and London Plan (2021) guidance states that new developments should provide a mix of housing size and types based on current and future needs. Policies CS4 and DM08 reflect this guidance. Policy DM08 states that "development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough" It goes on to list the council's dwelling size priorities with the highest priority being 3 bed homes for social rented, 3/4 for intermediate affordable housing and 4 bed for market housing. The scheme provides 4 x 3 bedroom flats, this is considered to appropriately provide for family sized accommodation.

#### Floor Area:

The London Plan (2021) and Table 2.1 of Barnet's Sustainable Design and Construction SPD (2016) set out the minimum gross internal area (GIA) requirements for residential units.

1 bed 2 person unit - 39sqm

2 bed 3 person - 61 sqm

2 bed 4 person - 70 sqm

3 bed 4 person - 74 sqm

3 bed 5 person - 86 sqm

3 bed 6 person - 95sqm

The LPA's measurements at ground floor vary from those provided on the plan as the stairwell serving the upper floor units have been removed from the internal floor area.

Unit 1 - 96.8sqm complies as a 3 bed 5 person dwelling 2 double rooms bedroom 3 although shown with a double bed will have a floor area of a single bedroom and has been considered as such.

Unit 2 - 87sqm complies as a 3 bed 5 person dwelling with a single room of 7.6sqm

Unit 3 - 93sqm complies as a 3 bed 5 person unit over 2 storeys.

Unit 4 - 95sqm complies as a 3 bed 5 person unit over 2 storeys.

The proposal has been amended since the initial submission to create duplex units across the first and second floors. The units will across two floors will achieve the internal floor space standards. The units will be meet the relevant standards.

Given the master bedrooms of flats 3 and 4 is located within the roofspace of the proposed building the internal floor area has to be measured against the internal ceiling height as some parts of the rooms will fall below 1.5m and therefore discounted from the overall floor area which is considered usable. The proposed unit will meet the required space standards. Furthermore, national standards set a minimum height of 2.3m for 75% of the GIA, but in London 2.5m is required by Policy D6. Within table 2.2 of Barnet's Sustainable Design and Construction SPD it states that habitable floorspace in rooms with sloping ceilings is defined as that with 1.5 m or more of ceiling height.

The proposal will achieve a minimum height of 2.5m over 75% of the GIA.

Table 2.2 of the Sustainable Design and Construction SPD also states that development proposals should avoid single aspect dwellings that are north facing. Each dwelling provides sufficient floor to ceiling heights through the unit and each benefits from dual aspect.

In regards to outdoor amenity space Residential Design Guidance requires new flats should provide 5sqm of amenity space per habitable room. Based on each unit being 5 habitable rooms the proposal would require 25sqm for each unit. The total amenity space provision for all 4 units is in compliance with the required standard. The two ground floor units will have direct rear access to the amenity space with the upper floor units gaining access via the side passages on either side of the building. Details of the sub-division of the amenity space to ensure adequate privacy for the ground floor rear facing windows will be conditioned.

## Parking and Highways

The site lies within a PTAL 3 which means that there is medium public transport accessibility to and from the site. A Controlled Parking Zone is in operation on-street (WH1) from Monday-Saturday between the hours of 9:30am-4:30pm.

Requirements set out on Policy DM17 of the Barnet Local Plan, taking the existing property into consideration, state that 4x off-street car parking spaces should be provided for a proposal such as this.

However, it is noted that:

- The site lies within a CPZ (WH1) in operation from Monday-Friday between the hours of 9:30am-4:30pm;
- The application is for a conversion;
- The site is located within walking distance of local amenities.
- The formation of 4no spaces would incur a substantial area of hardstanding

Taking the above into consideration, the proposal would be acceptable with a Legal Agreement to amend the Traffic Order that regulates the schedule of addresses for the CPZ where the site is located. The applicant has agreed to this as stated in the Planning Statement.

Cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport. The plans indicate cycle stores to be provided in the rear of the site.

## **5.4 Response to Public Consultation**

- Flood risk/Drainage due to over-development of site - undue pressure on existing drains and rain water will run off down hill causing problems for neighbouring properties.
- Loss of privacy and overlooking into my property- I would ask you to consider the Human Rights Act Protocol 1, Article 1 a person has the right to peaceful enjoyment of all their possessions, which include the home and other land. - The proposal including the new windows particularly in the rear elevation meet the relevant standards of maintaining 10.5m to rear gardens and 21m to facing windows.
- Overshadowing/Loss of natural light - The proposal by reason of its siting, design, height and depth of extensions is not considered to result in a loss of amenity to neighbouring residential occupiers.
- Over-development not in keeping with surrounding area - The proposal has been considered in regards to the context of the site and is not considered to result in overdevelopment. The proposal has been amended since initial submission removing the previously proposed unit in the outbuilding and creating a total of 4 units as opposed to 5. Taking into account the amendments the proposal is considered acceptable.
- General over-development - it is noted that there are various projects within West Hendon for regeneration but this proposal would not result in an overdevelopment.
- Lack of parking - there are existing problems with available parking in the surrounding road and the proposal will result in increase demand for parking spaces resulting in further problems with existing residents. Parking spaces have already been given to the school on Wilberforce Road which has exacerbated problems with parking availability - The application is subject to a legal agreement to amend the existing traffic order in force. The highways team have considered the proposal and have not objected to the proposal on the

basis of the legal agreement.

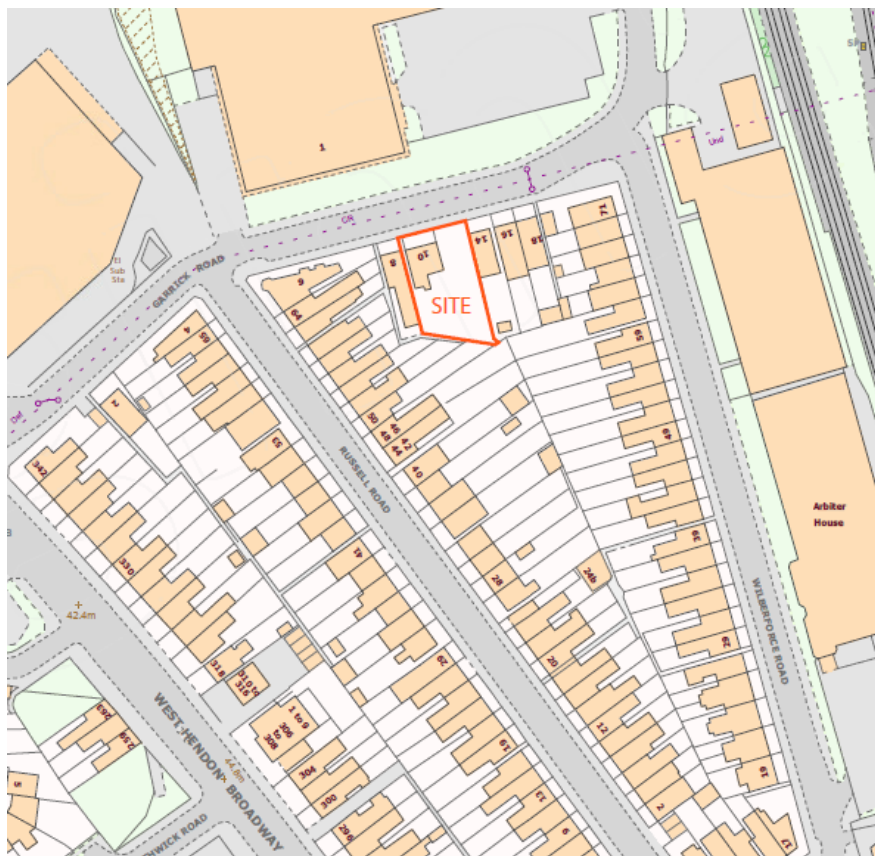
- Barnet council have plans to make it a one way street which will cause disruption. Already have problems with industrial estate and customers of angels fancy dress shop. Again, the Highways Authority have endorsed the proposal
- No need for further flats as there are already provided for with redevelopment and conversions in the West Hendon area. - The formation of flats is not unacceptable in principle and would contribute additionally toward meeting the housing need, providing 4no family sized dwellings
- Proposal will result in 2 to 3 years of building works leading to increased disruption/noise/parking problems/untidy roads - Working hours and disruption associated with construction works are not a relevant consideration. However, a construction management plan is proposed as a condition to mitigate the impact.
- Only motivated by commercial interest. Not a planning matter. The proposal is considered to meet with planning policies and guidance.

## 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.





<b>Location</b>	<b>Hendon Cemetery And Crematorium Holders Hill Road London NW7 1NB</b>	
		<b>AGENDA ITEM 10</b>
<b>Reference:</b>	<b>22/1267/FUL</b>	Received: 9th March 2022 Accepted: 14th March 2022
Ward:	Mill Hill	Expiry: 9th May 2022
<b>Case Officer:</b>	<b>Jack Wride</b>	
Applicant:	Mr Philip Sherman	
Proposal:	Demolition and removal of existing ground maintenance building (GMB) and construction of new GMB building	

### **OFFICER'S RECOMMENDATION**

Approve subject to conditions

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

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

Site Location Plan (received 09.03.22)  
 CS/101580/003 - Existing and Proposed Site Plans (received 09.03.22)  
 918132B - Land Survey (received 09.03.22)  
 CS/101580/001 Rev A -Proposed Floor Plan and Elevations (received 19.05.22)  
 CS/101580/002 - Sections A, B and C (received 09.03.22)  
 Existing Site and Aerial Photographs (dated 19-08-2021 and received 09.03.22)  
 Planning Statement by Capita on behalf of London Borough of Barnet (dated 8th March and received 09.03.22)  
 Tree Constraints Plan by Bartlett Consulting (received 09.03.22)  
 Preliminary Roost Assessment by Capita Ecology (dated 19-08-2021 and received 09.03.22)  
 Supplementary Information - Hours of Cemetery Operation by Andy Milne (Head of Service) (dated received 10.05.22)

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

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

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

- 3 a) Notwithstanding the approved plans, no development other than demolition works shall take place until further details (such as a manufacturer's specification) of the materials to be used for the external surfaces of the building(s) and fencing, including roof colouration, 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 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 G7 of the London Plan 2021.

- 5 Before any works commence, details of foundations close to the development must be submitted and approved before commencement of works. The foundations must take account of trees growing in close proximity to the development and seek to minimise any harm to the root system.

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.

- 6 The building hereby permitted shall not be used before 6:30am or after 6pm on weekdays, Saturdays and public holidays (excluding Christmas Day, Boxing Day and New Year's Day), or before 9am or after 4pm Sundays and Christmas Day, Boxing Day and New Year's Day.

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

- 7 The openings to the building with a direct line of sight to the neighbouring residences on Oakhampton Road shall be kept shut at all times when not in use. They shall be closed when any noisy works are carried out within the building.

Reason: To prevent noise outbreak from the building and protect the amenity of neighbouring residents

- 8 The level of noise emitted from the oil storage 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.

- 9 a) No externally visible lighting shall be installed until a lighting strategy should be designed to minimise impacts on bats (as well as other nocturnal fauna) and their insect food shall be submitted to and approved in writing by the Local Planning Authority. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014) advice is at <http://www.bats.org.uk/>.

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

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

- 10 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.

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

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

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

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

- 12 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 on any other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

### **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 design for the bunding of the oil tank should comply with the Environment Agency's good practice guidance to prevent oil leaks into the surroundings.
- 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.
- 4 Please note the recommendations laid out in the Preliminary Roost Assessment Survey (received 20.10.21), including Bird nesting provision and bug hotels, to improve the site's overall biodiversity.

## **OFFICER'S ASSESSMENT**

### 1. Site Description

Hendon Cemetery was founded in 1899 by the Abney Park Cemetery Company, with the crematorium subsequently added in 1922, and contains locally listed structure The gatehouse was designed by A.A. Bonella and is of an Old English style, featuring a half-timbered entrance arch and roughcast walls with Gothic lettering in stone (Cherry & Pevsner, 1998).

The grounds of the cemetery are also incorporated within the designated Metropolitan Green Belt. There are no further relevant planning designations, with the application site located a fair way outside of flood zone 2 and the burial areas contained within the wider cemetery.

The application itself relates to a small section of the Hendon Cemetery located near the northern boundary, which is currently home to a dilapidated maintenance building; shipping containers used as long term storage and associated area of hardstanding.

There is currently a 6m gap with from the structures to the rear boundary, which includes standard close boarded fencing and some trees, Approximately 28m (or more) further northwards beyond there rear gardens are the properties fronting Oakhampton Road

### 2. Site History

20/0615/FUL - New permeable paving to provide off street parking. Replacement side access gate, alterations to existing landscaping, refuse/ recycling store and cycle store. approved, subject to conditions, on 02.07.2020

18/3958/FUL, 19/6757/FUL & 20/2057/CON - Restoration of gatehouse building and as public reception, staff offices, cafe and function room incidental to the cemetery and crematorium. The original scheme was approved, subject to conditions, on 10.09.2018. The later application mirrors these earlier proposals, with the exception of a new entrance and associated door proposed in the west / rear elevation of the building.

19/6399/CON - Submission of details for Conditions 4a (Details of Temporary Tree Protection) and 5a (Demolition and Construction Management and Logistics Plan), pursuant to planning permission 18/3958/FUL dated 10/09/2018 - Approved January 2020.

### 3. Proposal

Demolition and removal of existing ground maintenance building (GMB) and construction of new GMB building]

The proposed single storey building has an approximate 11.5m by 10m footprint with a 3.9m height and a shallow gable roof. Materials are grey brickwork, natural finish timber cladding and a steel roof (currently RAL 6005 - light moss green). There are two entrances, the main one with an electric roller door faces southwards into the cemetery.

The oil container replicates what is currently internally stored within the maintenance building on site and is non-powered. It is fenced off from the public in a secure compound. The building and oil container are 4m from the northern boundary at their closest points.

This is a revised scheme with further supporting details (such as operating hours) and amended materials.

#### 4. Public Consultation

Consultation letters were sent to 25 neighbouring properties, and a general site notice posted on 24.03.2022. Five comments have been received, which are summarised below, three objections and two neutral comments. As such, this is below the threshold where the application is required to go to committee.

##### Objections

- o Object to the 3.9 metre height.
- o Roof Orientation

See residential amenity and character & appearance key issues

- o Electric operated roller shutter door will be very noisy.

See residential amenity key issues

- o Security of diesel storage

This is sited in a secure, locked compound

- o Strongly object to the installation of a 1000 litre diesel storage tank and pump

Existing feature within site (relocation only). See Environmental Health comments and residentially amenity key issue.

- o Fix the fencing
- o Storage of machinery
- o Return to previous ground level from raised with hardcore
- o Location of grave frames and equipment storage
- o Security of my property

The majority of these issues are outside the scope of the current planning assessment and relate to the general usage of the site rather than building works sought here, although they have been passed on the cemetery management team via their planning agent.

- o Ask that work to start in September

The planning system is not usually specific regarding work dates unless in very exceptional circumstances that do not appear present here.

## 4.1 Internal Consultation

### 4.1.1 Barnet's Arboricultural Team commented on 30.05.22

The proposed structure will feature brick blockwork walls, with steel columns and beams. The following trees are situated within close proximity to the proposed design:

- o T8 Sycamore
- o T7 Ash
- o 6 Field Maple
- o T4 Norway Maple
- o T3 Oak
- o T1 Oak

The existing structure stands on hardstanding, which lends considerable protection to the roots of adjacent trees. The proposed structure sits within a (smaller) portion of the existing footprint.

No specific design for the foundations has been provided, it is assumed the design incorporates a low-impact steel plate with concrete footing. Based on the proposed location of the GMB it would appear that the footprint is unlikely to impact the RPA of these trees. Clarification on the foundation design, including depths, is required.

There is a gap of approximately 6.5m (at the largest point) between the existing structure and the rear (northernmost) boundary. The proposal reduces this gap to a distance of 4m, which is acceptable. The redevelopment of this plot is in keeping with the green character and appearance of the cemetery.

A concrete footpath will be placed around the entire circumference of the new GMB, the impact of this is considered acceptable as it renews existing hardstanding.

The new GMB will be used to store machinery of maintenance of the cemetery and does not alter the existing vehicular and pedestrian access arrangements. There are existing services on the site; it is presumed that the new structure will adjoin these where required.

#### Landscaping

Soft landscaping is not required as the proposal does not impact on any soft landscape.

#### Ecology & Biodiversity Net Gain

Comments already provided by Neil Page, Principal Ecologist, Capita (05.04.22).

#### Green Roof

The proposal does not demonstrate including of biodiverse green roof space; this is encouraged wherever possible.

## RECOMMENDATIONS

No objection.

#### Reason:

The proposal does not impact significantly on trees and is in accordance with local planning conditions DM01 and G7 of the London Plan 2021.



#### Conditions:

There are no significant arboricultural reasons to object to this application, however if it is likely to be recommend for approval, or in the event of an appeal, the following conditions are suggested to obtain a more suitable development:

- o Standard Tree Protection & Method Statement
- o Bespoke - Before any works commence. Details of foundations close to the development must be submitted and approved before commencement of works. The foundations must take account of trees growing in close proximity to the development and seek to minimise any harm to the root system.

#### 4.1.2 Barnet's Heritage Team commented on 25.03.22

The proposed new building will be sited some distance from the locally listed cemetery chapel and gatehouse and thus there will be no impact on their setting. There are no other heritage implications and consequently no objections are raised to this application.

#### 4.1.3 Barnet's Ecology Consultant commented on 05.04.22

It is considered that the information provided in the bat survey submitted with the application is sufficient to support the above application. As such, no further surveys are required.

#### Recommendation

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

The Habitats and Species Conservation Regulations 2017 (as amended).

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

#### BIODIVERSITY ENHANCEMENT RECOMMENDATIONS

In line with the National Planning Policy Framework (NPPF) in aiming to achieve sustainable development and the obligations on public bodies to conserve and enhance biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006, it is advised that the recommendations made in Section 6 of the Report' are implemented;

In addition, please attach a condition on lighting strategy that it must be designed and used to minimise impacts on bats and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014) advice is at <http://www.bats.org.uk/>. The lighting strategy should be submitted to the LPA for approval.

#### 4.1.4 Barnet Environmental Health Team commented on 12.04.22

Although the improvement in essence for the building and its amenity for the workers on site is appreciated, the applicant should bear in mind the proximity to neighbouring residents and their back gardens and the potential impact of noise from maintenance works on their amenity.

Although there is a precedent meaning that noisy works can be carried out here then the design of the building is improved by breaking any line of sight to noisy activity.

My understanding from the site plan is that the C façade faces the rear of the houses on Okehampton Road. It is important that there is very little noise outbreak from this façade and that there is no line of sight from the rear of the houses into the works area. As it is currently set up the only door and opening are to a store cupboard and a toilet respectively. These should be conditioned to reduce noise outbreak by being kept closed at all times, when not in use so as to prevent any outbreak of noise from the building.

It would have been more sensible ,in my opinion, to have designed this so that the shutters' opening (façade B) was on façade A away from the fences to the gardens on Okehampton Road. This is so that the noise of vehicles going in and out of the maintenance area is kept to a minimum. Without having to redesign this and thus re-apply, I would advise that the shutter is conditioned to be kept always closed when not in use, so there is reduced sound outbreak from the works inside the shed. Otherwise, there will be a line of sight into the works area. I have suggested a draft condition, but you may wish to discuss the wording of this, so it is effective as possible.

All external plant such as the pump will need to ensure the noise levels are 5dBA below background and I have conditioned this with noise level and noise report

The design for the bunding of the oil tank should comply with the Environment Agency's good practice guidance to prevent oil leaks into the surroundings.

I would ensure that the hours of use are limited and the building is not used outside of normal working hours and in particular not on Sundays. Copying the previous hours of use would seem reasonable if no complaints have been received. However, I would not permit this building to be used at all on Sundays or Bank holidays for any work.

Approve with conditions

#### Suggested Conditions

Hours of use - planner to condition

Bespoke condition on shutters and openings

The openings to the building with line of sight to the neighbouring residences on Okehampton Road shall be kept shut at all times when not in use. They shall be closed when any noisy works are carried out within the building.

C440 \*RESTRICT NOISE FROM PLANT

The level of noise emitted from the pump plant and electrical shutters 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 7.15 of the London Plan 2011.

#### C243 IMPACT OF NOISE FROM VENTILATION AND EXTRACTION PLANT ON DEVELOPMENT

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 pump plant and electrical shutters, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2021.

#### 5.1 Policy Context

- The National Planning Policy Framework (NPPF) 2021.

##### 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 in 2018. 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.

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

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

#### The Mayor's London Plan 2021

The 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.

#### Key Policies: G2 (Green Belt)

#### 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, DM15, 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.

DM15 states that 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. Potentially acceptable Green Belt development such as golf courses and cemeteries can have a considerable impact on the local character, appearance, accessibility and nature conservation value of the countryside.

In line with Policy DM01: Protecting Barnet's Character and Amenity and Policy DM15: Green Belt and Open Spaces they should demonstrate their harmony with the surrounding countryside and impact on biodiversity.

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

#### 5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the living conditions of neighbouring residents,
- Whether the redevelopment would be a visually obtrusive form of development which would detract from the character and appearance of the locally listed building, metropolitan green belt land and the wider area
- Whether there would be harm to onsite ecology, trees and landscaping
- Whether there are land contamination issues

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

The building replaces an existing maintenance building and storage solutions in broadly the same location (2m metres closer to the site boundary at 4 metres away) with no additional noisy plant proposed. The new electric roller door is on the south elevation and faces into the cemetery, restricting its potential impact.

The oil storage matches that which is currently internally on site and is non-powered. No objection from Environmental Health in this regard, but the applicant's attention has been drawn to the Environment agency's good practice guidance.

With the Oakhampton building line 28m away forming the nearest residential property, there is likely to be limited additional impacts from the scheme, with the same level of on site activity expected.

The residents' concerns regarding noise impacts both regarding operation and construction are noted, alongside Environmental Health comments. A proportional set of conditions have been applied to ensure the rear door remains shut during noisy works and hours of operation have been conditioned (to match the cemetery). A precautionary noise

restriction has been applied to the storage container. Further conditions relating to construction have been placed on the scheme to safeguard residents from any unreasonable impacts.

5.4 Whether the redevelopment would be a visually obtrusive form of development which would detract from the character and appearance of the locally listed building, metropolitan green belt land and the wider area

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and states that all development should represent high quality design. Policy DM15 states that development adjacent to Green Belt/MOL should not have a detrimental impact on visual amenity and respect the character of its surroundings.

This is a single storey, albeit relatively substantial, maintenance building with a relatively workmanlike appearance. The design process has reduced the massing of the scheme and it is now less than the cumulative volume of the existing building and storage containers on site with a more consolidated footprint. The materials are of reasonable quality and the light timber cladding and grey brick are a good combination that helps reduced the perceived mass.

As such, the scheme is considered to be neutral in terms of its impact on the openness of the green belt and therefore acceptable and appropriate for this site.

The scheme is 50m away from the central chapel with some intervening screening from mature trees and Barnet's Heritage Team have not objected to the scheme given the site context

Overall the development tidies up a poor quality existing compound, improving the character and appearance of the cemetery.

5.5 Whether harm there would be harm to on site ecology, trees and landscaping

Several mature trees worthy of protection are located on the north, north-west and north-west edges of the specific application site, as identified in the accompanying tree constraint plan.

To reflect this, the scheme has chosen the less sensitive left-hand side (as viewed from the pathway) of the existing compound to develop, away from the mature trees to be fully retained under scheme.

As per the Arboricultural Team's comments, it is therefore acceptable in principle in these terms, subject to conditions for tree protections and information regarding the proposed extent and type of foundation proposed.

No bats have been found within the existing compound (see preliminary roost survey) and as previously developed land with no indications of other protected species present (no MAGIC traces), no other surveys are required. Due to the likelihood of bats within the wider cemetery an external lighting strategy has been conditioned, and the other biodiversity options have been highlighted in an informative (outside of redline) stemming from the report.

## 5.6 Whether there are land contamination Issues

The applicant has confirmed the site is outside of the historic burial areas for the cemetery. This approach has been confirmed by Barnet Environment Health team (no objection).

## 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 support the Council in meeting its statutory equality responsibilities, including the provision of two disabled spaces to increase accessibility into the cemetery.

## 7. Conclusion

Having taken all considerations into account, the proposals would provide material benefits to the cemetery and not detrimentally impact on the historic character, openness of the green belt, unacceptably harm neighbouring amenity or other matters. As such, it is recommended for APPROVAL.



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**Location** Yamor House 285 Golders Green Road London NW11 9JE

**Reference:** 21/4742/FUL Received: 31st August 2021  
Accepted: 3rd September 2021

**Ward:** Golders Green Expiry 3rd December 2021

**Case Officer:** Dominic Duffin

**Applicant:** Mr J Saltman

**Proposal:** Demolition of existing buildings and construction of part three, part five and part six storey building to provide 22 no. self-contained flats, including 21 no. parking spaces, 46 cycle storage spaces, amenity space, refuse storage, associated landscaping, new vehicular access and plant/services enclosure and screening on roof [AMENDED DESCRIPTION]

AGENDA ITEM 11

### **OFFICER'S RECOMMENDATION**

Approve subject to s106

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

### **RECOMMENDATION I:**

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

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

3. Affordable Housing

- 40% (by habitable room) of the units to be shared ownership affordable units
- a review mechanism to be triggered in the event that the development is not substantially implemented (all ground work completed) within 18 months of the decision notice

4. Carbon Offset Payment

- £25,471 carbon offset contribution
- An obligation to ensure compliance with the GLA "Be Seen" energy use monitoring scheme.

5. Contribution towards street tree provision

A contribution of - £7,000 towards the provision of street trees in the immediate area.

6. Play Space contribution

£16,835.00 contribution to be allocated to Princes Park

7. Travel Plan monitoring contribution

£5,000

8. Contribution towards amendments to Traffic Management Order to prevent residents from being eligible for residents parking permits

£2,392.01

9. Highways works and improvements

i) the applicant to enter into a S278 Highways agreement with the following works to be implemented prior to first occupation:

- re-instatement of site access to a maximum width of 4.2m
- provision of tactile paving at the junction of Sinclair Grove /A502 and at the junction of Woodlands/A502

ii) implementation of off-site highway works shown on drawing DID-ZZ-XX-DR-C-5003, if, following a S278 agreement review 6 months after final occupation, the works to the traffic island are considered necessary by the highway authority

10. Meeting the Council's costs of monitoring the planning obligation

£1,400

## 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 this permission.

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

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

Site Location Plan - GGR \_ RSS \_ 00 \_ 00 \_ DR \_ A \_ 0502  
EXISTING ELEVATION 1-4 - GGP \_ RSS \_ 00 \_ XX \_ DR \_ A \_ 1010  
EXISTING SITE PLAN (ground floor) - GGP \_ RSS \_ 00 \_ GF \_ DR \_ A \_ 1000  
EXISTING SITE PLAN- GGR.768.41

Site Elevation - North - GGP \_ RSS \_ 00 \_ ZZ \_ DR \_ A \_ 1470 Revision PL1  
Site Elevation - South - GGP \_ RSS \_ 00 \_ ZZ \_ DR \_ A \_ 1412 Revision PL4  
Site Elevation - East - GGP \_ RSS \_ 00 \_ ZZ \_ DR \_ A \_ 1413 Revision PL2  
Site Elevation - West - GGP \_ RSS \_ 00 \_ ZZ \_ DR \_ A \_ 1411 Revision PL2  
Section Plan - GGP \_ RSS \_ 00 \_ ZZ \_ DR \_ A \_ 1313 Revision PL2

Site Plan Ground Floor - GGP \_ RSS \_ 00 \_ GF \_ DR \_ A \_ 1200 Revision PL3  
Site Plan 1st Floor - GGP \_ RSS \_ 00 \_ L1 \_ DR \_ A \_ 1210 Revision PL2  
Site Plan 2nd Floor - GGP \_ RSS \_ 00 \_ L2 \_ DR \_ A \_ 1220 Revision PL2  
Site Plan 3rd Floor - GGP \_ RSS \_ 00 \_ L2 \_ DR \_ A \_ 1230 Revision PL2  
Site Plan 4th Floor - GGP \_ RSS \_ 00 \_ L4 \_ DR \_ A \_ 1240 Revision PL4  
Site Plan 5th Floor - GGP \_ RSS \_ 00 \_ L5 \_ DR \_ A \_ 1250 Revision PL4  
Site Plan Roof - GGP \_ RSS \_ 00 \_ RF \_ DR \_ A \_ 1260 Revision PL2

Landscape Plan Podium Level - L0715L02 Rev. A  
Landscape Plan Ground Floor - L0715L01 Rev. C  
Landscape Plan First Floor to Roof - L0715L02 Rev. B  
Landscape detail 1 - L0715D01  
Landscape detail 2 - L0715D02  
Landscape detail 3 - L0715D03  
Tree Protection Plan - EV-2442-D-TPP-04-21

Site Drainage layout - 24449-JPO-XX-ZZ-DR-D-1000 T1 S3  
Vehicle Tracking - 24449\_J&P\_XX\_00\_VT\_S\_1000 C S3

Permanent road arrangement - 20323 DID ZZ XX DR C 5003 P01  
893 First and 4th Floor plans - approved + proposed overlays  
Typical balcony component - GGP \_ RSS \_ 00 \_ ZZ \_ DR \_ A \_ 7011  
Typical balcony screen pattern - GGP \_ RSS \_ 00 \_ ZZ \_ DR \_ A \_ 7016

Hawkins Air Quality Assessment 19th August 2021  
Hawkins Noise Assessment 19th August 2021  
Drainage Management Plan 24449-JPO-XX-ZZ-R-C-0002  
Below Ground Drainage Strategy 24449-JPO-XX-ZZ-R-C-0001  
Hawkins Daylight and Sunlight Assessment 19th August 2021  
Hawkins Internal Daylight Assessment 19th August 2021  
Energy Statement rev P1 17th August 2021  
BCE Overheating Report rev P1 17th August 2021  
Arbtech Preliminary Roost Assessment Survey 22/06/2021  
Arbtech Bat Emergence Surveys 07/09/2021  
Remediation Method Statement August 2021  
Sustainability Statement 25th August 2021  
Transport Statement August 2021  
Travel Plan 26408-08-TP-01 REV A  
Design and Access Statement 893-RSS-00-xx-RP-A-9102 PL4  
Planning Statement  
Flood Risk assessment August 2021  
Fire Statement 08.09.2021

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

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

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

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

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

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

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

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

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

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

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

6 a) Notwithstanding the details submitted with the application and otherwise hereby

approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 7 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 46 cycle parking spaces (44 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.

- 8 Before the development permitted is occupied, a verification report which confirms land contamination remediation works carried out, shall be submitted to, and approved in writing by the Local Planning Authority.

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 April 2013).

- 9 a) The development shall be implemented to include the noise mitigation measures set out in the Hawkins Noise Assessment 19th August 2021.

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

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

- 10 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority.

It shall have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, 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 (2016), and Policies GG3 and S11 of the London Plan 2021

- 11 The level of noise emitted from any installed plant and machinery 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 amenities of occupiers are not prejudiced 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.

- 12 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.

- 13 No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure in accordance with Policy SI 13 of the London Plan 2021.

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

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

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



15 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection 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 scheme of temporary tree protection as 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.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2015.

16 Prior to commencement of development, evidence of party(ies) who will be responsible for the post construction SuDS shall be submitted to and approved in writing by the Local Planning Authority.

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 cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan (2012), Policies 5.13 and 5.14 of the London Plan (2016), 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).

17 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).

18 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: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

19 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and

efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

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

- 20 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.

- 21 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 Policies document (2012), and Policy SI2 of the London Plan 2021.

- 22 No flat shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority, and have been installed in their entirety;

- details of privacy screens to adequately screen the private amenity areas/balconies associated with the development, and
- details of screens, as detailed on the approved plans, to adequately screen adjoining properties, from material overlooking from the development. The screens shall be permanently retained as such thereafter.

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

- 23 Before the building hereby permitted is first occupied the proposed window openings in the south and east elevation, identified as obscure glazed on the approved plans, 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).

- 24 a) No lighting shall be fixed on the external faces of the building hereby approved, unless and until details of external lighting are submitted to and approved in writing by the Local Planning Authority beforehand.

Any lighting must be designed and used to minimise impacts on bats and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014) advice is at <http://www.bats.org.uk/>.

b) The lighting shall be installed in accordance with the details approved before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse effect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document (DPD) 2012 and London Plan Policy G.6

- 25 Prior to the first occupation of the development hereby approved, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that the building can achieve full 'Secured by Design' Accreditation and 'Secured by Design' accreditation shall be obtained for the approved development.

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

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

- 26 Notwithstanding the parking layout submitted with the planning application, prior to commencement of the development; a detailed parking layout plan showing the exact dimensions of the proposed off-street parking spaces, existing proposed and any redundant crossovers to be reinstated to footway, priority signs and pedestrian routes within the car park shall be submitted to and approved in writing by the Local Planning Authority. The applicant will be required to enter into a s184/278 agreement with the council to undertake any works on the public highway.

Thereafter, the 21 off-street parking spaces including 2 disabled bays shall be

provided and used for no other purpose than the parking and turning of vehicles in connection with approved development.

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

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

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

- 28 Before the permitted development is occupied a servicing management (SMP) 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.

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

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

- 30 Prior to commencement of the development full details of the electric vehicle charging points to be installed in the development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the provision of a minimum of 4 active and 17 passive electric vehicle charging points. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

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

policy 6.13 of the London Plan

- 31 Within 3 months of occupation, a 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. The key headlines of the travel plan are to be secured via a s106 agreement.

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

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

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

- 33 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with details approved under this condition.

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

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

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

Reason: In the interest of good air quality in accordance with London Plan policies 5.3 and 7.14.

36 Before development commences, an air quality neutral assessment report shall be written in accordance with the relevant current guidance. This report shall be submitted to and approved 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.

a) If the report shows that the site does not conform to the air quality neutral benchmark requirements then a scheme of offset measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

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 GG3 and SI1 of the London Plan 2021.

### **RECOMMENDATION III:**

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been completed by 30.09.2022, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):
  1. The proposed development does not include a formal undertaking to meet the provision of affordable housing, contrary to Policies CS4 and CS9 of the Local Plan Core Strategy (adopted September 2012), Policies DM10 and DM17 of the Development Management Plan (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).
  2. The proposed development does not include a formal undertaking to meet the costs of provision of carbon off-set, highways mitigation and the loss of trees. The proposal would therefore not address the impacts of the development, contrary to Policies CS5 and CS9 of the Local Plan Core Strategy (adopted September 2012), policies DM01, DM04 and DM17 of the Development Management Policies (adopted September 2012), the Planning Obligations SPD (adopted April 2013) and Policies S1 2 and G7 of the London Plan (2021).
  3. The proposed development would fail to provide playspace for the occupiers of the development contrary to Council's standards set out within the adopted Sustainable Design and Construction SPD (2016). The lack of a formal undertaking to meet the costs in lieu of this shortfall, would mean the development would fail to provide adequate mitigation, contrary to Policies DM01 and DM02 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](http://www.planningportal.gov.uk/cil).

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

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

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

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

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

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

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



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

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

Further details and the application form can be downloaded from:

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

- 4 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
  - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
  - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
  - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
  - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
  - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
  - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 5 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 6 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.

- 7 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.

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

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

10

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

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

11 If a concrete pump lorry is operated from the public highway, surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the

satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

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

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

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

14 The Environment Agency strongly recommend the use of flood proofing and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance.

The following documents may also be useful: Department for Communities and Local Government: Preparing for floods

<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>

Department for Communities and Local Government: Improving the flood performance of new buildings:

<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>.

15 A 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. We would expect the developer to demonstrate what measures he 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](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please

refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewaterservices>.

The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk).

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site comprises a rectangular shaped area, situated on the north-west end of Golders Green Road, at the junction with North Circular Road. It is in the ward of Golders Green.

The site currently contains two, 2 storey dwellings which have been merged together in previous years to form a hotel (use class C1). A vacant plot to the west of the existing buildings is also included within the proposal. The site slopes from south east to north west with a difference in level of approx.. 2.5 to 3m.

The site is bounded by a three storey flatted building to the east, a two storey development with rooms in the roof space to the south and a footbridge over the North Circular Road to the north-west.

The surrounding area is residential in character, with mainly two storey dwellings on the southern side of the Golders Green Road, and larger flatted blocks of 5/6 stories along the northern side opposite the application site.

The site is not located within a conservation area and does not include any locally or

statutory listed buildings.

There are no Tree Preservation Orders on site.

## 2. Site History

Reference: 21/0002/QCC

Address: Yamor House, 285 Golders Green Road, London, NW11 9JE

Decision: Pre-application advice note issued

Decision Date: 11 March 2021

Description: Demolition of existing buildings and construction of part four, part five and part six storey building to provide 22 no. self-contained flats, including 21 no. parking spaces, 43 cycle storage spaces, amenity space and associated landscaping.

Reference: 19/6770/FUL

Address: Yamor House, 285 Golders Green Road, London, NW11 9JE

Decision: Approved following legal agreement

Decision Date: 17 June 2020

Description: Demolition of existing buildings and construction of part three, part five and part six storey building to facilitate 15 no. self-contained flats including amenity space including 13 no. parking spaces and associated landscaping

Reference: 19/4869/CON

Address: Yamor House, 285 Golders Green Road, London, NW11 9JE

Decision: Withdrawn

Decision Date: 7 February 2020

Description: Submission of details of conditions 3 (Materials), 4 (Levels), 6 (Refuse), 15 (Landscaping) and 20 (Planting) pursuant to planning permission 18/6366/S73 dated 07/06/19

Reference: 19/5013/S73

Address: Yamor House, 285 Golders Green Road, London, NW11 9JE

Decision: Withdrawn

Decision Date: 9 January 2020

Description: Minor material amendments to planning permission reference 18/6366/S73, decision dated 07/06/2019, for 'Variation of condition 1 pursuant to planning permission 16/5062/FUL dated 09/11/2017 for 'Demolition of existing buildings and construction of part three, part five and part six storey building to facilitate 16 no. self-contained flats including amenity space, with self-contained Synagogue to ground floor including 13 no. parking spaces and associated landscaping.' Amendments include alterations to the external appearance of the proposed development, increase of floorspace at levels 4, 5 and 6 and re-arrangement of internal layout to reduce the number of units by 1 to 15no self-contained flats. Reduction of proposed synagogue floorspace and re-configuration of proposed parking at level 1.' Amendments to include the omission of the synagogue use at level 1 (lower ground floor); internal alterations and changes to level 1 and omission of previous conditions of consent relation to the synagogue use (conditions 21 to 25) [AMENDED DESCRIPTION]

Reference: 19/0339/CON

Address: Yamor House, 285 Golders Green Road, London, NW11 9JE

Decision: Approved

Decision Date: 2 April 2019

Description: Submission of details of conditions 5 (Demolition and Construction Management and Logistics Plan) 19a (Tree Protection Plan) pursuant to planning

permission 16/5062/FUL dated 09/11/17

Reference: 18/6366/S73

Address: Yamor House, 285 Golders Green Road, London, NW11 9JE

Decision: Approved following legal agreement

Decision Date: 7 June 2019

Description: Variation of condition 1 pursuant to planning permission 16/5062/FUL dated 09/11/2017 for `Demolition of existing buildings and construction of part three, part five and part six storey building to facilitate 16 no. self-contained flats including amenity space, with self-contained Synagogue to ground floor including 13 no. parking spaces and associated landscaping.` Amendments include alterations to the external appearance of the proposed development, increase of floorspace at levels 4, 5 and 6 and re-arrangement of internal layout to reduce the number of units by 1 to 15no self-contained flats. Reduction of proposed synagogue floorspace and re-configuration of proposed parking at level 1.

Reference: 18/3483/S73

Address: Yamor House, 285 Golders Green Road, London, NW11 9JE

Decision: Withdrawn

Decision Date: 7 September 2018

Description: Variation of condition 1 (Plans Numbers) and removal of conditions 21 (Use Type) 22 (Opening Hours) 23 (Music) 24 (Persons) 25 (Activities Management Plan) pursuant to planning permission 16/5062/FUL dated 02/03/18 for `Demolition of existing buildings and construction of part three, part five and part six storey building to facilitate 16 no. self-contained flats including amenity space, with self-contained Synagogue to ground floor including 13 no. parking spaces and associated landscaping. Amendments include reduction in the number of flats and amendments to conditions 21 - 25 to replace previous approved synagogue use with alternative D1 use.

Reference: 17/7448/S73

Address: Yamor House, 285 Golders Green Road, London, NW11 9JE

Decision: Withdrawn

Decision Date: 24 May 2018

Description: Removal of conditions 21 (Use Type) 22 (Opening Hours) 23 (Music) 24 (Persons) 25 (Activities Management Plan) pursuant to planning permission 16/5062/FUL dated 02/03/18 for `Demolition of existing buildings and construction of part three, part five and part six storey building to facilitate 16 no. self-contained flats including amenity space, with self-contained Synagogue to ground floor including 13 no. parking spaces and associated landscaping

Reference: 16/5062/FUL

Address: Yamor House, 285 Golders Green Road, London, NW11 9JE

Decision: Approved following legal agreement

Decision Date: 2 March 2018

Description: Demolition of existing buildings and construction of part three, part five and part six storey building to facilitate 16 no. self-contained flats including amenity space, with self-contained Synagogue to ground floor including 13 no. parking spaces and associated landscaping

Reference: 15/06583/FUL

Address: Yamor House, 285 Golders Green Road, London, NW11 9JE

Decision: Withdrawn

Decision Date: 29 February 2016

Description: Demolition of existing buildings and construction of part 5 part 6 storey

building to facilitate 16 no. self-contained flats including amenity space, with self-contained Synagogue to ground floor including 13 no. parking spaces and associated landscaping

Reference: C11533D/02

Address: Yamor House, 285 Golders Green Road, London, NW11 9JE

Decision: Approved

Decision Date: 3 June 2003

Description: Retention of nine serviced short-term holiday accommodation and landscaped area at front of property.

Reference: C11533C/02

Address: Yamor House, 285 Golders Green Road, London, NW11 9JE

Decision: Withdrawn

Decision Date: 29 November 2002

Description: Retention of nine bed-sit units, and formation of associated car parking area with access from Sinclair Grove

Reference: C11533B/00

Address: Yamor House, 285 Golders Green Road, London, NW11 9JE

Decision: Approved subject to conditions

Decision Date: 8 March 2001

Description: Conversion of dwellinghouse into two self-contained flats.

Reference: C11533A/00

Address: Yamor House, 285 Golders Green Road, London, NW11 9JE

Decision: Approved subject to conditions

Decision Date: 12 September 2000

Description: Two storey rear extension. Part two storey side extension.

### **3. Proposal**

The application seeks consent for the demolition of existing buildings and construction of part three, part five and part six storey building to provide 22 no. self-contained flats, including 21 no. parking spaces, 46 cycle storage spaces, amenity space, refuse storage, associated landscaping, new vehicular access and plant/services enclosure and screening on roof.

A new vehicular access would be created from one point on Golders Green Road, which would serve 21 parking spaces for the residential units.

### **4. Public Consultation**

A site notice was erected 16 September 2021.

A press notice was published 07 September 2021.

Consultation letters were sent to 258 neighbouring properties.

8 responses have been received, comprising 1 representation and 7 objections.

The letter of representation states:

- Neighbours should be consulted now an island is proposed, as would prevent people in Woodlands turning right into Golders Green Road

The objections raise the following concerns:

- Increased traffic, that end of Golders Green road constantly grid-locked
- Extra traffic would exacerbate delays for Woodlands residents



- New junction is opposite Very busy junction with Woodlands
- Vehicles turning right would add to congestion

Historic England (Greater London Archaeological Advisory Service) stated in a letter dated 21 January 2020 (in relation to the previous application) that they raise no objection and that no further assessment or conditions are therefore necessary.

Environment Agency: No objection. Informative suggested

London Fire Brigade: No comments received. They did not raise objections to the previous application.

Highways Authority: No objection. See assessment below for greater detail.

Environmental Health: No objection, suggest conditions.

Drainage Engineer: No objection, require conditions relating to post construction SUDS

TfL: Object. The number of spaces overall must be reduced to no more than 17 spaces. The applicant must provide 20% of car parking spaces with active electric vehicle charging points and the rest with passive provision. Car park design and management plan shall be secured by condition which includes implementing a permit system for allocating car parking, no spaces shall be physically sold. Barnet Council shall impose legal restriction to exclude future residents' eligibility for local car parking permits. Increase cycle parking spaces and attach a condition securing details. A Delivery & Servicing (DSP) shall be secured by condition which detail the proposal's delivery and servicing strategy. A construction logistics plan (CLS) shall be secured by condition

Thames Water: No objection but request a piling condition as the development is within 15m of a strategic sewer

Metropolitan Police Design Out Crime officer: A meeting was held with the applicant and it appears the scheme will be able to achieve SBD accreditation with compliance with recommendations and most recent SBD guidance. No objection subject to a condition

Tree officer: No objection

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published on 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a

fully integrated economic, environmental, transport and social framework for the development of the capital. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

Relevant policies:

D4 - Good Design

D5 - Inclusive Design

D6 - Housing Quality and Standards

D7 - Accessible Housing

H2 - Small Sites

H12 - Housing Size mix

SI 2 Minimising Greenhouse Gas Emissions

T6.1 - Residential Car Parking

### Barnet's Local Plan (2012)

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9.

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

### 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.

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.

Planning Obligations SPD (adopted April 2013)

## 5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of development is acceptable;
- Whether harm would be caused to the character and appearance of the street scene and the surrounding area;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the living conditions of future occupiers;
- Whether the development would impact parking and highways network;
- Any other material considerations

## 5.3 Assessment of proposals

Preliminary matters:

A number of consents for redevelopment of the site have been granted. The most recent is 19/6770/FUL, a development of up to 6 storeys to provide 15 flats with 13 parking spaces. This included a legal agreement to secure 6 units on site as affordable (shared ownership). Previous permissions included the provision of a synagogue with residential above. The synagogue is no longer part of the proposal.

The main difference with this application to the extant approval is:

- the increase in the no. of flats from 15 to 22
- increase parking provision from 13 to 21 spaces
- increase in overall height by approx. 2m
- building to be set away from boundary with North Circular Road
- increased separation above second floor level to Michelle House
- increased depth to the rear towards Tulsi Court up to third floor level
- infill of original 'L' shape to the rear at all levels

### Principle of Development

#### *Previously Developed Land*

The NPPF, London Plan and Barnet's Local Plan are relevant and support the provision of residential development in appropriate locations. Paragraph 120 of the NPPF advises that LPA's should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. The location of the proposed development on an under-utilised and previously developed site therefore meets the objectives of the NPPF which reiterates the Government's ongoing commitment to boosting housing supply and upholds the presumption in favour of sustainable development.

#### *Affordable Housing*

As the proposed scheme would provide more than 10 units, it is required to provide affordable housing in line with Policy DM10 below:

*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.*

This development proposes a policy compliant level of affordable housing.

### *Unit Mix*

The proposed development provides the following mix of units:

- 1 bed - 3 units
- 2 bed - 7 units
- 3 bed - 7 units
- 4 bed - 5 bed

Policy DM08 of the Development Management Policies states that:

*Development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough.*

Dwelling size priorities are:

- i. For social rented housing - homes with 3 bedrooms are the highest priority
- ii. For intermediate affordable housing - homes with 3/4 bedrooms are the highest priority
- iii. For market housing - homes with 4 bedrooms are the highest priority, homes with 3 bedrooms are a medium priority.'

The scheme includes a good mix of larger units as identified as priority accommodation, over half the units would be 3 and 4 bedroom. This aspect of the scheme is therefore considered acceptable.

### Impact on character and appearance

Local Plan Policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposal was previously considered to be acceptable as there was an appropriate transition in height from the adjacent Michelle House towards North Circular Road, so that the tallest part of the proposal is located at the highways junction. The building line of the proposal would still broadly align with Michelle House. Greater separation to Michelle House is achieved at upper levels compared to the previous approved scheme, which is considered a benefit in terms of the streetscene elevation to Golders Green Road. The additional overall height is towards the NCR boundary.

The principle changes to the approved scheme is the additional massing to the rear. Although this additional massing will be publicly visible to a degree from Sinclair Grove, given the distances involved, it is considered that this will not be intrusive within the streetscene.

Additional balconies, both rooftop and projecting are proposed.

In terms of materials, dark brown brick with contrasting banding is proposed, together with aluminium/ composite doors and windows and metal balconies.

Overall, the proposal is still considered to respond positively to its context and would therefore have an acceptable impact on the character and appearance of the area, in accordance with policy DM01 of the Development Management Policies DPD 2012.

### Impact on amenity of neighbouring occupiers

One of the main changes to the previously approved development, is the additional massing to the rear and the relationship to neighbouring buildings of Michelle House to the east and Tulsi Court to the south.

Barnet policy DM01 states that new development should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users. Schemes which significantly harm the neighbouring occupiers will be refused planning permission.

The Council's Residential Design Guidance SPD advises that privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings. In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

### Michelle House

In relation to Michelle House, there are no windows in the flank elevation of Michelle House and any proposed windows are located at the upper levels either at or above the roof level of Michelle House. The additional development at the rear brings the development closer to the boundary with Michelle House. The side facing windows are approx. 11m to 13.5m from the boundary. This meets the minimum standard for windows facing a garden (to Michelle House). However, to reduce possibilities for overlooking these side facing windows are angled, such that the outlook is directed obliquely rearwards. The balcony/ terraces on the Michelle House side are located no further rearward than the existing building at Michelle House so would not result in unacceptable overlooking.

A Daylight, Sunlight and Overshadowing Report has been submitted with the application. This concludes that all windows in Michelle Court would continue to meet the BRE guidelines. Although there is a small reduction in daylight to some windows, they still meet the guidance and is unlikely to be noticeable. All windows meet the guidance for sunlight. The impact of overshadowing the garden was also considered and concluded that although there was minor additional shading of part of the garden, there would be no significant change.

### Tulsi Court

In relation to Tulsi Court to the rear (south) In terms of the relationship to the development at the rear, the distance between directly facing windows to habitable rooms would be approx. 21m. This would comply with the above SPD requirement.

The daylight assessment concludes that 4 windows at Tulsi Court would no longer meet the BRE guidance such that the reduction in daylight would be noticeable. The impact on 2 windows would not be significant as the rooms are served by other windows (the windows affected are side windows to a bay) which would not be affected. The 2 affected windows

are bedrooms in the north facing side elevation. All windows meet the criteria for sunlight. As with Michelle House there is minor additional shading of a small part of the garden but no significant change.

Amendments have been made to the terraces and balconies for the proposed fourth and fifth floor flats which face the garden of Tulsi Court. These do not meet the 10.5m distance to boundary guideline and will be provided with balcony screens or planted screens up to a height of 1.8m to prevent overlooking. Other windows which do not meet the 10.5m distance will be obscure glazed.

Although the massing of the building is greater towards Michelle House and Tulsi Court than the approved scheme, it is considered that the building would not be so overbearing when seen from habitable room windows or the communal gardens as to constitute unacceptable harm to outlook.

On balance, the scheme is considered to have an acceptable impact on the amenities of neighbouring occupiers, in accordance with policy DM01 of the Development Management Policies DPD 2012.

#### Provision of adequate accommodation for future occupiers

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. The London Plan and the Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

#### *Dwelling size:*

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

1B 2P minimum requirement is 50 sqm  
2B 3P minimum requirement is 61 sqm  
2B 4P minimum requirement is 70 sqm  
3B 5P minimum requirement is 86 sqm  
4B 7P minimum requirement is 108 sqm

As can be seen from the following table, a range of flat sizes is proposed. All meet the minimum floor space standards.

flat 01	3B5P	89.2
flat 02	2B3P	*72.0
flat 03	4B7P	108.1
flat 04	1B2P	50.3
flat 05	4B7P	108.1
flat 06	3B5P	89.2
flat 07	2B3P	*74.0
flat 08	4B7P	108.1
flat 09	1B2P	50.3
flat 10	4B7P	108.1
flat 11	3B5P	90.4
flat 12	2B4P	74.0
flat 13	4B7P	108.1

flat 14 1B2P 50.3  
flat 15 2B3P 61.2  
flat 16 3B5P 90.4  
flat 17 2B4P 74.0  
flat 18 3B5P 86.1  
flat 19 2B3P 61.2  
flat 20 2B4P 74.0  
flat 21 3B5P 86.1  
flat 22 3B5P 88.4

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

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All proposed bedrooms would meet the above standards.

#### Floor to ceiling height:

Policy D.6 of the London Plan states that a minimum ceiling height of 2.5 metres is required for at least 75% of the gross internal area of a dwelling.

Each of the proposed flats would meet the above standard.

#### *Dwelling layout and outlook:-*

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed maximises the outlook of occupiers of the new dwellings, while also taking account of the need to prevent unacceptable levels of overlooking at neighbouring properties.

The two, three and four bedroom flats are double or triple aspect. The 3 no. one bed units are single aspect but west facing.

#### *Amenity Space:*

External Amenity Space: Para. 2.3.1 of the SPG states that outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough. Residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers. For flats 5 sqm per habitable room is required.

The proposal would provide 432sq m of private amenity space. The majority of flats have private balconies or terraces although not all meet the standard. 2 flats do not have a private outdoor space, however they both exceed the minimum floor space standard.

Moreover a first floor communal amenity area of 143 sqm is also proposed to serve all residents, giving a total of 576.5 sqm which meets the relevant standard. For the number of habitable rooms the requirement would be 510 sqm.

The communal amenity space and play area would ensure a good level of amenity space provision for future residents.

No play space provision is proposed. To address this, a contribution towards enhanced provision in local parks would be secured via the legal agreement.

*Accessibility:-*

The proposed development would be required to be designed to comply with M4(2). This can be secured via condition. Two of the units are wheelchair accessible. This meets the requirement for 10% of units to be accessible.

*Privacy and overlooking:-*

There will be no mutual overlooking between units. Screening of balconies and terraces will provide privacy for residents.

*Daylight and sunlight:-*

An internal daylight assessment has been submitted. It is evident that there is a high level of compliance when the scheme is tested against BRE Guidelines. Only 5 of the 80 habitable rooms do not meet the BRE requirements, but any small infractions largely relate to the location of balconies above the relevant windows, which overall provide amenity provision, a benefit of the scheme, and this is recognised when applying BRE Guidelines.

*Conclusions on the amenities of future occupiers:-*

In light of the above, it is considered the proposed scheme would provide a good standard of accommodation for future occupants.

Transport matters

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.

Highway officer comments as follows:

The site fronts onto Golders Green Road (A502) and it is situated about 60m south of the junction of A502 and the A406. The A406 is a key London orbital which forms part of the Transport for London Road Network (TLRN). The junction of A502 and A406 is major signal intersection. There are parking restrictions in the form of double yellow lines in the section of road fronting the site. The site is in a CPZ which operates Mon-Fri, 11-12 midday.

The site lies in an area with a PTAL rating of 3, which represents a moderate level of public transport accessibility. There are five bus routes (183,83 232,240 & 210) can be accessed from stops within 2-5 minutes walking distance of the site. Brent Cross tube station is located approximately 660m to the south and can be reached within 8-9 minutes on foot.

The proposal consists of the erection of 22 self-contained apartments (3x1bed, 7x2bed,



7x3bed and 5x4 bed). The parking requirement for the site based on policy DM17 is between 22 - 34 spaces. Based on a PTAL of 3, Highways would accept the provision of 28 parking spaces. The applicant proposes 21 spaces which equates to a shortfall of 7 spaces. Given that the CPZ on surrounding roads operate for 1 hour, there is a need to demonstrate that there is sufficient spaces available on street to accommodate the displacement of up to 7 vehicles. Parking surveys were carried out in March 2020 and the results indicate a parking stress of 57% with 101 spaces available. Although the parking surveys were carried out over 2 years ago, our records show that there are no committed developments in the vicinity that would affect the proposals for Yamor House. Notwithstanding the above, to promote sustainable and discourage car ownership, Highways would recommend that s106 CPZ permit restrictions are imposed.

2 disabled spaces are proposed within the ground floor car park which is acceptable.

Pedestrian routes and crossing points are designated within the car park but a minimum aisle width of 6m must be ensured within the car park. The tracking must be carried out with a large family car. Also, the access to the car park is narrow so only one vehicle can enter/exit at a time. Hence, shuttle working and priority arrangements will need to be clarified. Priority needs to be given to inbound vehicles as there is sufficient space for outbound vehicles to wait within the car park before exit. It is recommended that priority signs are installed at the entrance to the car park. This can be installed by way of a condition. It is noted that the maximum width of the site access must be 4.2m .

A revised parking layout plan incorporating priority signs, disabled parking bays and pedestrians routes/crossing points within the ground floor car park is requested. This should also show the existing and proposed crossover arrangement and can be secured by way of a planning condition.

Electric vehicle charging points shall be provided in accordance with London Plan standards. This equates to 4 active charging points and 17 passive spaces which shall be secured by way of a planning condition.

The provision of 46 cycle parking for this residential development is acceptable (44 long-stay and 2 short-stay) and this meets current London Plan standards. Long stay parking should be provided in a covered, sheltered, lockable, enclosed compound while short stay cycle parking should be provided in a covered, sheltered, lockable environment. The type of stands used must allow both wheels and the frame of the bicycle to be locked. Details of cycle parking are therefore requested by way of a condition. Highways supports the provision of internal cycle storage but recommend that the short-stay spaces are covered. Internal cycle parking is proposed which is acceptable for long stay provision and it is proposed that the two short stay spaces required are provided in a separate compartment or area within the front garden.

It is expected that refuse collections will take place on-street which follows the arrangements for neighbouring properties. However, the refuse stores must be located within 10 metres of the collection point on the road side or a management plan should be put in place to move the bins to a holding area by the roadside on collection days. The current proposals show refuse storage in the carpark and so a management plan condition is recommended.

Due to the number of units proposed, trip generation is unlikely to be a major issue. The site is expected to generate 6 two-way vehicle movements during the AM peak and 4 two-way vehicle movements during the PM peak. Hence, trip generation is not expected to be

a major issue. However, there are long queues on the A502 and right turn movements into the site could block straight ahead traffic which could quickly cause a build-up of vehicles extending back to the A406. Given that the principle of an access has been established by a previous application, Highways would recommend a left in and left out arrangement. Given the size of the development and considering that the anticipated level of vehicle trip generation is low, it is recommended that the impact of right turn movements into the site on the local highway network is monitored for six months post full occupation and if there is a problem then the engineering measures shown on the attached plan (Dwg No. DID-ZZ-XX-DR- C-5003) shall be implemented under a s278 agreement. The final design is to be agreed as part of the s278 process. The applicant will be required to enter into a s184/278 for any off-street highway works proposed as part of this development. All off - site highway works shall be implemented to the satisfaction of the Local Highway Authority prior to first occupation except for those measures to be decided upon following the 6 months monitoring period. TfL comments and approval of the proposed access arrangements must be sought.

The developer has submitted a travel plan and officers have reviewed the plan. Further details outlining TP monitoring at post-occupation and in years 1, 3 and 5 is required; an updated Residential Travel Plan should be provided to LBB within 6 months of first-occupation and every other year with monitoring surveys required to be carried out in years 1, 3, 5. Each submitted TP will incorporate the outcome and results of the previous monitoring surveys carried out.

Also, a travel plan monitoring contribution of £5,000 is requested. This is to be secured via a s106 agreement.

A construction management plan is requested for this development and due to the nature of the site and its proximity to the A406, both TfL and Barnet's approval of the plan is recommended. A temporary traffic management arrangement during the construction phase of the development has been agreed by TfL, Barnet and the applicant's agents. This involves installing a 1.5m pedestrian gantry and a loading area along Golders Green Road frontage. Details of the demolition and construction management and logistics plan are to be secured via a planning condition.

Highways would raise no objection to the proposal subject to a s106 agreement denying occupants of the development the right to purchase CPZ permits, a contribution of £5,000 towards travel plan monitoring and the S278 highways works as well as conditions/informatives.

### Sustainability

An Energy Statement has been submitted. Carbon reduction is achieved through energy efficient services and high specification building fabric and use of air source heat pumps and PV. The remaining carbon emissions will be offset through a contribution of £25,471 which is to be secured via the legal agreement.

An Overheating report has been submitted which states that, given proximity to the North Circular Road, windows cannot be relied on for cooling. Mechanical ventilation and active cooling are proposed

### Trees and Biodiversity

Three unprotected trees will be removed to accommodate this development. The applicant

must value these trees in accordance with policy G7 of the London Plan. As a minimum the replacement planting must match the value of the trees removed. If this cannot be achieved within the site boundary the Local authority maybe able to assist the developer by accommodating trees within the public realm.

A contribution towards street tree planting forms part of the legal agreement, given limited scope on site for tree planting.

#### Landscape

The landscape plan does not demonstrate that the scheme reaches 0.4 of the Urban Greening Factor under policy G5 of the London Plan. However the proposed landscaping is broadly acceptable. Given the extant permission, this is considered acceptable.

#### Ecology

No bats were identified emerging from the buildings within report Arbtech Bat Emergence and Re-entry Surveys 285-289 Golders Green Road, London, NW11 9JE Jerram Falkus Construction Limited dated September 2021.

The following recommendations were made:

The surveys undertaken to date in and around B1 provide sufficient information to inform a planning application. A European Protected Species Mitigation Licence (EPSML) will not be required to enable the proposed works to be lawfully undertaken. Appropriate justification for this assessment is provided in Section 3 of this report.

In the unlikely event that bats are unexpectedly found during any stage of the development, work should stop immediately and an ecologist from Arbtech should be contacted to seek further advice.

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

The concerns of third parties have been discussed within the main body of the report.

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

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

### **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development is acceptable and recommended for APPROVAL.



**Location** 26 Oaklands Road London N20 8AX

**Reference:** 22/0453/FUL

Received: 28th January 2022

AGENDA ITEM 12

Accepted: 28th January 2022

**Ward:** Totteridge

Expiry 25th March 2022

**Case Officer:** Zakera Matin

**Applicant:** Mr R Calliste

**Proposal:** Demolition of existing dwelling and erection of a two storey dwellinghouse with integral garage and basement

### **OFFICER'S RECOMMENDATION**

Approve subject to conditions

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

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

1619.P3.01 Revision A

1619.P3.02 Revision B

1619.P3.03 Revision C

1619.P3.04 Revision A

1619.P3.05 Revision B

Preliminary Roost Assessment (February 2022)

Preliminary Ecological Appraisal

Arboricultural Impact Assessment

Design and Access 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 Before the building hereby permitted is first occupied the proposed window(s) in the east and west elevation facing no.27 and no.24 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. The garage door on flank elevation should be obscured glazed or made of opaque material.

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).

- 4 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.

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

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in The London Plan (2021) and in the interests of

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

- 6 Prior to occupation of the development, existing parking spaces and the access to the parking area from public highway shall be retained in accordance with the submitted planning application. Thereafter, 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 adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnets Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

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

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD

(adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

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

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

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

- 9 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.

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

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

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



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

- 11 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with details approved under this condition.

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

- 12 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.
- b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

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

- 13 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).

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

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

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of the London Plan 2021 and the 2016 Mayors Housing SPG.

- 16 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

The development shall be maintained as such in perpetuity thereafter.

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

Sustainable Design and Construction SPD (2016).

- 18 a) Before the occupation of the development, a lighting strategy must be designed and used to minimise impacts on bats and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust advice is at <http://www.bats.org.uk/>. The lighting strategy should be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in full accordance with the details of the lighting strategy as approved under this condition prior to the first occupation and retained as such thereafter

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

- 19 The development shall be implemented and thereafter maintained in accordance with the recommendations made within the Preliminary Bat Roost Surveys Report.

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

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

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

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

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

The Council has approved the new CIL charging schedule and that it will come into effect on Friday 1st April. This means that any liable planning decisions issued on or after 1st April will pay £300 a square metre rather than £200. Employment uses will also be charged £20 a square metre.

<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>

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

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

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

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

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

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form

available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

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

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

Please visit

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

- 3 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Councils refuse collection department is consulted to agree a refuse collection arrangement.
- 4 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be extraordinary traffic for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of

highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

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

- 5 Any gates must open inwards and not out onto the public highway for health and safety reasons.
- 6 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

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

## **OFFICER'S ASSESSMENT**

The case is forwarded to committee because of number of objections received.

### **1. Site Description**

The application site is located on the north side of Oaklands Road. The area is characterised by two storey detached properties. The rear gardens are of varying depth. The site is occupied by a two storey detached dwelling, which is set back from the road. The rear garden is at a lower level and features a swimming pool. The site is located within Totteridge conservation area and there are TPO trees on site.

Neighbouring two storey detached property no.24 sited to the west and separated by an access road leading to No.25. Neighbouring single storey No.25A and B are sited to the

rear of no.24 and on the west side of the subject site. This site was previously occupied by a bungalow, Ranch House, 25 Oaklands Road which was demolished and existing bungalows were built. Neighbouring two storey detached property No.27 is sited to the East of the subject property and sited on a higher ground level.

## 2. Site History

Reference: 19/6571/FUL

Address: 26 Oaklands Road London N20 8AX

Decision: Refused

Decision Date: 14.02.2020

Description: Demolition of the existing house and erection of 2no. detached two storey dwellinghouses. Associated amenity space, refuse storage and off-street parking

Appeal dismissed: 08.06.2021

Reasons for refusal:

The introduction of House B situated in the rear garden would be unacceptable in principle and would fail to reflect the spatial pattern of development in the immediate area and would fail to preserve and enhance the character and appearance of Totteridge Conservation Area contrary to the National Planning Policy Framework 2012, London Plan 2016 Policy 7.3, Core Strategy Policies CS1 and CS5, Development Management Policy DM01, DM06, Totteridge Conservation Area character appraisal and Residential Design Guidance SPD (October 2016).

The proposal by reason of it's unsympathetic design, loss of protected trees, siting of house B in the backgarden of the site, its close proximity to the neighbouring rear gardens, would be out of keeping with the established character and spatial pattern of development, which would result in an incongruous and intrusive form of development and would fail to preserve the character and appearance of this part of Totteridge conservation area and established pattern of development, contrary to policies in the National Planning Policy Framework, Policy 7.4 of the London Plan (2016), DM01 and DM06 of the Development Management Policies Development Plan Document (September 2012), Policy CS5 of the Local Plan Core Strategy (September 2012), and contrary to the Local Plan Supplementary Planning Document Residential Design Guidance (2016), Sustainable Design and Construction SPD (2016) and Totteridge conservation area character appraisal.

The proposed houses A and B by reason of their siting and back to back positioning and close proximity to the adjacent neighbouring rear gardens would result in unacceptable levels of overlooking and result in subsequent loss of privacy which would be detrimental to the residential amenities of the future occupiers of the proposed houses and the existing neighbouring occupiers, contrary to policy CS5 of the Barnet Local Plan Core Strategy (Adopted September 2012), policies DM01 and DM02 of the Local Plan Development Management Policies DPD (Adopted September 2012), Supplementary Planning Document Residential Design Guidance (2016) and Sustainable Design and Construction SPD (2016).

Reference: N01205P

Address: 26 Oaklands Road London N20 8AX

Decision: Approved subject to conditions

Decision Date: 12.05.1976

Description: Conservatory at rear above basement extension.

Reference: 15/00727/FUL

Address: Ranch House, 25 Oaklands Road, London N20 8AX.

Decision: Approved subject to conditions

Decision Date: 02.04.2015

Description: Demolition of existing bungalow and erection of 2no. single storey bungalows including rooms in roof space, hard/soft landscaping and refuse/recycling facilities

### **3. Proposal**

The application seeks permission for demolition of existing dwelling and erection of a two storey dwellinghouse with integral garage and basement.

The proposal would be traditional in design similar to neighbouring properties to the west. The main part of the proposed dwelling would have a width of 13m, depth of 15 and maximum height of 9m at ridge. The dwelling would feature a crown roof. The front elevation would feature 2 identical two storey front projections with hipped roof. Entrance is provided at the centre through a stone portico. There would be an attached side garage 3.9m wide and 3.6m high with flat roof. The proposed front building line would be 3.8m forward of the existing building line.

Rear elevation would feature 3.3m high single storey rear projection with flat roof, two storey rear projection with hipped roof, 1.8m high and maximum 4m deep raised terrace and a basement.

The proposed ridge height of the dwelling would be 0.4m lower than the ridge of neighbouring no.27. It would sit on 1m lower ground level than no.27. The proposal would be sited on the existing side building line along the boundary with no.27 and would maintain a 2m gap from the flank wall of no.27. The proposal would sit 0.9m forward of the front building line of no.27.

The proposal would be sited 1.5m from the side boundary on the side of no.24 and maintain a 8.9m gap with the flank wall of that property. The front building line would be at the same line as no.24. No.24 is sited on a lower ground level.

### **4. Public Consultation**

Consultation letters were sent to 22 neighbouring properties.

7 objections received as below:

- Basement Impact Assessment Report must be carried out. It would adversely impact neighbouring homes/gardens.
- Basement construction which could give further drainage problems.
- The proposed dwelling due to ridge height higher than no.24 would be detrimental to the street view and to the Conservation Area.
- The new proposal would bring forward the building line.
- Significant loss of light to rear patio at no 27, the proposed terrace will cause significant overlooking into the garden, patio and windows of the habitable room at no 27, the proposed rear projection of no 26 would be a dominant feature as seen from the garden, rear patio and rear windows of no 27, would result in significant loss of outlook and an increased sense of enclosure.
- The design of this new house is not sympathetic to the street scene in Oaklands Road



and it will not conserve or enhance the conservation area.

- Overlooking and privacy impact for neighbouring properties numbers 27,24, 23.

## **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 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. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

Relevant London Plan Policy: D1, D4, D6, D7, T5, T6, SI 2, SI 5.

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

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

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

- Relevant Development Management Policies: DM01, DM02, DM04, DM06, DM08, DM17

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

development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

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

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

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

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Provision of suitable accommodation for future occupiers
- Provision of waste recycling and cycle parking
- Sustainability and Accessibility
- Highways and parking.
- Ecology
- TPO trees

## **5.3 Assessment of proposals**

The current proposal addressed the previous reasons for refusal under 19/6571/FUL.

### Impact on the character and appearance of the existing site, street scene and wider locality

Policy CS5 Protecting and enhancing Barnet's character to create high quality places' seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design. Policy DM01 states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The NPPF supports this and stipulates that planning decisions should not attempt to

impose architectural styles or particular tastes and they should not stifle innovation but instead development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

Policy CS5 states that, " We will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design."

Policy DM06 states that, Development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet. Conservation Areas are defined as areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. If a site lies within a Conservation Area or is located nearby, planning permission will not be granted where development proposals neither preserves nor enhances the character or appearance of that area.

SPD Residential design guide in paragraph 6.12 states that, "Proposals for new residential development should respond to the distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context."

Paragraph 6.13 goes on to state that, "New development should recognise the scale, massing and roof form of surrounding buildings and reflect these where they are a positive attribute of the area's character. Consideration should be given to the grouping of buildings, roof pitches, the detailing of eaves and gables, chimney stacks and the size/siting of any dormer windows. New development should reflect the existing building lines and rhythm of the street."

It further states that, "great care should be taken when incorporating contemporary design into the existing urban fabric. New and old buildings can co-exist without negatively influencing the character of the area, but new development should always sit comfortably with its neighbours."

It is noted that, no.26, 27, 28 and no,1 along this part of Oaklands Road are similar in architectural style. They feature horizontal linear quality in the built form. The front elevations are also similar in fenestration, use of material, shallow pitched roofs, end gable and attached garage. It is noted that neighbouring property no.24 on the west is a recent redevelopment and dwellings further down the road are different in architecture style.

The proposal would be traditional in design similar to neighbouring properties.

The main part of the proposed dwelling would have a width of 13m, depth of 15 and maximum height of 9m at ridge. The dwelling would feature a crown roof. The front elevation would feature 2 identical two storey front projections with hipped roof. Entrance is provided at the centre through a stone portico. There would be an attached side garage 3.9m wide and 3.6m high with flat roof. The proposed front building line would be 3.8m forward of the existing building line.

Rear elevation would feature 3.3m high single storey rear projection with flat roof, 2 storey rear projection with hipped roof, 1.8m high and maximum 4m deep raised terrace and a basement.

The proposed ridge height of the dwelling would be 0.4m lower than the ridge of neighbouring no.27. It would sit on 1m lower ground level than no.27. The proposal would be sited on the existing building line along the boundary with no.27 and would maintain a

2m gap from the flank wall of no.27. The proposal would set 0.9m forward of the front building line of no.27.

The proposal would be sited 1.5m from the west boundary on the side of no.24 and maintain a 8.9m gap with the flank wall of that property. The front building line would be at the same line as no.24. No.24 is sited on a lower ground level.

The street features varied Architectural style. It is noted that the proposal is similar to the proposed front dwelling A under 19/6571/FUL where the inspector mentioned in the appeal ref: APP/N5090/W/20/3250121 that, "The appeal relates to a large detached dwelling which sits within a generous plot. It is located within a residential road which is home to a variety of dwellings in terms of their size, designs and external finishes. This variety makes a positive contribution to the overall character and appearance of what is a pleasant street scene. It is located within the Totteridge Conservation Area (CA); although I note the Totteridge Conservation Area Character Appraisal (TCACA) describes Oaklands Road as an area of 'limited merit'."

The inspector further mentioned that, "The existing dwelling is one of a small group of substantial 1970s style dwellings. They are not identical and although well maintained, they are of limited architectural merit. The proposed replacement dwelling would be taller than the existing dwelling, but not significantly so. I am also mindful that the nearby houses have a variety of ridge heights. Bearing in mind the mix of houses found locally, I am satisfied that the proposed replacement dwelling would sit comfortably on the plot whilst its size, scale, detailing and finishing materials would be appropriate to the existing street scene." "For the above reasons, I find that although Dwelling A would at least preserve the character and appearance of the local area including the CA."

It is noted that the current proposal would be similar in scale, footprint and design as the dwelling A of the previous scheme under appeal APP/N5090/W/20/3250121. The previous proposal has a similar height of 9m, width of 13 m and total depth of 15m. This appeal decision is a material consideration for the assessment of the current proposal.

It is noted that the front building line of the proposed dwelling would project more than the previous appeal scheme, however, that projection is not significantly different and would not make the proposal dominating in the street scene. It is further noted that the proposed width of the main part of the dwelling would be 3.6m less than the existing dwelling and 1.7m less than the neighbouring dwelling no.27. The proposed ridge height of the dwelling would be 0.4m lower than the ridge of neighbouring no.27. Therefore the proposal would not appear overbearing or dominating when seen against no.27.

The proposed dwelling would be sited 8.9 m away from the neighbouring no.24 and maintain the same front building line. It is noted that no.24 is sited at lower ground level and features a lower ridge height. Though the proposed ridge height would be higher than no.24, it is noted that existing building on site also has higher ridge height than no.24. Furthermore, the proposal would maintain more gap with no.24 than the existing building on site. In this context the proposal would not appear significantly dominating and overbearing than existing when seen against no.24.

Paragraph 6.11 of the SPD states that, "The amount of set back should be determined by the surrounding character and road hierarchy. In case of infill areas, replication of existing pattern of set backs should be taken into account." The proposal would maintain sufficient gap with neighbouring no.27 and 24. The proposed set back from the side boundaries would comply with the guidance contained in SPD Residential Design Guide (2016).

It is noted that the proposal features an attached side garage which is different from the previous appeal scheme. However, because of acceptable scale of 3.9m width and 3.6m height with flat roof, it is considered proportionate addition to the side of the main dwelling.

Council's conservation officer was consulted on the proposal, the officer suggested sympathetic fenestration to respect the conservation area. It is noted that houses along the road feature varied fenestration from traditional shah window to clear glazed window. Existing property and adjacent neighbouring properties feature clear glazed windows. In the similar appeal case the inspector did not consider that the clear glazed fenestration would have detrimental impact on this part of conservation area. Therefore, the proposed clear glazed fenestration is not considered to have significant detrimental impact on this part of conservation area.

SPD Residential Design Guide states that, "The council seeks to ensure that basement development does not harm the established architectural character of buildings and surrounding areas, including gardens and nearby trees, and that no adverse impact is caused to the amenity of neighbouring properties."

Often with basement development, the only visual manifestations are accepted as light wells and skylights, with the bulk of the development concealed wholly underground and away from any public view. It further states that, the length of any visible basement wall should not dominate a property nor extend its full width.

The proposal includes a basement and it would feature glazed doors. The proposed basement would be mostly concealed under the proposed ground floor level and because of siting below ground level the glazed doors would not be prominent when viewed from the rear.

It is noted that the existing building features a raised patio at the rear and a lower ground floor level at the rear of the existing garage. The proposal rear terrace and basement would be similar to the previous appeal scheme, where the inspector did not think that these elements of the proposal would have any detrimental impact on the character of the Conservation area.

Overall, it is considered that the replacement dwelling would sit comfortably within the site and street scene and would relate well with the neighbouring properties due to acceptable scale, design and adequate separation gap from the side boundaries and neighbouring dwellings. It is not considered that the proposal would have any detrimental impact on the character along the street and the conservation area.

#### Impact on the amenities of neighbours

Policy DM 01 states that, Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

It further mentions that,

"Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well being of the boroughs residents."

The two storey rear building line of replacement dwelling would project 1.6m beyond the two storey rear building line of neighbouring dwelling no. 27 and it would be sited 2 m away from the two storey flank wall of no.27. The single storey element would project 1.2m from the rear wall of the dwelling. In this context, it is not considered that the proposal would have overshadowing and overbearing impact for the occupiers of no.27.

The rear raised patio would have a maximum depth of 4m and would be 1.8m high. It is noted that existing rear terrace is 1.8m high from the lower garden level. Neighbouring property no.27 is sited at 1m higher ground level than the subject property. The proposed rear raised patio would have same height as the existing rear terrace and considered not to have any additional overlooking or privacy impact for the rear patio area of no. 27.

The two storey flank wall of the dwelling would keep a 8.9m gap from the flank wall of no.24 and would be separated by an access road. In this context, the proposal is considered not to have any overshadowing or overbearing impact for occupiers of no. 24 because of sufficient separation gap.

It is noted that, there are windows in the flank wall of the proposal facing no.24 and 27, serving stair and bathroom. Conditions are attached requiring them to be obscured glazed and non-opening 1.7m above the finished floor level to prevent any overlooking for the neighbouring occupiers. The garage door in the flank wall is conditioned to be obscured glazed or made of opaque material.

SPD Residential Design Guide mentions that, lightwells or skylights should be located away from the property boundary. They should be proportionate to the building they relate to. The proposal includes basement with glazed basement doors. This would be sited more than 2m away from the common boundary with neighbouring property no.24 and 27 and not considered to cause any detrimental impact for the neighbouring occupiers.

It is noted that the previous similar scheme for house A under 19/6571/FUL was not refused on grounds of amenity impact for no.27 and 24 in terms of overbearing, overshadowing or privacy.

The relationship with property no.25A at the rear would be similar to the existing situation and the proposal would not have any additional overlooking or privacy impact for property at the rear.

Neighbours expressed concern regarding poor drainage in the area and probable impact of the basement on drainage. A pre-commencement condition is attached for Sustainable Urban Drainage System features to be included in the scheme to address this issue.

It is not considered that the proposal would have any detrimental impact on the amenities of neighbouring occupiers subject to attached conditions.

#### Provision of suitable accommodation for future occupiers

In terms of amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation.

The proposed 4-bedroom 8 person family dwelling with Gross Internal Floor Area (GIA) of 427 sqm would comply with minimum required. The double bedrooms would be more than

required 11.5 sqm which would meet the minimum standard. The proposed storage space would also meet the minimum requirement.

The rooms would benefit from good outlook and receive adequate daylight and sunlight.

To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, London Plan 2021 requires a minimum ceiling height of 2.5m for at least 75% of the gross internal area so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space. The proposal would meet the standard in this regard.

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. The Sustainable Design and Construction SPD advises that for a dwelling with up to seven and more habitable rooms needs to provide 85 sqm of outdoor amenity space. The proposed rear gardens would remain existing and would exceed the SPD requirements.

#### **-Waste Recycling**

Paragraph 11.10 of the Residential Design Guidance SPD 2016, states that, "Waste and recycling storage can cause a nuisance to neighbours and future occupiers, by reason of odour and noise, and can be visually intrusive in the streetscene. Waste and recycling storage areas should be integrated within the building or provided on-site and screened within an enclosure or by landscaping avoiding garden areas in front of dwellings."

The applicant is advised that refuse storage must be located within 10m of the public highway on the ground floor in order to allow easy access for collection staff, or bins must be brought to the edge of the footway on collection days.

Submitted drawings do not show location of waste storage, Conditions are attached requiring location and details of screened refuse storage.

#### **Accessibility and Sustainability**

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

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

In terms of water consumption, a condition is attached to require the dwellinghouse to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy SI 5 of the London Plan (20 21).

#### **Highways and Parking**

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more

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

Councils Highway officers were consulted on the proposal and the officer informed that, the applicant is proposing to provide 3x off-street car parking spaces, with 2x active electric vehicle charging points which is considered acceptable.

No changes are being proposed to the existing vehicular access.

Cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport. A condition is attached to address this issue.

Highway has no objection subject to conditions.

### Ecology

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

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

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

Councils Ecologist was consulted on the proposal. The officer further informed that, the buildings were all deemed to be of negligible roosting potential, therefore, further bat presence/absence surveys on the buildings are not required.

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

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



In line with the National Planning Policy Framework (NPPF) in aiming to achieve sustainable development and the obligations on public bodies to conserve and enhance biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006, it is advised that the recommendation made within the Preliminary Bat Roost Surveys Report, is implemented in full. This included the installing a minimum of 3 wall mounted bat bricks or bat boxes, mounted on trees or buildings in the site.

## Trees

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of trees where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

National Planning Policy Framework revised 2018 also emphasises on protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.

The officer informed that, there are no significant arboricultural reasons to object to this application and recommended conditions.

Subject to condition, the proposal is not considered to have detrimental impact on TPO trees on site.

## **5.4 Response to Public Consultation**

Addressed in the report.

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

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

## **7. Conclusion**

The current proposal addressed the previous reason for refusal.

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 conservation area. The development is not considered to have an adverse impact on the amenities of neighbouring or future occupiers. This application is therefore recommended for approval.



Proposed Block Plan  
1 : 500

**Location** **Morris House 2B Elm Walk London NW3 7UP**

**Reference:** **22/0433/HSE** Received: 28th January 2022 **AGENDA ITEM 13**  
Accepted: 28th January 2022

Ward: Childs Hill Expiry 25th March 2022

**Case Officer:** **Will Collier**

Applicant: Mr Suchit Sadana

Proposal: First floor side extension. Conversion of existing garage into habitable space. New access door from the side path. Existing first floor rear bay window increased in depth.

### **OFFICER'S RECOMMENDATION**

Approve subject to conditions

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

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

Location Plan, 21052 HHP2 01.01  
Existing Elevations, Drawing No. 21052 HHP2 01.04  
Existing Ground and First Floor Plans, 21052 HHP2 01.02  
Existing Second Floor and Roof Plans, 21052 HHP2 01.03  
Proposed Elevations, Drawing No. 21052 HHP2 02.03 Revision A  
Proposed Ground and First Floor Plans, 21052 HHP2 02.01 Revision A  
Proposed Second Floor and Roof Plans, 21052 HHP2 02.02 Revision A

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans

as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

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

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

- 4 Before the building hereby permitted is first occupied the proposed first floor window(s) in the side elevation facing Magnolia House 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).

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

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

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

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site comprises a late 19th Century detached dwelling with single storey side element containing a garage and habitable accommodation. Immediately adjacent to Morris House are Glass House to the south west and Magnolia House to the north east.

The site is not within a designated conservation area.

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

The wider character of development within the Elm Walk area is a mixture of modern and traditional detached houses with harmonious spacing between properties.

### **2. Site History**

Reference: 22/0782/192  
Address: Morris House, 2B Elm Walk  
Decision: Withdrawn  
Decision Date: 23 March 2022  
Description: Erection of a rear outbuilding

Reference: 21/5837/HSE  
Address: Morris House, 2B Elm Walk  
Decision: Withdrawn  
Decision Date: 11 January 2022  
Description: First floor side extension. Conversion of existing garage into habitable space. New access door from the side path. Existing first floor rear bay window increased in depth. New rear annex building.

### **3. Proposal**

The application seeks planning permission for a first-floor side extension, approximately 4.5 metres wide, set back about 2.8 metres from the front of the house, and aligned with the original rear wall of the house with rear bay window. The extension has a hipped roof set 0.9 metres below the highest ridge of the house, with smaller scale front and rear

gables. 4 rooflights are proposed in the new roof, serving the first floor rooms below.

The proposal also consists of the conversion of existing garage into habitable space, new access door from the side path and enlargement of existing first floor rear bay window.

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

Consultation letters were sent to 11 neighbouring properties.

5 responses were received.

In objection:

- o Overly bulky and intrusive on the street scene.
- o Harmful to appearance of dwelling and character of area.
- o Overdevelopment
- o Overbearing on neighbouring property, particular to the amenity space area.
- o Loss of garden space - permitted development for outbuildings should be removed if approved to protect garden space.
- o Loss of outlook to neighbour's rear bedroom window at first floor.
- o Proposed second floor plan is incomplete - need further info to show internal layout.
- o Resubmission of 21/5837/HSE, however previous issues not overcome.
- o Terracing effect and loss of views of trees from the streetscene.
- o Submission of inadequate and inaccurate information to accompany the application.

#### **5.1 Policy Context**

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

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

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

#### The Mayor's London Plan 2021

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

The London Plan provides a unified framework for strategies that are designed to ensure

that all Londoners benefit from sustainable improvements to their quality of life.

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06

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

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

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

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

### Supplementary Planning Documents

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

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly

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

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Assessment of proposals**

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

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

Concerning side extensions the Barnet Residential Design Guide states: "Side extensions should not be more than half the width of the original house. In addition, the setting back of the front wall of side extensions from the front building line can help to reduce the visual impact on the street scene. First floor side extensions should normally be set back 1 metre from the front main wall of the existing house (para 14.15, Barnet Residential Design Guide)".

The proposed side extension is set back more than 1 metre from the front and is more than 0.5 metres from the ridge of the main roof (para 14.16, Residential Design Guide). It is also less than half the width of the house and would retain a 2 metre minimum gap between the flank walls of properties (with Magnolia House) at first floor level, in compliance with paragraph 14.17 of the Design Guide. The pitched roof and smaller front and rear gable designs of the side extension are considered to be consistent with the design and character of the house.

The garage conversion would have little impact on the appearance of the dwelling, and the enlargement of the rear existing rear bay is considered minimal.

The proposed side extension, garage conversion and other alterations are thus assessed to be subordinate in scale and appropriate in design, in compliance with the Residential



Design Guide.

Materials are to match existing and should be conditioned as such.

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

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

The nearest neighbouring dwelling to the development is Magnolia House, located north-east of Morris House, a dwelling of contrasting, modern design with flat roofs used as amenity space, built in 2004.

Privacy:

There is only one first floor side window proposed, which is marked as obscure glazed on the drawings and this serves a corridor. This should be conditioned as so to ensure no adverse overlooking to Magnolia House.

Outlook and Light:

The main consideration is the impact on Magnolia House, which has a rooftop sun terrace. It is highlighted in neighbour objections that the extension would have an overbearing impact on this rooftop space, resulting in loss of sun and outlook. It is also highlighted in comments that the rear bedroom window would suffer loss of outlook due to the rear part of the side extension.

Whilst it is acknowledged that the proposed side extension would come closer to Magnolia House, the question is whether it would do so in an adverse manner in terms of causing an overbearing impact. In making such an assessment, it is considered that the rooftop of Magnolia House functions as private outdoor amenity space, and as such a useful comparison would be to compare the proposal with the impact of permitted development on a neighbouring garden.

Under permitted development, a side extension within 2 metres of a common boundary (such as the boundary of a neighbouring garden) should not have an eaves height that exceeds 3 metres; and any single storey side and rear extensions should not exceed 4 metres in maximum height.

In this case, the first floor side extension is 2 metres from the common boundary with Magnolia House with a ridge height that rises marginally over 4 metres above the level of the rooftop at Magnolia House. However, because the roof is pitched, it does not reach a height of 3 metres (above the level of the rooftop) until it is 3.6 metres away from the common boundary, and its highest part (the ridge) is 4.3 metres away from the boundary with Magnolia House. And at 2 metres away from the boundary it is only 0.9 metres above the neighbouring rooftop level. It is thus considered the proposal compares quite favourably to the impact of a single storey extension, which could have an eaves height of 3 metres within 2 metres of the boundary under permitted development. Viewing and assessing the proposal this way would indicate the proposal would have no more impact on the rooftop than a single storey side extension built under permitted development would have on a neighbouring garden.

The proposal's impact on the rooftop is also considered to compare favourably to the impact of an outbuilding under permitted development which can be a maximum of 2.5 metres in height within 2 metres of a boundary. By contrast, the first floor side extension is not less than 2 metres from the boundary and is only 1 metre in height, 2 metres away boundary.

A further consideration is that the first floor side extension complies with the limits set down by the Barnet Residential Design Guide for two storey side extensions, by preserving a minimum 2 metre gap between flank walls at first floor level.

Thus, it is assessed the proposal would not appear detrimentally overbearing on the rooftop of Magnolia House, particularly because the roof design is pitched and sloping, falling in height towards Magnolia House. Whilst it is acknowledged to be visible from the rooftop, its visible presence alone at the scale proposed is not considered to be harmfully overbearing.

With regard to the impact of the rear of the side extension on the outlook of a bedroom window on the rear elevation of Magnolia House close to the boundary, it is considered that whilst the extension would be visible from the window, it does not extend sufficiently far to result in adverse loss of outlook. It should be noted its impact is softened because it is stepped in such that its depth closest to the boundary is only about 1.6 metres beyond the rear of Magnolia House, increasing to 2.6 metres in depth where it is set in. This depth is within the limits of the Barnet Residential Design Guide which states:

"Two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable. This is because they can be too bulky and dominant, and have a detrimental effect on the amenities of neighbours."

With regards to the light impact, taking into account the height being lower than the existing roof height of Morris House and positioned southwest of Magnolia House, it is acknowledged that it could block low level sunlight late in the day but this is not considered to be a harmful level of light loss as it would still receive a significant amount of sunlight during the day. The section of enclosed floor space on the rooftop is highly glazed and would still receive sufficient light.

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

The material considerations raised in the objections have been addressed in the main body of the report.

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

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

#### **7. Conclusion**

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** 686 - 688 Finchley Road London NW11 7NN

**Reference:** 21/6737/FUL

Received: 22nd December 2021

Accepted: 29th December 2021

**Ward:** Garden Suburb

Expiry 23rd February 2022

**Case Officer:** Shay Bugler

**Applicant:** Mr N A Alkalay

**Proposal:** Demolition of existing garage and erection of part one, part two rear extension; plus, rear roof dormer windows to provide 4 self-contained flats at no 686 Finchley Road; erection of a first-floor rear extension at no 688 Finchley Road, amenity space; 1 x no car parking space; cycle and refuse storage facilities.

AGENDA ITEM 14

### **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. "Car-free" Agreement - contribution of £2,392.01 towards amending the relevant Traffic Management Order

Monitoring fee £101.10

## **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 this permission.

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

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

Existing: 1108 -S03; 1108-S06; 1108-S02; 1108-S02; 1108-S05; 1108-S04; 1108-S08; 1108-S08; 1108-S07; 1108-S09; 1108-S10;

Proposed: 1108-S11; 1108-AP01-02A; 1108-AP01-03A; 1108-AP01-04A; 1108-AP01-05A; 1108-AP01-06A; 1108-AP01-07A; 1108-AP01-01A

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

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

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

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

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

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

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

5 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in

accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

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

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

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

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

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

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

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

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

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



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

11 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities (minimum 6 x no spaces) shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

out in Part G of the Building Regulations.

The development shall be maintained as such in perpetuity thereafter.

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

- 15 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 25% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 16 No works on the public highway including creation or modification of a vehicular access as a result of the proposed development shall be carried out until detailed design drawings of the proposed access and dropped kerbs in the vicinity of the site have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to enter into an agreement with the Highways Authority under Section 184 of the Highways Act, for these works and will be liable for the reinstatement of any redundant crossovers to footway and make good any consequential damage to the public highway as a result of the proposed development including renewing of the footway along the site frontage. All offsite highways works must be completed to the satisfaction of the Local Highway Authority prior to occupation of the development.

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

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

Reason: To ensure that the development is safe and secure for future occupiers in accordance with policies D4 & DM11 of the London Plan (2021); CS5 of the Core Strategy (2012) and DM02 of the Development Management Document (2012).

- 18 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7

of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

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

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

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

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

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

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

### **RECOMMENDATION III:**

#### **0 RECOMMENDATION III**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20 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):

1. The proposed development does not include a formal undertaking to meet the cost of the "car free" agreement. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (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](http://www.planningportal.gov.uk/cil).

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

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

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

You will be sent a 'Liability Notice' that provides full details of the charge and to

whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

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

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

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

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

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

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

- 4 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 5 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 6 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.

- 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 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.

- 9 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

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

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

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

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

- 11 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
  
- 13 Thames Water would advise that with regard to sewerage infrastructure capacity.
  
- 14 The submitted Construction Method Statement shall include as a minimum details of:
  - o Site hoarding
  - o Wheel washing
  - o Dust suppression methods and kit to be used
  - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
  - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
    - oConfirmation 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.
  - oConfirmation that an asbestos survey has been carried out.
  - oConfirmation that all Non Road Mobile Machinery (NRMM) comply with the The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site at 686 Finchley Road is a semi-detached two storey , plus roof accommodation containing a 6 x no bedroom house, located at a corner plot located at the junction of Finchley Road and Corringham Road. It is sited on the western side of Finchley Road, and on the northern side of Corringham Road, within the Garden Suburb ward.



Directly to the north of the site is a residential property 690 Finchley Road. Directly east of the site is no 1 Corringham Road; directly south is no 684 Finchley Road (can be viewed across the street on Corringham road. This is also a corner site located at the junction of Finchley Road and Corringham road.

Due to the siting of the property the front entrance to the dwelling is located on Corringham Road. The property benefits from an attached garage to the front/side of the property and a private garden to the rear.

No. 688 Finchley road is the adjoining semi-detached property, also two storeys in height with roof accommodation and contains a detached single storey apartment at the rear of site.

The street is predominantly residential comprising of a mixture of detached and semidetached properties, some of which have been converted into self-contained flats/bedsits and commercial premises. The properties vary in design and character. However, they have still maintained their original hipped roofs and front façade, giving the street an established character.

The site has a PTAL rating of 6a (where 1 is extremely poor and 6b is excellent),

The sites are not listed nor located within a Conservation Area.

## **2. Site History**

No 686 Finchley Road

Reference No C05550

Description of development: Erection of a two-storey rear extension and double garage

Decision: Refused

Decision date: 22 October 1975

Reference No: C05550A

Description: Single storey rear extension and double garage

Decision: Approved subject to conditions

Decision Date: 23 November 1975

Reference No: F/02722/13

Description: Retention of hard stand

Decision: Approved subject to conditions

Decision Date: 5 September 2013

No 688 Finchley Road

Ref no: F/01371/12

Description of development: Enlargement to side and rear dormer windows. Single storey rear extension. Single storey outbuilding in rear garden.

Decision: UL - Unlawful

Decision date: 23.08.2012

Ref no: F/03367/12

Description of development: Conversion of single-family dwelling house into 3no. self-contained flats. Retention of single storey rear extension.

Decision: Approved subject to conditions

Decision date: 30.11.2012

Ref no: 19/1495/191

Description of development: Use as 12 self-contained flats within the main building (excludes the garden outbuilding)

Decision: LW - Lawful

Decision date: 13.09.2019

Ref no: 20/1160/191

Description of development: Use of the Garden Flat to the rear of 688 Finchley Road as a self-contained flat

Decision: LW - Lawful

Decision date: 23.06.2020

### **3. Proposal**

The proposed development is for the demolition of existing garage, and erection of part one, part two storey rear extension; plus, roof dormer windows to provide 4 self-contained flats; private and communal amenity space; 1 x no car parking space; cycle and refuse storage at no 686 Finchley Road.

On the southern elevation and boundary along Collingham Road, the proposal is to replace brick fence over brick wall railing; infill a small gate opening to match existing; and erection of a timber fence; remove existing tile canopy roof and raised tiles and install new canopy (raise existing hangers) to the main entrance on this elevation.

At no 688 Finchley Road, the proposal is for the erection of first floor rear extension to the building to increase the size of flat no 8.

### **4. Public Consultation**

Initial Public Consultation

Consultation letters were sent to 93 neighbouring properties on 29 December 2021 and advertised onsite (site notice) on 06 January 2022.

The objections received by the Local Planning Authority were as follows:

- o Overdevelopment and over intensification of the site
- o The proposed self-contained flats are eroding the original character of Finchley road, which is predominantly characterised by single family dwelling houses
- o The proposed flatted development would alter the established character of the area- which is single drawling houses.
- o Noise pollution
- o Potential to encourage and exacerbate anti social behaviour
- o Loss of privacy, overlooking, daylight and sunlight to habitable rooms and rear garden to property at No 1 Corringham Road ( directly to the east of the site), and to the rear gardens to no's 690-684 Finchley (directly north of the site).
- o The 12 flats approved under Lawful Development" at 688 Finchley Road may set an unwanted precedent may set an unwanted precedent for a similar proposal to come forward at no 686 Finchley Road, should planning permission be granted for the proposed extensions.

## Re-consultation

During the course of the application, and subsequent to the expiry of the initial public consultation exercise and following Officers assessment of the initial proposal; the applicant resubmitted revised drawings to Officers concerns regarding the scale of the development and its potential impacts on the amenity to neighbouring properties.

The extensions at no 686 Finchley Road have been reduced and the "Coach" house to the rearmost part of the site (close to the boundary at no 1 Corringham Road) has been removed.

93 residents were reconsulted on 04 May 2022. 6 objections were received, 4 of which were made by individuals who had previously objected to the original submission, thereby 2 new representations were received.

The new objections received can be summarised as follows:

- o The proposed two storey extension to the rear of no 686 Finchley Road would result in overlooking; loss of privacy; loss of daylight and sunlight to the rear garden and to the kitchen room to no 1 Corringham Road. These would adversely impact on the quality of living to the occupiers at this property.
- o The proposed upper floors extensions to the rear of 688 Finchley Road, would result in overlooking; loss of privacy; and overshadowing to the rear garden at no 690 Finchley Road, directly north of the site.
- o This proposal would changes the nature and value of nearby properties

All planning matters raised have been considered and addressed as part of the decision-making process; and are available to view on the Councils website. All representations have been summarised in the Officers report.

## Consultees

Hampstead Garden Suburbs

No comments received

LBB Environmental Health

LBB Environmental Health do not raise any formal objections, subject to the noise and air quality conditions set out within this report.

LBB Highways

LBB Highways recommend a number of conditions as set out within this report. A legal agreement to secure a "car free" development, which would restrict future occupiers from applying for on street parking permit on Finchley Road and Corringham road.

The proposed development at no 686 Finchley Road is likely to displace 2 spaces on-street. Given the existing CPZ operated for only 2 hours (11am - 1pm) it is not considered to be an effective deterrent. Highways recommend an overnight parking survey to demonstrate the availability of on-street spaces to accommodate any overspill parking.

LBB Highways comments on the parking survey will be included within the Committee addendum 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 revised National Planning Policy Framework (NPPF) was published on 19th February 2019. 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 policies are as follows:

D1; D2; D3; D4; D6; D7;D11; D12; D14; H1; H2; H10; SI 1; SI3; SI4; SI 5; SI 12; SI13; T4;T5 & T6

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

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

Relevant Core Strategy Policies: CS1; CS3; CS4; CS5; CS9

Relevant Development Management Policies: DM01; DM02; DM04; DM07; DM08 & DM17

## Barnet's Local Plan (Reg 18) 2020

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

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

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

## Supplementary Planning Documents

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

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

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

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

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

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- o Principle of proposed development
- o Design and its' impact on the character and appearance of the existing building and the wider locality
- o Quality of accommodation proposed
- o Impact on neighbouring residential amenity
- o Impact on local highway

## **5.3 Assessment of proposals**

### **Principle of development**

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

Policy H2 ("Small sites") stipulates that LPA's should pro-actively support well-designed new homes on small sites and "recognise in their Development Plans that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites".

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

Policy DM01 of the Development Management Policies DPD (2012) states that the loss of houses in roads characterised by houses will not normally be appropriate. This is because the loss of houses would change the character of the area. The policy states that the 'conversion of dwellings into flats in roads characterised by houses will not normally be appropriate' and it is considered that the principle behind the policy is also relevant to the current enquiry. This section of Finchley Road comprises a mixture of single-family dwelling and flat conversions. The conversion of the subject property is therefore considered to be acceptable in principle, subject to other criteria being acceptable.

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

High quality design underpins the sustainable development imperative of the NPPF and policies D1, D5, D6, D7 and D8 of the London Plan (2021). Policy CS5 of Barnet's Core Strategy (2012) seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high-quality design. Policy

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

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

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

Any scheme for the site is required to respect the character and appearance of the local area, relate appropriately to the site's context and comply with development plan policies in these respects.

Officers have pro-actively engaged with the applicant throughout the planning process and there have been various amendments made to the proposal following the submitted of the planning application. The height, mass and the bulk of the rear extension has been reduced since the original submission, as part of this planning application.

It is considered that, the proposed design, height, bulk and massing would respect the relationship between itself and nearby buildings; and would have a positive impact on the character and appearance of the streetscene. The design, proportions and positioning of windows and doors, and roof form reflect those of the original building which ensure the details of the new extension would be sympathetically in-keeping and do not detract from the area's general character.

The proposed two storey extension follows the same architectural detailing of the existing roof form; sloped pitch roof; eaves and ridges of the roof slope do not exceed that of the existing building. Moreover, the proposed rear dormer window, with a flat roof, sits comfortably within the roof slope. It is sufficiently set away from the eaves and ridges of the roof slope; and would remain subordinate to the existing building and would not occupy more than half the width of the roof slope. Moreover, the proposed materials, including the fenestration pattern and detailing are in keeping with the proposed windows to the rear extension.

The external appearance of the proposed extensions is respectful and in keeping with the character and appearance of the existing building. The proposed material includes rough cast render cladding to match existing and play clay tiles to match the existing building. The proposal would not have an overbearing or harmful impact on the character and appearance of the property and area. The proposal when viewed along Corringham road (side elevation) shows extensions which are subservient to the existing building.

The proposed rear extension at first floor level at no 688 Finchley Road is approximately 1 metre in depth to provide a shower room to flat no 8. This extension is considered to be subordinate to the existing building and would be set back from the building line of the proposed rear extensions at no 686 Finchley Road, and not visible from Collingham Road, and would not compromise the amenity to property at no 690 Finchley Road, directly north of the site.

On the southern elevation and boundary along Collingham Road, the proposal is to

replace brick fence over brick wall railing; infill a small gate opening to match existing; and erection of a timber fence; remove existing tile canopy roof and raised tiles and install new canopy (raise existing hangers) to the main entrance on this elevation. Officers considered these works to be acceptable.

Overall, the proposed design, by virtue of its height, scale, bulk, and appearance would deliver an appropriate form of development; in keeping with the existing character of the building; and the local area; and would not have an unduly harmful impact on the residential amenity of neighbouring properties, as discussed in the following section of the report.

### **Impacts on amenity of neighbouring residential amenity**

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

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

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

The depth of the height of the extension would not result in undue loss of privacy, outlook, daylight and sunlight or a sense of enclosure to neighbouring properties.

Residents at no's 690-694 Finchley Road (north of the site) would experience overlooking to their rear gardens as a result of the proposed extensions. The proposal does not include north facing windows on the upper floors at no 686 Finchley Road. As such there would be no direct overlooking to these properties. The proposed east facing windows would not result in direct intervisibility to their rear gardens. Moreover, given the distance from the proposed extension, there would be undue loss of privacy to these properties.

The distance between the proposed windows to the rear extensions, the existing windows (one serving a kitchen) on the side (western) elevation at no 1 Corringham Road is approximately 20 metres, and therefore acceptable in its urban context. The proposed windows would not have direct visibility into the rear garden of properties on Corringham Road, notwithstanding that the separation distance is policy compliant. As such, the proposal would not result in undue loss of privacy, daylight, and sunlight to properties at no 1 Corringham Rd.

### **Standard and quality of accommodation proposed**

Dwelling mix



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

The proposal makes provision for 2 no x 3 bed self-contained flats, which would assist in meeting the needs and demands for family sized accommodation within the borough.

#### Room size standards and layouts

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

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

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

- o Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;
- o Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

At no 688 Finchley Road, there are no changes to the approved internal layout and habitable rooms of the 12 self-contained flats.

All proposed units meet internal layout and design standards and the habitable rooms and unit sizes proposed at no 686 Finchley Road would meet the minimum size standards as set out below:

- Flat A 1 bed (1 person) Minimum Policy Requirement 37sqm Proposed 37.4sqm
- Flat B 3 bed (4 person) Minimum Policy Requirement: 74sqm Proposed 74sqm
- Flat C: 1bed (1 person) Minimum Policy Requirement: 39sqm Proposed 39.4sqm
- Flat D: 3 bed (5 person) Minimum Policy Requirement 99sqm Proposed 110.16sqm

Moreover, all units would be dual aspect at no 686, which is supported by Officers, and policy compliant.

#### Private amenity space

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

As such, the proposal should provide the following minimum private amenity space:

Flat A: 2 habitable rooms Minimum policy requirement: 10sqm  
Flat B: 3 habitable rooms Minimum policy requirement: 15sqm  
Flat C: 2 habitable rooms Minimum policy requirement: 10sqm  
Flat D: 4 habitable rooms Minimum policy requirement: 20sqm

The proposal makes provision for 20sqm of private amenity space at ground floor level for flat B, which exceeds the policy requirement.

The proposal does not make any provision for private amenity space by way of balconies and terraces for flats A, C & D at no 686 Finchley Road. This is, in part, to prevent undue overlooking or perceived loss of privacy to neighbouring properties. Policy accepts that in instances where private amenity space cannot be provided as a result of site constraints, this can be offset by good quality and usable communal/open amenity space.

The minimum requirement for private amenity space for units A, C & D would be 45sqm in total. The proposed shared communal amenity space to the rear of no 686 Finchley Road would be 72.5sqm. As such, there would be sufficient provision of open space afforded to future occupiers onsite. Moreover, the provision of 2 x no 3 bed units (suitable for family occupation) would mitigate against the under-provision of private amenity space to these respective units.

On balance, it is considered that a reason for refusal could not be sustained in these circumstances based on the under-provision of private amenity space.

### **Impact on local highway**

#### Car parking

##### GLA car parking standards

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

The London Plan stipulates that for "All areas of PTAL 5-6", for residential developments, the "maximum" provision should be 'car free'. The policy doesn't specify a minimum, but it is clear that any form of car parking for new residential proposals with sites with PTAL ratings of 6 is discouraged.

##### LPA car parking standards

The LPA parking standards differ from the London Plan standards. Policy DM17 states that the council will expect development to provide parking, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms).

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

Based on the above information, the proposal should provide a minimum of 0 car parking spaces and a maximum of 3 car parking spaces.

There are no new car parking spaces proposed onsite. The proposal continues to make provision for 1 x no car parking spaces, with the same access arrangements as per existing. The site has excellent access to public transport, with PTAL rating of 6a (where 1 is extremely poor and 6b is excellent). As such, the proposed provision of 1 no car parking space onsite is acceptable.

The applicant would be required to enter into a legal agreement to secure a "car free" development, which would restrict future occupiers from applying for on street parking permit on Finchley Road and Corringham road.

### Cycling Parking

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

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

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

Based on the above, the proposal is required to make provision for 6 x no cycle parking spaces onsite, in safe and secure locations. Whilst the proposal shows 2 x bike lockers areas to the south of no 686 Finchley Road, further details of required. Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter. This would be secured by way of a planning condition.

### Refuse and Recycling

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

The proposal makes provision for the

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

The refuse collection areas would be located within 10 meters of the Public Highway on

collection days, which is acceptable in highways terms.

## **Community Infrastructure Levy**

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

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

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

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

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

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

## **5.4 Response to Public Consultation**

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

The proposal would not result in overdevelopment or over intensification of the use onsite. It is also considered that the proposal would have an acceptable impact on the local character of the area; would not unduly compromise the amenity of local residential properties on Collingham Road and to properties at nos 690-694 Finchley Road; and would not have a detrimental impact on highway safety.

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

With reference to concerns relating to noise disturbance specifically relating to the structure of the building, sound insulation is a matter adequately addressed by the Building Regulations. Notwithstanding, prior to the first occupation of the units, copies of Pre-

completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is to protect the amenities of future and neighbouring residential occupiers, to be secured by way of a planning condition.

Anti-social behaviour- There has been no evidence submitted with the application which supports the assertion that the proposal would result in or exacerbate the alleged anti-social and/or crime activity (drug dealing) at no 688 Finchley Road. By way of a planning condition, the applicant would be required to be awarded Secure by Design accreditation, in consultation with the Metropolitan Police, Within 3 months of completion of the development. This is to ensure that the development is safe and secure for future occupiers, which in turn should make the area generally safer and secure.

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

## 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 streetscape and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers.

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

