

Meeting

Planning Committee B

Date and time

Wednesday 14th December, 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 9 December 2022 at 10AM. Requests must be submitted to planning.committees@barnet.gov.uk

Andrew Charlwood – Head of Governance

Assurance Group

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Order of Business

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4.	Report of the Monitoring Office (if any)	
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6.	15 The Ridings, Alverstone Avenue, Barnet, EN4 8DR - TPP/0112/22 - East Barnet	13 - 22
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Decisions of the Planning Committee B

15 November 2022

AGENDA ITEM 1

Members Present:-

Councillor Claire Farrier (Chair)

Councillors:

Councillor Melvin Cohen
Councillor Nick Mearing-
Smith

Councillor Gill Sargeant
Councillor Tony Vourou

Councillor
Richard Barnes
(Substitute for Councillor
Arjun Mittra)

Apologies for Absence

Councillor Arjun Mittra

1. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 14th September 2022 be agreed as a correct record.

2. ABSENCE OF MEMBERS

Apologies were received from Councillor Arjun Mittra who was substituted by Councillor Richard Barnes.

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

None.

4. ADDENDUM (IF APPLICABLE)

Items contained within the addendum were dealt with under individual agenda items.

5. 46 WEST HILL WAY, N20 - 22/2161/HSE - TOTTERIDGE & WOODSIDE

The Planning Officer presented the report and addendum. He noted that the item had previously been heard by the committee on 14th September 2022 but had been brought back to the Committee due to a complaint from a resident following the meeting alleging that the

committee had been misinformed about the application. Officers do not accept this to be the case but due to a technical fault at the meeting no recording was available.

Cllr Sargeant arrived after the start of the presentation so could not vote on the application.

Mr Alan Tunkel and Mr Barry Kogan addressed the Committee in objection to the application.

Cllr Tim Roberts and Cllr Richard Cornelius addressed the Committee in objection to the application.

Mr Dipesh Shah, agent for the applicant addressed the Committee.

Further to a discussion the Chair moved to a vote on the officer's recommendations.

For (approval) - 1

Against (approval) - 4

Abstained - 1

A motion was moved by Cllr Vourou to refuse the application for the reasons given below. This was seconded by Cllr Barnes.

The vote was recorded as follows:

For (refusal) – 5

Against (refusal) -0

Abstain - 1

RESOLVED that the application was Refused for the following reason:

“The proposed extensions would, by reason of their size and siting, be overbearing and visually obtrusive constituting an overdevelopment of the site, detrimental to the amenities of neighbouring residents at nos. 44 and 48 West Hill Way, contrary to policies CS1 and CS5 of the Barnet Adopted Local Plan Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).”

6. 41 WENTWORTH AVENUE LONDON N3 1YN- 22/0307/FUL - WEST FINCHLEY

The Planning Officer presented the report and addendum.

Ms Helen Bee Simons spoke in objection to the application.

Mrs Van Mayer spoke in objection to the application.

Mr Prashant Patel, son of the applicant, addressed the Committee.

Further to a discussion the Chair moved to a vote on the officer's recommendations.

For (approval) - 4

Against (approval) - 2
Abstained - 0

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

7. 40 LOVEGROVE WAY LONDON N20 0EU- 22/2324/HSE - WHETSTONE

The planning officer presented the report and addendum

No speakers were in attendance. Further to a discussion, the Chair moved to a vote on the officer's recommendations:

For (approval) – 5
Against (approval) – 0
Abstained – 1

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

8. 147 CHEVIOT GARDENS LONDON NW2 1QB- 22/0425/FUL - CRICKLEWOOD

The Planning Officer presented the report and addendum.

The Governance Officer read out a statement on behalf of the Golders Green Estate Residents Association.

Mr H Solaimani, agent for the applicant, addressed the Committee.

Further to a discussion the Chair moved to a vote on the officer's recommendation:

For (approval) - 4
Against (approval) - 1
Abstained – 0

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

9. GREENGATE STABLES MAYS LANE BARNET EN5 2AQ - 22/2121/FUL - UNDERHILL

The Planning Officer presented the report and addendum.

Cllr Tim Roberts spoke in support of the application.

Ms Meghan Bonner, agent for the applicant addressed the Committee.

The Chair moved to a vote on the officer's recommendation:

For (refusal) – 0
Against (refusal) – 6
Abstain – 0

Cllr Cohen moved a motion to approve the application for the reasons below, and subject to conditions outlined below.

The motion was seconded by the Chair. The Chair moved to a vote:

For (approval) – 6
Against (approval) – 0
Abstain - 0

CARRIED – the application was Approved for the following reason:

“The committee considered that there would be limited visual harm to the area and a limited reduction in openness. They considered that the limited harm to the openness of the green belt was outweighed by the public benefits of the development to the users and the borough.”

And subject to the following conditions:

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

Dwg. no. P20

Dwg. no. P21

Design & Access Statement

Planning Statement

Supporting Statement Rev D

Very Special Circumstances Rev D

Reptile report

Site Photos

Email from the agent, KWA Architects, dated 21 November 0222

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 permission shall be for a limited period only, expiring three years after the date of this permission, when the use hereby permitted shall be discontinued and the buildings and works carried out under this permission shall be removed and the land reinstated to the same condition as at the date of this permission.

Reason: To safeguard the character, appearance and openness of the Green Belt in accordance with policy DM15 of the Development Management Policies DPD (adopted September 2012).

3. The use of the buildings hereby permitted shall at all times be ancillary to and occupied in conjunction with the equestrian use of the site and shall not at any time be used for any other purpose.

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

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

- i. details of how the portacabins will be delivered and manoeuvred into place including access and egress arrangements within the site and any security procedures;
- iii. details of the storage/delivery area for all materials, tools and routing of delivery trucks;
- iii. details of a community liaison contact for the duration of all works associated with the development.

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

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

5. a) Prior to first use, the external surfaces of the portacabins hereby approved shall be painted green (Dulux Paint Mixing Weathershield Quick Dry Exterior – Buckingham), as specified in the email from the agent, KWA Architects, dated 21 November 2021.

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. DOLMAN CLOSE LONDON N3 2EX- 22/3385/FUL - WEST FINCHLEY

The Planning Officer presented the report and addendum.

Mr Ben Samuel spoke in support of the application.

The applicant, Mr Alex Shillito, addressed the Committee.

Further to a discussion the Chair moved to a vote on the officer's recommendation.

For (approval) - 6

Against (approval) - 0

Abstain - 0

RESOLVED that the application be 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 or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

11. 26 PORTSDOWN AVENUE LONDON NW11 0NG- 22/1783/FUL - GOLDERS GREEN

The Planning Officer presented the report.

Mr Alvin Ormonde, agent for the applicant addressed the Committee.

Further to a discussion the Chair moved to a vote on the officer's recommendation:

For (refusal) - 4

Against (refusal) - 2

Abstained - 0

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

12. 67 WESTBURY ROAD LONDON N12 7PB- 22/0932/FUL - WEST FINCHLEY

The Planning Officer presented the report and addendum.

Mr Alex Martin, agent for the applicant, addressed the Committee.

Further to a discussion the Chair moved to a vote on the officer's recommendation:

For (approval) - 5

Against (approval) - 1

Abstained - 0

RESOLVED that the application is Approved subject to conditions AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report 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. MARSTON COURT MAYS LANE BARNET EN5 2EG- 22/4044/FUL - UNDERHILL

The Planning Officer presented the report.

The architect for the applicant, Mr Christopher Bowen, addressed the Committee.

Further to a discussion the Chair moved to a vote on the officer's recommendation:

For (approval) - 5

Against (approval) - 0

Abstained - 1

RESOLVED that the application be Approved subject to conditions AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report 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 approved an extension to the meeting end time to 10:30 hrs.

14. HENDON PREPARATORY SCHOOL 20 TENTERDEN GROVE LONDON NW4 1TD - 22/2137/FUL - HENDON

The Planning Officer presented the report.

Further to a discussion the Chair moved to a vote on the officer's recommendations:

For (approval) – 6
Against - 0

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

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

None.

The meeting finished at 10.00 pm

COMMITTEE REPORT

AGENDA ITEM 6

Location 15 The Ridings Alverstone Avenue Barnet EN4 8DR

Reference: TPP/0112/22 Received: 18th February 2022
Accepted: 18th February 2022

Ward: East Barnet Expiry 15th April 2022

Case Officer: Jonathan Mills

Applicant: Edwards

Proposal: 1 x Oak (applicants ref.T1) - Fell to near ground level and treat stump to inhibit regrowth. Standing in T2 of Tree Preservation Order.

RECOMMENDATION:

That Members of the Planning Committee determine the appropriate action in respect of the proposed felling of 1 x Oak (applicants ref.T1) - Fell to near ground level and treat stump to inhibit regrowth. Standing in T2 of Tree Preservation Order either:

REFUSE CONSENT for the following reason:

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

Or:

APPROVE SUBJECT TO CONDITIONS

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

Reason: To maintain the visual amenities of the area.

2. Within 3 months of the commencement of the approved treatment (either wholly or in part) the applicant shall inform the Local Planning Authority in writing that the work has / is being undertaken.

Reason: To maintain the visual amenities of the area.

Informative

1 Wildlife

Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

2 Bio-security

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.”

3 Ground heave

The applicant would be required to provide the Council with a waiver of liability and indemnity agreement to protect the Council from any third party claims arising out of the implementation of this consent to fell T2. Included in a Tree Preservation Order TPO/CA/124 and to provide appropriate compensation in the event of any ground heave damage to surrounding properties.

Consultations

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

Date of Site Notice: 24.03.2022

Consultees:

Neighbours consulted: 3

Replies: None

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

House constructed in 1990.

PLANNING APPRAISAL

1 Introduction

1 x Oak (applicants ref.T1) - Fell to near ground level and treat stump to inhibit regrowth. Standing in T2 of Tree Preservation Order.

Appraisal

Trees and Amenity Value

The subject oak tree stands within the rear garden of 15 The Ridings, Alverstone Avenue Barnet EN4 8DR. Alongside rear garden is a public footpath from Alverstone Avenue over the railway line onto Netherlands Road.

The subject tree has high public amenity being viewable from the public footpath and Alverstone Road over the roof line and between the properties. There is an historic element as the tree provides a link to past land uses.

The garden is elevated above the street which gives the tree greater prominence to the street scene. The oak tree stands within a reasonably sized garden and approximately 11 meters from the affected extension.

This tree and another oak to the front of 18 The Reddings were protected in 1980 to secure their retention through the development of The Reddings in accordance with government guidance. Prior to the development the land seems to have been undeveloped, see historic maps (1898).

Application N/03444/R: Former Goods Yard Oakleigh Park Station East Barnet approved in 1983 appears to be the primary approval for The Reddings development.

As requested at the previous planning committee meeting the tree should be valued to compare this against any likely costs to the council for compensation. Tree preservation orders are made to protect trees with public amenity value. Therefore, the Visual Amenity Valuation of Tree and Woodlands (The Helliwell System 2008) Guidance note 4 is the appropriate valuation system. 6 factors are used to assess the amenity value of a tree and guidance is set out within the above document. This system does not value ecosystem services, timber value, historical or cultural values which also play a role, but lesser, in determining the suitability of the tree for special protection. However, these ecosystem services values are far greater.

Factor	Points									
	0	0.5	1	2	3	4	5	6	7	8
Size	< 2m ²	2 to 5m ²	5 to 10m ²	10-20m ²	20-30m ²	30-50m ²	50-100m ²	100-150m ²	150-200m ²	+ 200m ²
Duration	<2 year		2-5 yrs	5-40 yrs	40-100 yrs	100+ yrs				

	s								
Importance	None	Very Little	Little	Some	Considerable	Great			
Tree Cover		Woodland	Many	Some	Few	None			
Suitability to setting	Not	Poor	Just	Fairly	Very	Particularly			
Form		Poor	Average	Good					

Current **Helliwell** point values: From 1st January **2022**. Individual Trees: £42.97. This tree scores 5 x 4 x 2 x 3 x 2 x 2 making an amenity score of 480 x £42.97 provides an amenity of £20,625.60.

The subject oak tree T1 (applicant's plan) is approximately 14m high and has a stem diameter of around 540mm. The tree is in good health with no obvious physiological or structural defects that would merit the felling of this tree.

The tree has been previously reduced in height to approximately 12m high, however there are no records of previous applications for this work. The reduction was undertaken approximately 5 years ago.

2 The application

The application submitted by MWA was registered on the 18.02.2022. The reasons for the proposed felling of the oak tree (applicant's ref. T1) not cited in section 5 of the application form but referred to a supporting document which sets the reasons as follows:

"Reason: The above tree is considered to be responsible for root induced clay shrinkage subsidence damage to 15 The Ridings, Alverstone Avenue, Barnet, EN4 8DR.

Investigations into the damage have been conducted and the following information/evidence obtained:

1. *Engineering opinion is that damage is due to clay shrinkage subsidence. Details of the damage are included in the technical report submitted.*
2. *Foundations are bearing on to clay.*
3. *The clay subsoil has a medium to high volume change potential (NHBC Guidelines).*
4. *A comparison between moisture content and the plastic and liquid limits suggests moisture depletion in TP/BH1 (October 2020).*
5. *Roots were observed to a depth of 1.0m bgl in TP/BH1, and recovered samples have been positively identified (using anatomical analysis) as either Quercus spp. or the related Castanea spp.; the origin of which will be T1 Oak, confirming its influence on the soils below the foundations.*
6. *The observed moisture depletion is coincident with recorded root activity at depths beyond ambient soil drying effects and is consistent with the soil drying effects of the implicated tree.*
7. *Level monitoring for the period 07.06.21 to 01.02.22 has recorded a pattern of movement indicative of the effects of seasonal soil drying by the subject tree below foundation level. The uplift phase of the building can only be attributable to an expanding clay soil from a desiccated (shrunken) state due to the soil drying effects of the implicated oak.*
8. *A drainage investigation has not been undertaken. Drains can be discounted as a causal factor by reference to the level monitoring data.*

9. *Recommended works to TG1 mixed species group of MWA Arboricultural Report were completed 21.04.21.*
10. *No recent structural alterations or building works have been carried out. The property has not been underpinned.*
11. *A root barrier has been considered as an alternative to tree removal and may be viable however this requires further appraisal to evaluate the constraints of the site. The cost of a deep barrier is currently estimated to be £25k.*
12. *The evidence confirms that on the balance of probabilities the subject tree is a material cause of the subsidence damage.*
13. *Superstructure repairs and decorations are currently estimated to be £5k should the tree works be undertaken. Costs for underpinning and repairs in the event the tree works do not proceed are currently estimated to be £40k.*
14. *Replacement planting of standard size tree with agreement of Local Authority..”*

3 The supporting documentation comprises:

Revised Arboricultural Appraisal Report Subsidence Damage Investigation at: 15 The Ridings Alverstone Avenue Barnet MWA REF: SUB210125-8295Rev01 REPORT DATE: 07/04/2021
 MWA Arboriculture Statement reasons for works
 LEVEL MONITORING - RELATIVE SURVEY READINGS
 Site Investigation Report Auger Ref: 112114.1.3.BSI
 ADDENDUM TECHNICAL REPORT Crawford Reference: SU2003468
 TECHNICAL REPORT ON A SUSPECTED SUBSIDENCE CLAIM Crawford Reference: SU2003468

4 Findings

Damage at the property was first notified by the house holder to their insurers in 2019 and subsequent site investigations were carried out during 2019 and 2020. Following the receipt of the application to fell the protected tree the councils structural engineer provided the following comments:-

1. *The house extension appears to be a conservatory built circa 1999/2000.*
2. *The level monitoring shows enhanced seasonal movement is occurring to the conservatory, the main house is stable.*
3. *The conservatory foundations are very shallow, 0.5m deep.*
4. *The main house foundations are 1.5m deep.*
5. *Roots extend to a depth of 1m, and were identified as oak roots.*
6. *The soil test results are not fully conclusive, but there is an indication of desiccation at 1m depth.*
7. *The damage is consistent with the conservatory being affected by subsidence damage and the main house remaining stable.*
8. *No drain survey was provided. However, subsidence due to leaking drains tends to cause a progressive movement not seasonal.*
9. *A full arboricultural report was not provided with details of trees and distances from the building.*

The Oak tree would appear to be implicated in the subsidence damage to the conservatory, however, the conservatory foundations do not appear to be constructed in accordance with the guidelines for building near trees current at the time of construction, or the minimum foundation depth on a clay subsoil specified in the Building Regulations.”

To check what the required depth for the conservatory should have been I would need to know the distance of the oak tree.

A competent builder should have been aware of the minimum requirements for foundation depth.

Following a request for additional information the arboricultural report was provided, following a review of this information the Council's engineer goes on to make additional comments on the depth of the foundations.

"In accordance with NHBC guidelines and normal Building Control practice the depth of the foundations required is calculated on the basis of the mature height of the tree. Therefore, in this case the conservatory foundation would need to be 2.3m deep for Building Control approval."

The extension was built around 1999/2000 after the construction of the main house in 1990 and the foundations should have been constructed to NHBC chapter 4.2 building near trees. This guidance was readily available at the time.

The submitted level monitoring indicates that there is seasonal movement occurring which appears to be in the rear extension. The level of movement is reported as category 3 Moderate. During the site visit cracks were very visible around on extension.

It is common practice to categorise the structural significance of the damage in this instance, the damage falls into 3 - Moderate damage, cracks 15 to 25mm.

BRE Digest 251 Assessment of damage in low-rise buildings includes a 'Classification of visible damage to walls with particular reference to ease of repair of plaster and brickwork or masonry'. It describes category 3 damage as *"Crack which require some opening up and can be patched by a mason. Repointing of external brickwork and possibly a small amount of brick work to be replaced. Doors and windows sticking. Service pipes may fracture. Weather tightness often impaired. Typical crack widths are 5 to 15mm or several of 3mm."*

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

The foundation level monitoring shows seasonal movement of the rear extension. The trial bore holes BH 1 located at rear extension find high plastic soils to 2.6m deep where the trial pits ends for the following reason *"BH ends at 1.5m. Tree roots were found to be below the 0.5m deep foundations and identified as (Quercus) oak. The structural engineer notes that a foundation depth of 0.5m is very shallow so close to an oak tree 11m from building."*

The Tree Preservation Order that includes the oak tree (T1) was made in 1980 which pre-dates the construction of the rear extension which may have been constructed without the planning permission in 1999/2000. Given the trees' size and position, as well as the contemporaneous NHBC guidance regarding foundation depth, the construction of the single storey rear extension in the early 1999/2000 should have had due regard to the presence and mature growth of the oak trees.

The oak tree predates the construction of the house and extension at 15 The Reddings so there may be a risk of further damage caused by soil heave. This has not been confirmed and no predicted heave calculations have been submitted with this application.

The loss of the subject oak tree would have a considerable impact on public visual tree amenity and the character and appearance of the area.

Representations

None

5 Legislative background

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

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

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

The application states the reasons for the works are to remove the cause of movement to the rear extension and the key points are as follows:

"1. Engineering opinion is that damage is due to clay shrinkage subsidence. Details of the damage are included in the technical report submitted.

. 6. The observed moisture depletion is coincident with recorded root activity at depths beyond ambient soil drying effects and is consistent with the soil drying effects of the implicated tree.

7. Level monitoring for the period 07.06.21 to 01.02.22 has recorded a pattern of movement indicative of the effects of seasonal soil drying by the subject tree below foundation level. The uplift phase of the building can only be attributable to an expanding clay soil from a desiccated (shrunken) state due to the soil drying effects of the implicated oak.

11. A root barrier has been considered as an alternative to tree removal and may be viable however this requires further appraisal to evaluate the constraints of the site. The cost of a deep barrier is currently estimated to be £25k.

12. The evidence confirms that on the balance of probabilities the subject tree is a material cause of the subsidence damage.

13. Superstructure repairs and decorations are currently estimated to be £5k should the tree works be undertaken. Costs for underpinning and repairs in the event the tree works do not proceed are currently estimated to be £40k.

14. Replacement planting of standard size tree with agreement of Local Authority.."

When considering this the higher figure of £25,000 should be used. It is highly likely that the applicants will pursue the Council for any additional cost incurred if this application is refused.

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

In accordance with the Tree Preservation legislation, the Council must either approve or refuse the application i.e. proposed felling. The Council as Local Planning Authority has no powers to require lesser works or a programme of cyclical pruning management to the privately owned TPO oak tree that may reduce the risk of alleged tree-related property damage. If it is considered that the amenity value of the oak tree is so high that the proposed felling is not justified on the basis of the reasons put forward together with the supporting documentary evidence, such that TPO consent is refused, there may be liability to pay compensation. It is to be noted that the Council's Structural Engineers have noted that the "*oak tree would be implicated in the subsidence damage to the extension*". There is also uncertainty about the risk of heave, it is also clear that the foundations were not constructed in accordance with NHBC guidance current at the time.

The statutory compensation liability arises for loss or damage in consequence of a refusal of consent or grant subject to conditions - a direct causal link has to be established between the decision giving rise to the claim and the loss or damage claimed for (having regard to the application and the documents and particulars accompanying it).

If it is concluded on the balance of probabilities that the roots of the oak tree are the 'effective and substantial' cause of damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the felling of these trees, there may be a compensation liability if consent for the proposed felling is refused – in the application submissions it is indicated that 15 The Reddings the repair works for may be in excess of an extra £25,000 if the subject oak tree is retained.

6 COMMENTS ON THE GROUNDS OF OBJECTION

No objections have been received.

7 EQUALITIES AND DIVERSITY ISSUES

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

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

8 CONCLUSION

The agent, MWA Arboriculture Ltd, proposes to fell an oak tree standing within the grounds of 15 The Reddings, Alverstone Avenue Barnet EN4 8DR because of it's alleged implication in subsidence damage to the rear extension of the same property.

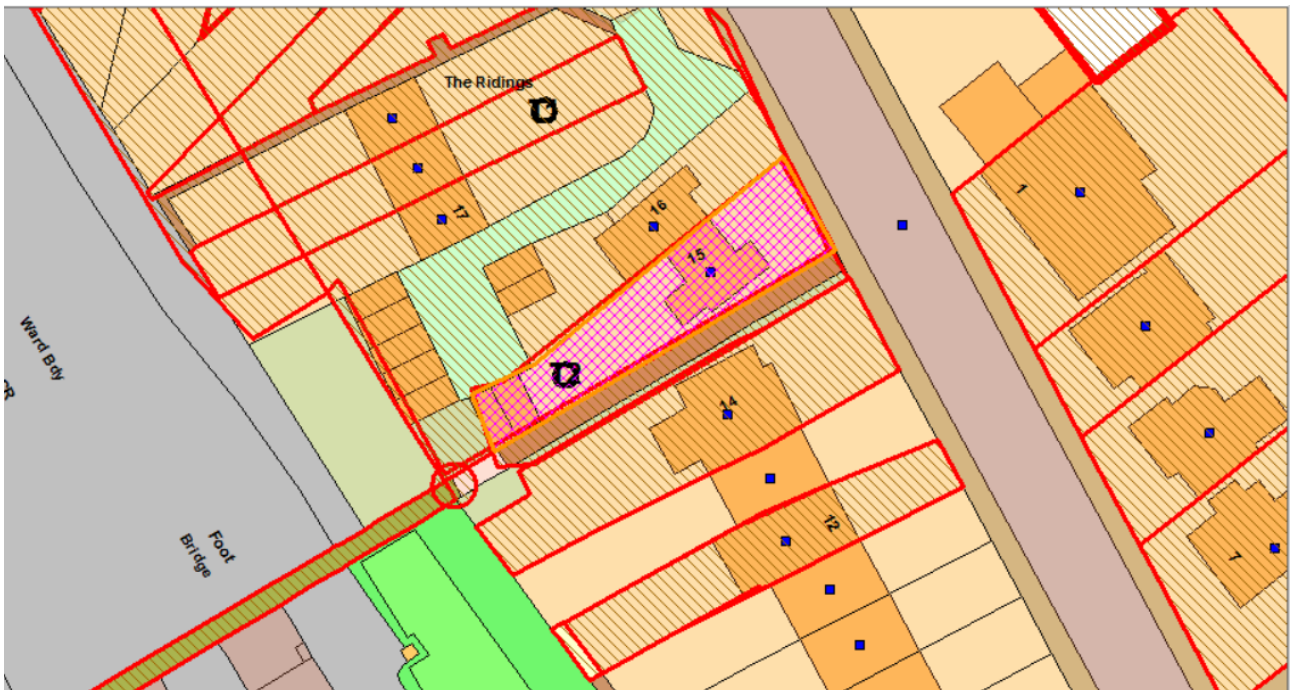
The subject oak tree has amenity value and is visible from publicly accessible locations. This tree is important for wildlife as well as in preserving the character of the area and softening the adjacent built form. The loss of this oak tree will reduce the sylvan character of land between The Reddings and main line railway line.

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

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

If it is concluded on the balance of probabilities that the oak trees' roots are the 'effective and substantial' cause of damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the felling of this tree, there may be a compensation liability (in the application submissions it is indicated that the repair works for 15 The Reddings Alverstone Avenue may be in excess of an extra £25,000 if the subject oak tree is retained) if consent for the proposed tree felling is refused.

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



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Location 66 - 68 High Road London N2 9PN

Reference: 22/2862/FUL

Received: 27th May 2022

Accepted: 1st June 2022

Ward: East Finchley

Expiry 27th July 2022

AGENDA ITEM 7

Case Officer: John Sperling

Applicant: Whetstone Properties Ltd.

Proposal: Mansard roof extension to create an 1no. additional self-contained flat including insertion of 3no. front and 3no. rear facing dormer windows (AMENDED DRAWINGS).

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:

101-148/(P)001

101-148/(P)002 Existing plans

101-148/(P)002A

101-148/(P)003

101-148/(P)004

101-148/(P)006

101-148/(P)007A

101-148/(P)008A

101-148/(P)009A

66-68 HR - Daylight and Sunlight Report, dated March 2022

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

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

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

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

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

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

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

Reason

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

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

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

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

Reasons: In the interest of good air quality in accordance with London Plan policies 5.3 and 7.14.

- 7 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.

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

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

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

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

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

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

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

11 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.

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

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

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

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

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

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 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.

- 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 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 5 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

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

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

- 6 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.
- 7 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

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

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

- 8 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially

registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

OFFICER'S ASSESSMENT

1. Site Description

The site is a mid-terraced property located on the eastern side of High Road and forms part of a Primary Retail Frontage, located within the East Finchley Town Centre ward.

The application property is locally listed but is not located in a conservation area. The property forms part of other locally listed assets from Nos 54-82 high Road with the following description:

3 storey shopping parade of 14 elements with bookend building. Shopfronts on ground floor. Constructed from brick and stone the building also has a shallow pitched roofs behind sculpted pediments. Queen Anne revival, decorative roof parapets with corncing, urn finials, decorative stucco window panels, brick arched windows at first floor, dividing pilasters.

There are no protected trees on or adjacent to the application site. The site has a PTAL of 4 (good) with buses and trains available within the PTAL calculation area.

2. Site History

Reference: C07034

Address: 66 - 68 High Road, London, N2 9PN

Decision: Approved subject to conditions

Decision Date: 17th March 1980

Description: Internally illuminated projecting box sign

Reference: C07034A

Address: 66 - 68 High Road, London, N2 9PN

Decision: Approved subject to conditions

Decision Date: 13th November 1997

Description: Single storey rear extension to offices, formation of new external staircase at rear. Alterations to rear elevation, provision of air conditioning units on roof of extension. (Amended description).

Reference: C07034B/07

Address: 66 - 68 High Road, London, N2 9PN

Decision: Approved subject to conditions

Decision Date: 29 November 2007

Description: Proposed new shopfront and fascia.

Reference: 22/2501/PNE

Address: 66 - 68 High Road, London, N2 9PN

Decision: Prior Approval Required and Approved

Decision Date: 22.08.2022

Description: Change of use of the ground and first floors of the building from commercial use (Class E) to a mixed use comprising commercial use (Class E) at ground floor and dwelling flat above at first floor

3. Proposal

The current application proposes a 'Mansard roof extension to create an 1no. additional self-contained flat including insertion of 3no. front and 3no. rear facing dormer windows.'

The proposed mansard roof would measure a depth of 6.3 metres, expand across the full width of the property and a maximum height of 2.84 metres. The dormers would extend from the front and rear roofslopes of the mansard addition.

3no front and rear dormers are proposed. The two respective side dormers would measure a width of 1.8 metres, depth of 0.5 metres and height of 1.7 metres. The central dormer would have a width of 1.58 metres with the remaining elements being consistent.

4. Public Consultation

Consultation letters were sent to 108 neighbouring properties.

8no objections received in the initial consultation. The comments may be summarised as follows:

- Loss of privacy
- Loss of light
- Opportunity for overlooking
- Overdevelopment of the site and rear access
- Generate issues for emergency services to access the rear drive
- Further stress existing refuse collection services
- Impact on the character of the locally listed property
- Impact character of the wider area, especially closely situated Phoenix Cinema

Following receipt of the amended drawings, which are considered acceptable on planning grounds, a 14 day reconsultation took place. 8no objections were received, with some

reiterating previous objections. The comments may be summarised as follows:

- Loss of light
- Loss of privacy in gardens and houses of Fairlawn Avenue (even-numbered dwellings)
- Loss of outlook
- Character impact on historic properties
- No difference in amended drawings from original drawings
- Overdevelopment of residential units along High Road
- Impact refuse collection
- Impact traffic

Objections from 10 properties were received in total.

4.1 Internal Consultation

The Highways department raised no objections, subject to conditions.

The Environmental Health department raised no objections, subject to conditions.

The Council's Heritage department viewed that the impact to the locally listed property and this part of the parade does not cause significant harm to warrant refusal of the application.

5. Planning Considerations

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

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

The Mayor's London Plan 2021

The London 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.

Barnet's Local Plan (2012)

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS14.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (October 2016)

Sustainable Design and Construction SPD (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 the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Provision of refuse storage

5.3 Assessment of proposals

Principle of extensions

Given the previous approval to extend the residential units at number 58 at roof level in order to provide additional floorspace to the existing, these have been approved under previous planning references 18/3280/FUL, 14/07168/FUL and F/02424/13, the proposed mansard roof extension is therefore deemed to be acceptable in principle.

Principle of Flat Conversion

Policy GG2 of the London Plan 2021 seeks to ensure that development explores the potential to intensify the use of the land to support additional homes. Policy CS3 of the Core Strategy sets out how the Council will provide 28,000 new homes throughout the lifetime of the Core Strategy 2011-2026.

The proposal seeks to vertically extend the roof to add additional floor space to create a studio self-contained flat in the roof space.

Policy DM01 part (h) states that the conversion of dwellings into flats in roads characterised by houses will not normally be acceptable.

The subject property has already been converted to flats and therefore the additional flat is acceptable and in line with Policy DM01 (H). The single proposed flat will contribute to increased housing provision and make a positive contribution to the mix of dwelling types in Barnet. There are a number of flat conversions along the High Road.

The principle of the proposed development is considered to be acceptable subject to other material planning considerations as set out below.

The site is located in a town centre location in close proximity to main bus routes and public transport. Moreover, the principle of flats has already been established in the area, as it contains numerous flats. It is therefore not considered that the principle of flats would harm the character of the area. As part of the application process the upper floor flat required amendments to meet London Plan head height requirements.

Character and Appearance

All new development is expected to preserve and respect the established character and appearance of the surrounding area. Policy DM01 states that:

b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The inspector's decision in relation to F/02424/13 for the development of a new mansard roof notes the following:

"The appeal site is a three storey high building located within a long terraced row facing onto High Road and appearing to date from the late Victorian / early of 20th Century periods. The ground floors opening out onto the main road occupied as shops or professional services. Between the shop frontages are single door openings, providing separate access to flats above the retail units.

High Road itself both slopes down and curves to the south when viewed from the junction of Fortis Green and High Road resulting in a stepping down effect of the frontages as they progress to the south. Whilst there are differences in the finished and some details of the frontages, the terrace has retained a relatively uniform appearance in terms of overall form and detailing. As such, the terrace of shops, their upper floors and pediment screened flats roofs positively contribute to the street scene's character and appearance."

In terms of the impact of the proposed development on the locally listed heritage asset Policy DM06 states that there is a presumption in favour of retaining all listed building. Although the site is not situated within a Conservation Area the site (and the group of properties) is recognised for its distinct architectural interest, aesthetic merits, group value, landmark qualities, social and communal value. This designation requires a stringent assessment of any proposed development which seeks to alter the site from its existing form.

The proposal includes the erection of a mansard roof above the existing roof. Although the Council has recently given locally listed status to the host site, officers deem that the proposed mansard addition would be acceptable. The neighbouring property at No. 80 benefits from a mansard roof, with nos. 58 and 60 both also being given permission for such additions. Furthermore, the proposed roof will be subordinate to the host site, and due to the low positioning and set back from the front façade, it would have limited visibility from the streetscene thus having little impact on the locally recognised architectural quality of the facade and detailed parapet. This assessment is supported by the Council's heritage department.

It is noted the proposed development was amended so the front wall of the mansard would be situated 3 metres from the front wall of the main property. This was in order to be consistent with similar developments along High Road.

It is noted the original architectural detailing would restrict the view of the new roof and front dormers from the street and thus the proposal as amended would not diminish the architectural quality of the heritage asset.

Taking all material considerations into account, the proposed development would have an acceptable impact on the appearance of the host dwelling, the local character and the streetscene. It would therefore accord with Policy DM01 and DM06 of Barnet's Local Plan.

Impact on the amenities of neighbours

The proposal must not harm the residential amenities of neighbouring occupiers. This includes ensuring adequate light, outlook, privacy and avoiding a sense of overbearing or enclosure to neighbours. This is a requirement of Policy DM01.

Barnet's Sustainable Design and Construction SPD states that the privacy of existing and future development should be protected and gardens and windows to habitable rooms should not be significantly overlooked. In new residential development there should be a minimum distance of 21m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. The submitted drawings indicate that there will be a separation distance of approximately 24 metres between the proposed mansard extension and properties to the rear along Fairlawn Avenue. As such, this material distance from the residential properties along Fairlawn Avenue is considered to acceptably mitigate the impact of the proposed development. As such, the proposed

scheme is not considered to create a deleterious opportunity for loss of privacy, enjoyment of outdoor amenity space, overlooking (whether perceived or actual), outlook or sense of enclosure to warrant the application for refusal.

Regarding the additional impact of the noise from the additional flat, compliance mitigation methods to reduce will be requested by way of condition, as per the recommendations from the Environmental Health department.

Overall, the level of impact on neighbouring properties is considered acceptable and in compliance with DM01.

Living standards for future occupiers

In terms of the amenity for future occupiers, the Planning Authority expects a high standard of internal design and layout in new residential development to provide an adequate standard of accommodation. The London Plan and Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

The proposed flat measurements are as follows:

- Loft studio, 1 bed / 2 persons 40.1msqm

The proposal's sizes meet the minimum standards.

Floor to ceiling height:

Policy D6 of the new London Plan states that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space. The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling.

The plan has been amended so that the proposed studio flat would meet the minimum ceiling height of 2.5m for at least 75% of the gross internal area and thus result in an acceptable quality of living conditions for future occupiers.

Light/outlook:

Barnet's Sustainable Design & Construction SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and that bedrooms and living rooms /kitchens should have a reasonable outlook with clear glazed windows.

It is considered that the proposed studio dwelling would benefit from dual aspect outlook and an acceptable level of daylight / sunlight provision to all habitable rooms.

Stacking:

Policy DM04 of the Development Management Document (2012) part d. states that proposals will be refused if they lead to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures.

The proposed layout provides reasonable stacking throughout the property. In the event of

an approval, a condition should be attached for Pre-Completion Sound Insulation Test Certificates to be submitted to the LPA. The LPA notes that the second floor level benefits from an existing residential unit.

Amenity Space:

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room.

The development would not provide any private amenity space for the flats. However, it is considered that as the site is located within 400 metres of a public park, is within a Town Centre location, and is not considered an area of deficiency, the lack of outdoor amenity space for the units is considered acceptable. All reasons considered, the lack of outdoor amenity space alone does not justify a reason for refusal of this application.

Highways/ Cycle parking

Highway officer comments:

"Due to the location of the site, a Construction Management Plan will be required in order to ensure that construction traffic does not disrupt local residents and road users unnecessarily.

Car Parking

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

The required off-street car parking provision for this proposal is between 0-1 space, therefore the proposed provision of no off-street car parking is in line with requirements set out on Policy DM17 of the Barnet Local Plan and is deemed acceptable on highways grounds.

Refuse

Refuse storage details are to be provided.

Cycle

Please include the proposed location for cycle storage in the proposed drawing. Cycle parking needs to be provided in accordance with the requirement of the London Plan cycle parking standards. For this proposal 1x cycle parking spaces are required.

Recommendation

The application is recommended for approval subject to conditions and informatives."

Refuse and Cycle parking provision

The proposed development is required to comply with Barnet's Waste and Recycling Strategy (2021). Refuse and recycling storage has been located at the front of the property in bin stores. The positioning and design of the bin stores will be secured via a suitably worded condition.

5.4 Response to Public Consultation

Consultation letters were sent to 108 neighbouring properties.

8no objections received in the initial consultation. The comments may be summarised as follows:

- Loss of privacy
- Loss of light
- Opportunity for overlooking
- Overdevelopment of the site and rear access

The impact on the neighbouring residents, by reason of the nature of the proposed development and the proximity with neighbouring residents, is considered acceptable. Please see the main body of the report for further detail.

- Generate issues for emergency services to access the rear drive
- Further stress existing refuse collection services

The highways department has assessed the impact of the proposed development and finds it to be acceptable.

- Impact on the character of the locally listed property

The impact on the character and appearance of the locally listed properties, the group and the streetscene is considered, by reason of being similarly proportioned to existing mansard roof extensions, is considered acceptable, subject to materials being built in a consistent manner.

- Impact character of the wider area, especially closely situated Phoenix Cinema

The impact on the character and appearance of the locally listed properties, the group and the streetscene is considered, by reason of being similarly proportioned to existing and approved mansard roof extensions, to be acceptable, subject to materials being built in a consistent manner.

Following receipt of the amended drawings, which are considered acceptable on planning grounds, a 14 day reconsultation took place. 8no additional objections were received. The comments may be summarised as follows:

- Loss of light
- Loss of privacy in gardens and houses of Fairlawn Avenue (even-numbered dwellings)
- Loss of outlook

The impact on the neighbouring residents, by reason of the nature of the proposed development and the proximity with neighbouring residents, is considered acceptable. Please see the main body of the report for further detail.

- Character impact on historic properties

The impact on the character and appearance of the locally listed properties, the group and the streetscene is considered, by reason of being similarly proportioned to existing mansard roof extensions, to be acceptable, subject to materials being built in a consistent manner.

- No difference in amended drawings from original drawings
The amended scheme has been amended to set back the front wall of the proposed mansard to be consistent from similar existing developments.

- Overdevelopment of residential units along High Road
The cumulative increase of residential dwellings along High Road is noted. However, the proposal single unit is not considered to deleteriously increase this impact.

- Impact refuse collection
- Impact traffic

The highways department has assessed the impact of the proposed development and finds it to be acceptable. Further details, relating to cycle parking and refuse storage, will be secured by way of condition.

6. Equality and Diversity Issues

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

7. Conclusion

The proposed development is considered acceptable and the application is thus recommended for approval, subject to conditions.



Site Location Plan
1:1250

Location 585 Watford Way London NW7 3JG

Reference: 22/4293/FUL

Received: 22nd August 2022

Accepted: 23rd August 2022

Ward: Mill Hill

Expiry 18th October 2022

AGENDA ITEM 8

Case Officer: Stephen Volley

Applicant: Ms JESSICA OSARETIN INEGBENIKI

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

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

The location plan

585WW-PP1-01 - Proposed Block Plan

585WW-PP1-02 - Proposed Ground Floor Plan

585WW-PP1-03- Proposed Floor Plans

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

585WW-PP1-05 - Proposed elevations

585WW-PP1-06 - Proposed Tree

Planning Statement

Preliminary Bat Assessment (July 2022)

Tree Survey (August 2022)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 8 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the

emission of dust, noise and vibration arising from construction works;

- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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

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

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

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

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

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

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

Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted

to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

Informative(s):

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

Please visit

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

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

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

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

Further details and the application form can be downloaded from:

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

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

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

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

- 6 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 7 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk
- 8 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.
For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, (Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction

and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014

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

9 Construction Method Statement

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

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

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

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

10 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development

11 The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide *“working near our assets”*™ to ensure your workings are in line with the necessary processes you need to follow if you’re considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday,

8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court,
Vastern Road, Reading, Berkshire RG1 8DB

OFFICER'S ASSESSMENT

1. Site Description

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

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

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

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

2. Site History

Reference: 18/3648/LIC

Address: 585 Watford Way, London, NW7 3JG

Decision: Exempt

Decision Date: 2 July 2018

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

Reference: 18/3650/LIC

Address: 585 Watford Way, London, NW7 3JG

Decision: Application Returned

Decision Date: No Decision Made.

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

Reference: 15/06071/192

Address: 585 Watford Way, London, NW7 3JG

Decision: Lawful

Decision Date: 28 October 2015

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

Reference: W02204D/01

Address: 585 Watford Way, London, NW7 3JG

Decision: Withdrawn

Decision Date: 28 February 2003

Description: Construction of front and side boundary fence.

3. Proposal

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

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

Unit 2 (first): 2bed 3person

Unit 3 (first): 2bed 4person

Unit 4 (first): 3bed 4person

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

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

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

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

4. Public Consultation

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

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

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

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

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

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

Barnet's Local Plan (2012)

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

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

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

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's

draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

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

Supplementary Planning Documents

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposal

Principle of development

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

The proposal would comprise a flatted use to replace the existing single dwellinghouse. The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area. These issues are dealt with in the main body of this report.

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

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

Character and Appearance

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

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

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

"Planning policies and decisions should ensure that developments:

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

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

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

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

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

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

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

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

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

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

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

Neighbouring Amenity

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

standard of amenity for existing and future users..." (part f)

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

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

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

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

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

Living standards for future occupiers

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

Internal Space Standards:

The proposed units are measured as follows:

Unit 1 (ground): 4bed 8person (2storey) - 407m² provided / 124 m² required

Unit 2 (first): 2bed 3person - 67m² provided / 61m² required

Unit 3 (first): 2bed 4person - 70 m² provided / 70m² required

Unit 4 (first): 3bed 4person - 87m² provided / 74m² required
Unit 5 (second/loft): 1bed 2person - 53m² provided / 50m² required
Unit 6 (second/loft): 2bed 4person - 87m² provided / 70m² required

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

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

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

All proposed bedrooms meet the above standards.

Floor to ceiling height:

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

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

Light/outlook:

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

Private Outdoor Amenity Space:

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

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

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

With a total of 35 habitable rooms being proposed (inclusive of the 11 rooms exceeding 20m²) the minimum standard for outdoor amenity space equates to 175sqm. Unit 1 on the ground floor comprises private amenity space in the form of a garden measuring 161m². Units 2, 3 and 4 comprise private amenity space in the form a balconies. Units 2 and 4 have balconies equating to 4m², which falls marginally under the minimum provision of 5m². Unit

3 comprises two balconies equating to 16m². Units 5 and 6 have no private amenity space.

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

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

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

Highway Impacts

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

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

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the maximum parking standards that the Council will apply when assessing new residential developments.

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

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

In line with requirements set out on Policy DM17 of the Barnet Local Plan, the required off-street car parking provision is 8 spaces. This means that the proposed is an under provision of 3 spaces when considered against this local plan policy standards. The site lies within a PTAL 2 zone which means that there is poor public transport accessibility to and from the site. Russell Grove is relatively wide and with low traffic, both pedestrian and vehicular. There is a Controlled parking zone (CPZ) in operation on streets surrounding the site but this is only in effect for 1 hour between 11am-12pm (Zone E). In such circumstances a parking survey is required to ascertain parking stress within the vicinity of the site, which has not been provided.

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

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

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

Arboricultural and Ecological Impact

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

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

Ecology:

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

The provision of species enhancement measures within the recommendations of the

submitted PEA and PRA, are welcomed. They include the following:

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

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

Biodiversity Net Gain:

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

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

Trees and landscaping:

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

The existing site is largely paved and the proposal will incorporate significant soft landscaping, with permeable paving in the driveway and parking areas. The Arboricultural Officer has advised that any future planting schedule for the amenity lawn consist of a ratio of 70/30 native grass to flowering plants as such flowering plant species and grasses provide high value to pollinating insects including bees and butterflies. It is recommended that hedge and tree planting should consist of berry producing shrub species such as hawthorn, blackthorn, spindle, field maple, hazel, and hornbeam. All these measures can be secured by condition.

Conclusion:

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

Refuse and Recycling

Refuse and recycling storage will be provided in accordance with Barnet's Recycling and Waste Guidance, 2021. The refuse store is located along the Watford Way frontage, in a sympathetic location, with a policy compliant short drag distance to the roadside.

Surface water run off

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

5.4 Response to Public Consultation

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

6. Equality and Diversity Issues

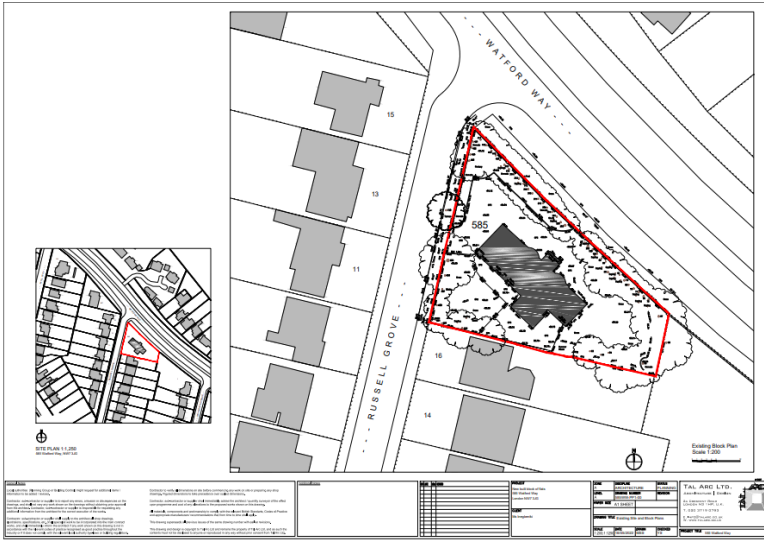
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers nor future occupiers. The proposal is not considered to harm highway safety and will replace and enhance existing landscaping features.

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

Location Plan



Location 53 Finchley Lane London NW4 1BY

Reference: 22/1959/FUL

Receive: 12th April 2022

Accepted: 12th April 2022

Ward: Hendon

Expiry 7th June 2022

AGENDA ITEM 9

Case Officer: Elizabeth Thomas

Applicant: Mr Ari Sufrin

Proposal: Conversion of the existing dwelling into 3no self-contained flats. New front hardstanding to provide off-street parking. Installation of door and Juliet balcony into existing dormer. (Amended Description)

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan
01a
02a
03b
04b
05b

Reason: For the avoidance of doubt and in the interests of proper planning and so

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

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

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

- 3 Prior to 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).

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

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 6 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).

- 6 The property shall be used as self-contained units with the layout retained 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.

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

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

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

- 8 a) 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.

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

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

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

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

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. 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.

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

We believe that your development is liable for CIL. The Mayor of London adopted a

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

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

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

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

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

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

- 5 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.

OFFICER'S ASSESSMENT

1. Site Description

The application site relates to an existing two storey semi-detached dwellinghouse which has recently undergone works to extend in the roof by way of a wraparound side/rear dormer. The site backs on to Tenterden Grove.

The area is mixed in typology, consisting of purpose built blocks of flats, converted houses and single dwellinghouses.

The PTAL (public transport accessibility) of the site is 2 (where 0 is the worst and 6B is the best) and parking on the road is controlled by a single yellow line.

The property is not located in a conservation area, is not statutory or locally listed.

2. Site History

Reference: 21/6044/192

Address: 53 Finchley Lane, London, NW4 1BY

Decision: Lawful

Decision Date: 16 December 2021

Description: Roof extension including wraparound side and rear dormer with 2no. rooflights to front roofslope

Reference: 22/0268/192

Address: 53 Finchley Lane, London, NW4 1BY

Decision: Lawful

Decision Date: 3 February 2022

Description: Erection of a rear outbuilding. Two single storey rear extensions [Amended Description].

Reference: 22/1188/192

Address: 53 Finchley Lane, London, NW4 1BY

Decision: Lawful

Decision Date: 24 March 2022

Description: Erection of a single storey outbuilding/garage following demolition of existing shed

3. Proposal

The proposal will involve the conversion of the property and will provide 3 self contained units consisting of:

1 x 3 bed units for 4 people (family sized unit) at ground floor level

1 x studio unit at first floor level

1 x duplex 1 bed 2 person unit at first and second floor level

The ground floor has access to the rear amenity space. Due to an existing rearward outrigger at the site which abuts the boundary with Richmond House there is no access to the rear amenity space for the upper flats.

Previously the application proposed to include a single storey rear extension and front porch, but these have since been removed from the proposal and amended plans submitted.

4. Public Consultation

Consultation letters were sent to 96 neighbouring properties.

15 responses have been received, comprising 15 letters of objection.

The objections received can be summarised as follows:

- Parking and highways - insufficient parking; more motorised traffic using Finchley Lane close to school and nursery
- Shortage of accommodation for larger or extended families in Hendon. ; alleyway to the rear of the site is likely to be used for parking and access - currently a shared access.
- The existing rear parking access does not have good visibility and will a danger
- Impact on neighbouring amenity - ground floor windows of neighbouring property will be blocked.
- Plans show boundary inaccurately.
- Over intensification
- Single storey rear extension out of character
- Proposal is out of character of surrounding area
- Outbuilding not built in compliance with the plans
- Constant construction works along Finchley Lane. Problems with construction dirt and dust.

Additional consultation was carried out to account for amendments to the plans and description. Further comments were received and summarised below:

- Extensions and outbuildings are now over 50% of the curtilage of the dwellinghouse
- Overbearing loft extension, ground floor extensions and 2 outbuilding are overdevelopment; grotesque and ugly. Block sunlight to neighbouring properties.
- Outbuildings indicates that outbuildings will be for a car port for vintage cars ancillary to flat 1. Shortage of vintage cars will be a change of use and create a nuisance.
- Rear access path is insufficient to achieve access or maintenance of such vehicles; reduce exterior amenity in a location where recent developments have had same effect.
- Inner outbuilding show a car; a motorcycle and a gym which can not be accessed safely.
- Proposed balcony at second floor will result in overlooking and loss of privacy
- Door in second floor is contrary to previous drawings.
- Insufficient parking and access is an issue
- Overintensification of semi-detached property
- Shortage of larger family accommodation in Hendon
- Out of character
- Increase existing parking and traffic issues in the area - lots of development in Tenterden Grove which adds to this.

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.

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:

- 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

It should be noted that some works to the property have been carried out under permitted development whilst the building was most recently in use as a single house, including a new wraparound side and rear dormer window and a single storey rear extension. These works notably the single storey rear extension were carried out whilst the application for

the conversion of the property into flats has been with the Local Planning Authority. Given at the time the extension was built the property was not occupied as flats the development would be considered as permitted development. Nevertheless, the extension measures 3m in depth beyond the existing rear building line with a flat roof to 3m in height. The extension is not considered to result in harm to the amenity of neighbouring residential occupiers.

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.

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

Within Paragraph 2.8.1 of the Development Management Document 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 street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. 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 2012 (LP) 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.

It is recognised that it is not always appropriate to allow the conversion of a single-family dwelling house into flatted accommodation. However, in the case of this application it is acceptable.

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 conversion of the existing dwellinghouse into 3 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, notably the neighbouring building Richmond House is a block of flats and taking into context the mixed character of the area it is not considered that the conversion of the property would be harmful to Finchley Lane.

In addition, the proposal would contribute 1 3-bed family sized dwelling - a priority dwelling type recognised in both Policy DM08 of the Local Plan and in the London Plan. As a result, there would be no loss of the larger unit size of which it is recognised there is a need in the Borough.

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 previously proposed extensions have been removed from the drawings and now the development consists of the conversion of the property. It should be noted that extension

works to the roof and new outbuildings have been undertaken under the permitted development legislation. Once the conversion work has taken place, and the building occupied as flats, permitted development rights will no longer exist and all future extensions would be the subject to planning permission to be considered against current policy and guidance.

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 proposal does not incorporate any operational development to extend the property beyond what is currently in situ. As such, there would be no material impact on neighbour amenity in terms of light, outlook or privacy.

In terms of intensification and associated noise and activity, the existing enlarged property is capable of accommodating a large sized family. The conversion into 3 separate households notably two 1 bedroom units, is not considered to result in an intensity of use that would be harmful to the neighbouring occupiers. Furthermore, the subject site sits adjacent at Richmond House which is a purpose built block of flats would produce an increased level of activity. This in combination with the relatively high ambient noise levels due to proximity of the site and street to a major road and the surrounding mixture of uses would ensure any increased level of activity would suitably integrate into the context of the site and wider area without resulting in material harm to neighbouring occupiers.

The proposal to create 3 self contained units is not considered to be harmful to the neighbouring occupiers. The proposal is not considered to be of an intensity that would lead to unacceptable levels of noise or disturbance to the 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 1x 3 bedroom flat ,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 person unit - 39sqm or 37sqm with shower room
- 1 bed 2 person unit - 50sqm
- 1 bed 2 person unit over 2 storeys - 58sqm
- 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 are as follows:

Unit 1 - 77.1sqm complies as a 3 bed 4 person dwelling consisting 1 double room bedroom and 2 single rooms although the front bedroom is shown with a double bed it will have a floor area of a single bedroom at 11sqm and has been considered as such.

Unit 2 - 37.18sqm complies as a 1 person dwelling with a shower room.

Unit 3 - 61.6sqm complies as a 1 bed 2 person unit over 2 storeys.

The duplex unit will ensure there is adequate internal headroom according the required London Plan standards which requires a minimum of 2.5m for 70% 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 that new flats should provide 5sqm of amenity space per habitable room. Based on the ground floor unit having direct access to the rear amenity space this is considered to comply with this standard.

The upper flats will not have direct access to the garden space. The agent has identified 4 open spaces within the vicinity of the site, Windsor open space being a 6 minute walk; Hendon Park 12 minutes; Sunny Gardens Park 10 minutes and a childrens play area within 10 minutes, providing different options for access to outdoor space to the future occupiers.

The site falls just outside the area identified as a Town Centre (Brent Street) with associated amenities, where garden spaces are inevitably less likely to be expected. Both units are 1 bed units, rather than larger family units, and it is not considered that the lack of on site amenity space would warrant a reason for refusal in these circumstances. The family sized unit has access to adequate garden space. On balance, the absence of the outdoor amenity space provision for the upper units is considered to be acceptable for the aforementioned reasons and refusal is not justified.

Parking and Highways

The site is located on a major road network Finchley Lane (A504). Finchley Lane then further adjoins, Watford Way and A406, which are major road networks surrounding the site. The Public Transport Accessibility Level (PTAL) for the site is assessed as 2 which represents a poor level of public transport accessibility to and from the site. The site is not situated within a Controlled Parking Zone.

Hendon Central Station is the nearest tube station to the site and can be accessed within a 13-minute walking distance of the site. 6 TFL bus routes can be accessed from both directions within 2 minutes walking distance from the site.

The London Plan sets out the residential car parking standards as below

Outer London PTAL 2 - 3 - 1 - 2 bedrooms require up to 0.75 spaces per dwelling

Outer London PTAL 2 - 3 - 3+ bedrooms requires up to 1 space per dwelling

The applicant has undertaken a car parking survey subject to the Lambeth Methodology standard practice on the site's surrounding roads situated within a 200-metre walking distance. The surveys were carried out on Wednesday, 18th May 2022 and Thursday, 19th May 2022 between 00:30am - 05:30am respectively.

The results of the process have been included in the Transport Statement submitted in support of this planning application focusing on the parking availability within Finchley Lane, Tenterden Grove, Second Avenue and First Avenue in the immediate vicinity of the site. Out of 170 parking spaces, 100 were occupied leaving 70 parking spaces available for residents resulting in a parking stress of 60% which is well below the 85%- 90% threshold indicating that there is sufficient space for 2no. parking space to be accommodated on-street.

Taking the above factors into consideration, it is not expected that potential overspill of parking arising from the proposed development will cause any material impact on the existing and surrounding local highway network and so the proposed parking provision of a parking space to the front of the building would be acceptable on highway grounds.

The proposal includes the provision of 1 parking space to the frontage of the site comparable to the arrangement at the neighbouring property no.55.

5.4 Response to Public Consultation

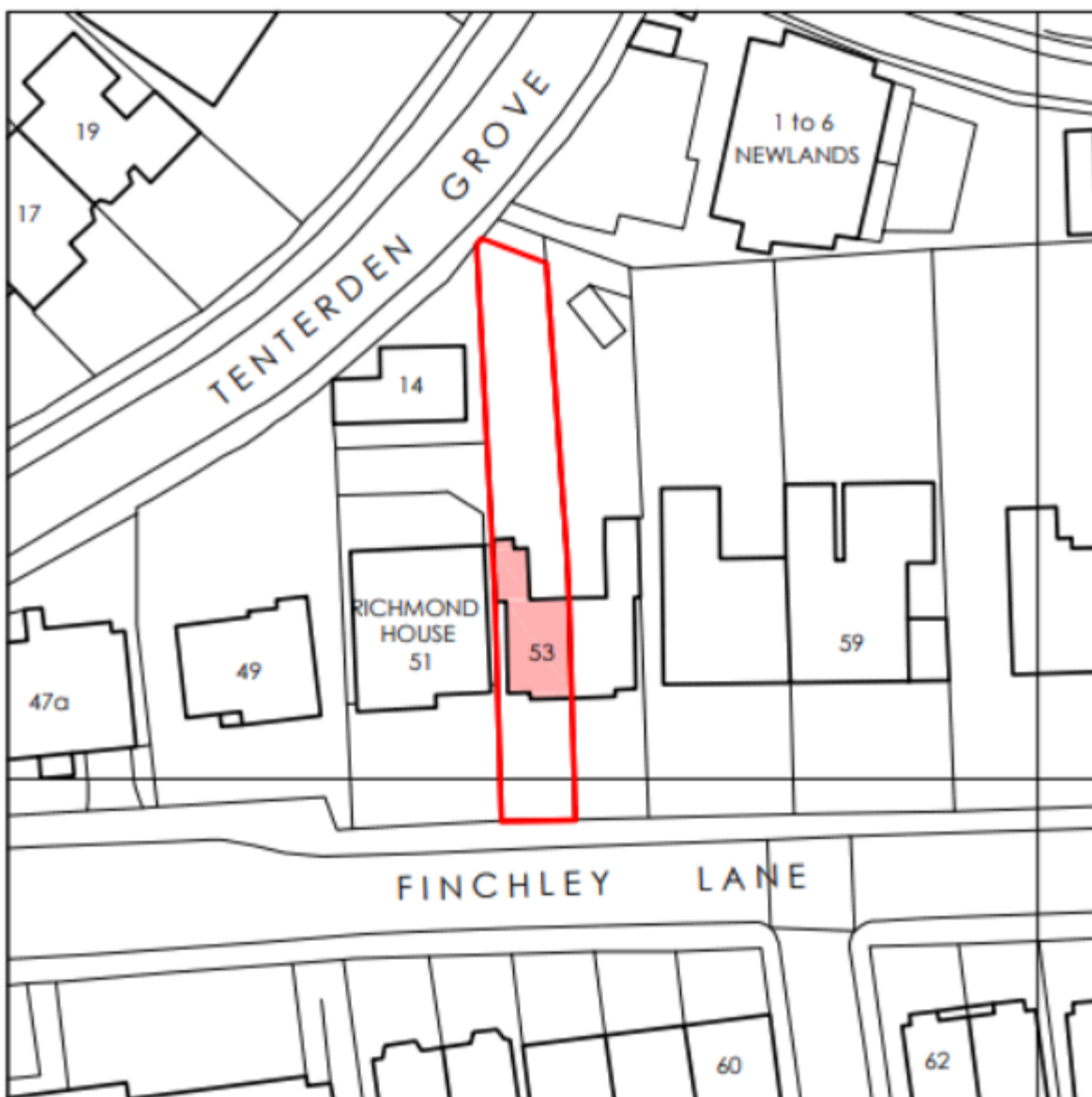
- Parking and highways - this has been considered by the highways team following receipt of a parking survey. The highways team have reviewed the details and are satisfied with the proposal.
- Shortage of accommodation for larger or extended families in Hendon. ; alleyway to the rear of the site is likely to be used for parking and access - currently a shared access. - the loss of a single dwellinghouse in this location is not considered to be out of character, additionally the proposal will provide a 3 bedroom family sized unit at ground floor level.
- The existing rear parking access does not have good visibility and will a danger - the existing outbuilding was permitted under the permitted development rights - the current proposal does not change this existing situation.
- Impact on neighbouring amenity - ground floor windows of neighbouring property will be blocked. - the ground floor extension recently implemented under permitted development over which the council do not have control- however, had the extensions been proposed as part of the current scheme the scheme it would comply with Barnet's adopted guidance for single storey rear extensions and would not result in harm to the amenities of neighbouring occupiers
- Plans show boundary inaccurately.
- Over intensification - the introduction of 3 units is not considered to result in an over-intensification of the site and taking account the presence of neighbouring blocks of flats the scheme is considered acceptable.
- Single storey rear extension out of character - addressed above
- Proposal is out of character of surrounding area - as addressed above flats are common in the immediate surrounding area.
- Outbuilding not built in compliance with the plans - this is subject to a separate enforcement service request for investigation
- Constant construction works along Finchley Lane. Problems with construction dirt and dust. - this would not warrant a reason for refusal
- Extensions will be more than 50% of the curtilage of the site - the previous works are not more than 50% of the curtilage.

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.



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Location Talmud Torah Tiferes Shlomo Boys School Danescroft Avenue
London NW4 2NB

AGENDA ITEM 10

Reference: 22/0695/RCU Received: 11th February 2022
Accepted: 15th February 2022

Ward: Hendon Expiry 12th April 2022

Case Officer: Refael Saffer

Applicant: Mr HENRY BONDI

Proposal: Replacement of existing windows to rear southern rear wing (north and south elevations) (partially retrospective application)

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:

11-06-21 P20 (Rev A),
11-06-21 P27,
11-06-21 P28,
11-06-21 P29,
11-06-21 P30,
Window restrictor specifications.

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

Informative(s):

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

OFFICER'S ASSESSMENT

1. Site Description

The application site is located at Danescroft Avenue, London, NW4 2NB, consisting of three multi-storey, interconnected buildings which currently serve as a school, namely 'Talmud Torah Tiferes Shlomo Boys School'. The area surrounding the site is predominantly residential consisting of detached as well as semi-detached dwellinghouses. The site is located within the Hendon ward.

The site is not located within a conservation area and is not a listed building.

2. Relevant Planning History

Reference: 21/2449/192

Address: Talmud Torah Tiferes Shlomo Boys School, Danescroft Avenue, London, NW4 2NB

Decision: Unlawful

Decision Date: 1 June 2021

Description: Use of school property (Class F1) as a venue for large-scale functions/events on a commercial basis (featuring at least 75 people, external catering, or live music) (Sui Generis)

Reference: 21/3406/FUL

Address: Talmud Torah Tiferes Shlomo Boys School, Danescroft Avenue, London, NW4 2NB

Decision: Withdrawn

Decision Date: 12 May 2022

Description: Works to existing school building comprising partial enclosing of the lower ground floor undercroft located to the rear to create two additional classrooms and indoor play area.

Reference: H/00801/08

Address: Talmud Torah Tiferes Shlomo Boys School, Danescroft Avenue, London, NW4 2NB

Decision: Refused

Decision Date: 7 July 2008

Description: Erection of new 3 bedroom, 2 storey house on land adjacent to Hendon Reform Synagogue and 16 Danescroft Gardens, NW4

Enforcement History

Reference: ENF/1417/21

Address: Talmud Torah Tiferes Shlomo Boys School, Danescroft Avenue, London, NW4 2NB

Decision: Case closed

Description: Breach of Condition - Use of School

Reference: ENF/0848/22

Address: Talmud Torah Tiferes Shlomo Boys School, Danescroft Avenue, London, NW4 2NB

Decision: Pending consideration

Description: Without planning permission, the making of a material change of use of the property to a mixed use as a school, public worship, and a social and community events/celebrations space

3. Proposal

The application seeks permission for the replacement of the existing windows to the rear southern rear wing (north and south elevations) (partially retrospective application)

This report will assess multiple windows already installed on the north and south elevations from first floor and above, as well as proposed restrictors fitted to the south elevation windows.

4. Public Consultation

Consultation letters were sent to 44 neighbouring properties. 7 Objections have been received, with comments summarised as follows -

- Overlooking
- Noise pollution
- Expansion of the school due to the addition of new classrooms
- Environmental, parking and highways impact due to the addition of more classrooms

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

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

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

Barnet's Local Plan (2012)

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

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

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

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

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

Barnet's Local Plan (2012)

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

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

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to the 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), D4 and D5 of the London Plan 2021.

The school building is comprised of three joint building elements, with this application relating to windows on the building located on the south-east side of the plot. Windows on the north and south elevation have been replaced with windows of similar design and dimensions to the previous windows, with similar materials to the original. New restrictors will be fitted to any openable windows on the south elevation from first floor and above, to match the existing restrictors. This would reflect a minor change in the character of the building, with no harm in the design of the building to occur.

Upon investigation of street view, aerial imagery and site images provided by the applicant, officers note that white upvc windows are used widely in the neighbouring properties, and as such officers are satisfied that the materials respond well to the site context and its design objectives.

As such, it is found that the replacement of the windows on the north and south elevation, as well as installation of restrictors has not had and will not have an adverse effect on the character of the main building; these works are therefore in compliance with Policy DM01 of Barnet's Development Management Policies DPD.

Residential Amenity

Barnet's Residential Design SPD provides clear guidance with regard to what is expected from new developments to ensure that the amenity of neighbouring occupants is not harmfully impacted. With regard to this application, the key concern is whether the proposal would result in any degree of overlooking to neighbouring sites and if overshadowing, loss of outlook and loss of light would occur as a result of the development.

Restrictors will be fitted to the windows on the south side elevation from first floor and above. Consequently, these windows will be restricted to open by no more than 75mm. As a result, no excessive overlooking or loss of privacy will occur to no. 9 Danescroft Avenue, as well as no.1 Danescroft Gardens.

In assessment, officers are satisfied that the development is not considered to prejudice the residential amenities of neighbouring properties in terms of loss of light, outlook and privacy; therefore, in this regard, it is in compliance with Policy DM01 of Barnet's Development Management Policies DPD.

5.4 Response to Public Consultation

- Overlooking

This objection has been dealt with in the above assessment

- Noise pollution, expansion of the school due to the addition of new classrooms, Environmental, parking and highways impact due to the addition of more classrooms

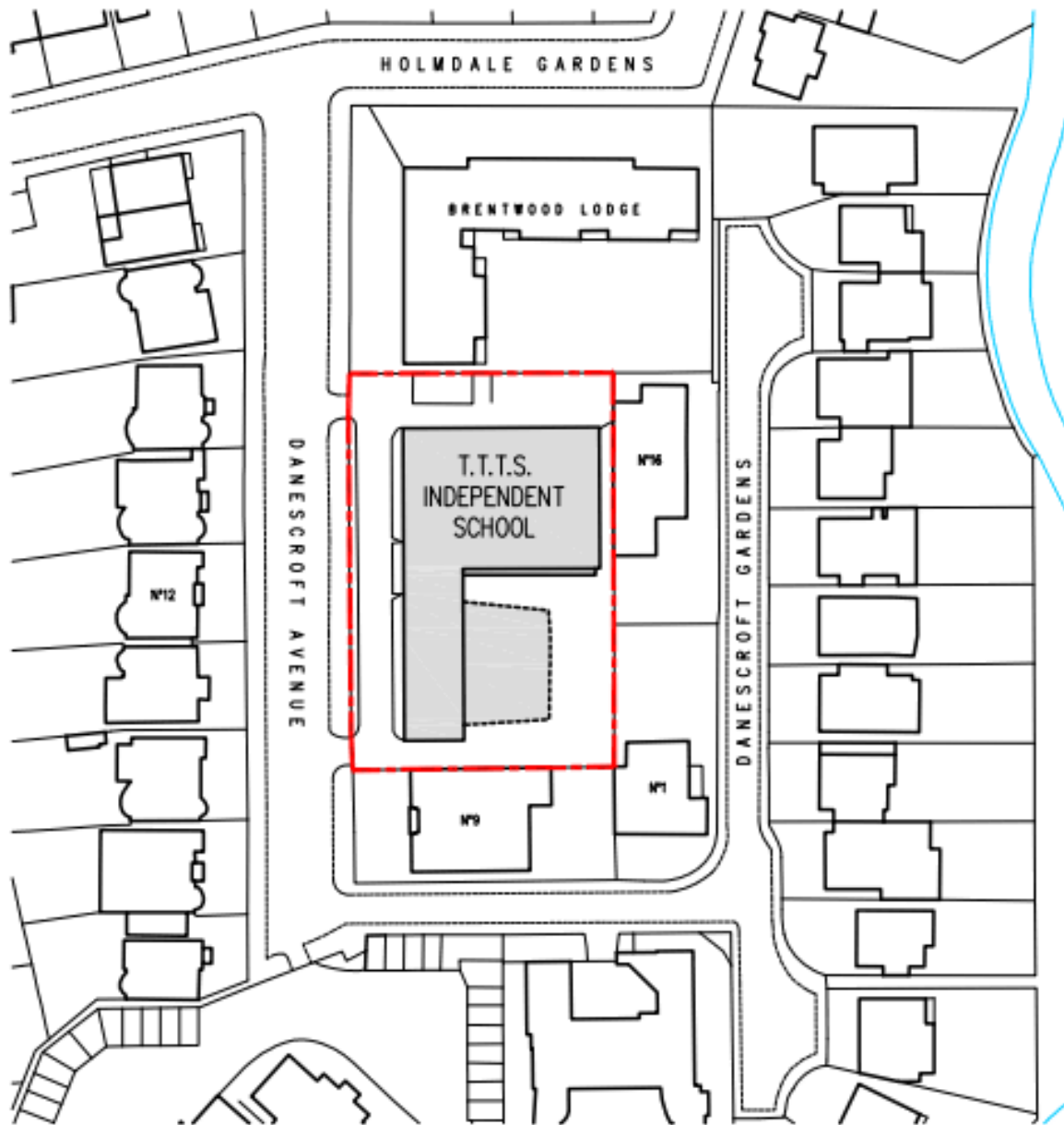
This assessment deals with the character and amenity impact of the replacement of existing windows to the rear southern rear wing. Consequently, the impact of other works, although carrying the potential for amenity losses as listed in the objections, would nevertheless fall outside the ambit of this 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 windows have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



Location Peaberry Court 87 Greyhound Hill London NW4 4JE

Reference: 22/1437/OUT Received: 18th March 2022
Accepted: 21st March 2022

Ward: Hendon Expiry 20th June 2022

AGENDA ITEM 11

Case Officer: Josh Mclean

Applicant: Blue Box Developments Limited

Proposal: Internal alterations to 10no. existing flats; upwards extension of an additional floor and front, side and rear extensions at third, fourth, fifth floor and roof levels to create 29no. additional self-contained flats. Ground to roof front extension to main entrance for the provision of a lift. Provision of plant equipment on the roof. Replacement of existing brick and render facade with new brick and render facade. Provision of balconies, private and communal amenity areas and associated cycle storage and refuse. Reallocation of existing car parking spaces in the basement. Landscaping to be a reserved matter

OFFICER'S RECOMMENDATION

Approve subject to s106

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

RECOMMENDATION I:

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

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

3. **Affordable Housing**

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

4. **Carbon Off-set**

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

5. **Be Seen Energy Monitoring Guidance**

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

6. **Section 106 monitoring**

A contribution towards the monitoring of the S106 agreement.

RECOMMENDATION II:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 6 a) Prior to occupation of the development hereby approved, a parking management plan detailing the allocation and management of parking spaces to the 29no. new dwellings shall be submitted to and approved in writing by the Local Planning Authority.
- b) The designated parking spaces shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking

of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnets Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

b) Thereafter, before the development hereby permitted is occupied, the approved cycle storage shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

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

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

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

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

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

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

Reason: In the interest of good air quality in accordance with Policy DM04 of the Barnet Local Plan Development Management Policies (2012) and Policy S11 of the

London Plan 2021.

- 10 a) Prior to occupation of the development hereby approved, a report that has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

The development shall be maintained as such in perpetuity thereafter.

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

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

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

- 14 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 49% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

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

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

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or has not been submitted by 31 January 2023, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):
 1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing and carbon off-set. The proposal would therefore not address the impacts of the development, contrary to Policies CS5 and CS9 of the Local Plan Core Strategy (adopted September 2012), policies DM04 and DM10 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

Informative(s):

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

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

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

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

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

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

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

- 3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 4 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

- 5 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil

interceptors could result in oil-polluted discharges entering local watercourses.

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

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

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

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

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any

damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

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

The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council.

OFFICER'S ASSESSMENT

1. Site Description

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

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

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

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

2. Site History

Reference: 22/1442/OUT

Address: Peaberry Court 87 Greyhound Hill London NW4 4JE

Decision: Pending Consideration

Decision Date: N/A

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

Reference: 21/6726/OUT

Address: Peaberry Court 87 Greyhound Hill London NW4 4JE

Decision: Approved subject to conditions

Decision Date: 26/04/2022

Description: Internal alterations to ten existing flats and front, side and rear extensions at third, fourth, fifth floor and roof levels to create nine additional self-contained flats. Ground, first and second floor front extension to main entrance. Provision of plant equipment on the roof. Replacement of existing brick and render facade with new brick and render facade. Provision of balconies, private and communal amenity areas and associated cycle storage and refuse. Reallocation of ten car parking spaces in the basement. Landscaping to be a reserved matter

Reference: H/01747/08

Address: Peaberry Court 87 Greyhound Hill London NW4 4JE

Decision: Approved subject to conditions

Decision Date: 30/07/2008

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

Reference: W12867A/03

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

Decision: Approved following legal agreement

Decision Date: 13/02/2004

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

3. Proposal

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

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

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

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

4. Public Consultation

Consultation letters were sent to 265 neighbouring properties.

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

The objections received can be summarised as follows:

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

The letters of support received can be summarised as follows:

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

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital for the next 25-50 years. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM10, DM17

Supplementary Planning Documents

Affordable Housing (2007)

Delivering Skills, Employment, Enterprise and Training (SEET) (2014)

Green Infrastructure (2017)

Planning Obligations (2013)

Residential Design Guidance (2016)

Sustainable Design and Construction (2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

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

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

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

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

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

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

Provision of adequate accommodation for future occupiers

The proposal would alter 10no. existing units and when combined with the proposed new

29no. units, there will be 29 x 1-beds and 10 x 2-beds.

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

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

Impact on neighbouring residential amenity

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

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

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

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

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

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

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

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

Highways Issues

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure.

Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

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

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

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

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

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

Within Barnet Policy DM17, the supporting text at para 18.8.5 states that development proposals will need to demonstrate through a parking survey that sufficient on-street capacity is available to justify limited or no on-site parking. The applicant has submitted a Parking Survey which has undertaken an assessment of an area of 200m radius of the proposed development. Surveys were undertaken during July and found that there was an on-street parking stress of 46% with 108 available spaces. Therefore, it has been demonstrated that there is sufficient on street parking capacity and the proposal is compliant with Barnet Policy DM17.

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

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

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

Affordable Housing

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

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

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

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

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

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

Energy and sustainability

Energy Statement

An Energy Strategy has been submitted in support of the application. The energy statement outlines a series of measures which will be incorporated into the proposal to improve sustainability and reduce carbon emissions. The Strategy follows the London Plan Energy Hierarchy: Be Lean, Be Clean and Be Green. The overriding objective in the formulation of the strategy is to maximise the reductions in total CO2 emissions through the application of the hierarchy with a technically appropriate and cost-effective approach, and to minimise the emission of other pollutants. The development will be constructed to comply with Part L 2013 (with 2016 amendments) of the Building Regulations and in line with the London Plan to achieve a minimum of 49% CO2 reduction for the domestic elements. In order to achieve zero carbon, the developer will need to make a carbon offset

contribution to bridge this gap. A contribution towards the Council's carbon off-set fund will be required to be secured via planning obligation.

Water Consumption

In terms of water consumption, a condition would be recommended in the event planning permission is granted to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Barnet's Core Strategy (2012) Policy CS13 and Policy SI5 of the London Plan (2021).

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

Flood Risk / SuDS

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

The application is accompanied by a Sustainable Drainage Assessment. The proposal is to maintain the existing drainage onsite, with the below ground drainage and flows into the drainage system are intended to remain identical pre- and post-development. The assessment concludes that runoff from the site, alongside water drained from the basement drainage system, will continue to drain into the public sewer system at a rate determined by the two existing pumps. When compared to the pre-existing situation, this will not result in an increase in the rate or volume of water discharged offsite.

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

6. Equality and Diversity Issues

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

7. Conclusion

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



Location 67 Parkside Drive Edgware HA8 8JU

Reference: 22/1176/FUL

Received: 4th March 2022
Accepted: 22nd March 2022
Expiry 17th May 2022

AGENDA ITEM 12

Ward: Edgwarebury

Case Officer: Mansoor Cohen

Applicant: C/O UPP

Proposal:

Demolition of the existing dwelling and the erection of a replacement dwelling including rooms in the roofspace and at basement level. Provision of associated parking spaces, cycle storage and refuse and recycling facilities together with associated external amenity space.

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:

067PA-A-01-001
067PA-A-01-002
067PA-A-02-101
067PA-A-02-102
067PA-A-03-101
067PA-A-03-102
067PA-A-03-103
067PA-A-03-104
067PA-A-03-105
067PA-A-05-101
067PA-A-05-102
067PA-A-06-101
067PA-A-06-102

067PA-A-06-103
067PA-A-06-104
Planning Statement
Bat and Nesting Bird Survey Report, July 2020
Preliminary Bat Roost and Nesting Bird Assessment, February 2020
Bat Survey Report, dated 30/06/22

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

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

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

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

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

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

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

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

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

6 a) Notwithstanding the approved plans, before the development hereby permitted is first occupied, details of 2no (long stay) cycle parking spaces - including the type of stands, gaps between stands, location and type of cycle store to be provided in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards, shall be submitted to and approved in writing by the Local 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 and shall not be used for any purpose other than parking of bicycles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in the interests of pedestrian and highway safety and the free flow of

traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy T5 of the London Plan 2021.

- 7
- a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.
 - b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
 - c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

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

- 8
- Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

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

- 9
- Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

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

- 11 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 Classes A-E of Part 1 of Schedule 2 of that Order shall be carried out within the curtilage of 67 Parkside Drive, HA8 8JU, hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers and the character and appearance of the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 12 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation facing no.65 Parkside Drive.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 13 The roof of the single storey projections 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 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. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

- 15 The proposed ecological mitigation and enhancements as recommended within the 'Conclusion and Recommendations' section of the approved 'Bat Survey Report' document by ECOassistance, dated 30/06/22 shall be carried out in full accordance with the details recommended in this document in order to secure net biodiversity gain 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 and retained and maintained as such in perpetuity.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012), Policy G6 of the London Plan (2021) and the Sustainable Design and Construction SPD (adopted April 2016).

- 16 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
- b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1 no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat
- c) 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).

- 17 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 067PA-A-01-002 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

Informative(s):

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

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

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

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

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

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

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

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

- 4 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. Thames Water 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 . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

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

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

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

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

OFFICER'S ASSESSMENT

1. Site Description

The application site relates to a two-storey detached dwelling located on the corner plot of Parkside Drive and Edgwarebury Lane. The surrounding area is characterised by residential semi-detached and detached dwellings benefitting from front and rear amenity spaces. The subject site sits recessed from its neighbouring dwellings along Parkside Drive and its corner location results in a larger than average plot size.

The site is not located within a designated Conservation Area nor does it contain a listed building.

The site has a PTAL rating of 2.

The site is located within flood zone 1 meaning it has a low risk of flooding.

2. Site History

Reference: 19/3053/HSE

Address: 67 Parkside Drive, Edgware, HA8 8JU

Decision: Approved subject to conditions

Decision Date: 12 July 2019

Description: Part single, part two storey side and rear extension. Roof extension involving rear dormer windows. Conversion of existing garage into habitable room, insertion of window to replace the existing garage door

Reference: 19/6168/FUL

Address: 67 Parkside Drive, Edgware, HA8 8JU

Decision: Approved subject to conditions

Decision Date: 10 November 2020

Description: Demolition of existing family dwellinghouse. Erection of two storey single family dwellinghouse, including, dormers and rooms to roofspace, associated amenity space, and refuse and recycle store,

Reference: 21/1916/HSE

Address: 67 Parkside Drive, Edgware, HA8 8JU

Decision: Approved subject to conditions

Decision Date: 12 October 2021

Description: Part single, part two storey side and rear extension. Alterations to the front facade including change to front gable at first floor and new front entrance canopy at ground floor. Alterations and extensions to the roof including a crown element, 1no. side facing dormer, 3no. rear dormer windows, 1no. side rooflight and 4no. front rooflights

3. Proposal

This application seeks approval for the demolition of the existing dwelling and the erection of a replacement dwelling including rooms in the roofspace and at basement level. Provision of associated parking spaces, cycle storage and refuse and recycling facilities together with associated external amenity space.

Following the demolition of the existing property, the proposed dwelling would measure a maximum depth of 13.1m and a maximum width of 15.6m. At first floor, the dwelling would have a maximum depth of 13.1m (including the bays) and a maximum width of 12.9m. The footprint of the new dwelling largely resembles that of the extant scheme 19/6168/FUL (see above).

The front building line of the dwelling would match that of the existing dwelling and would feature 2no. two storey projecting square bay windows.

The rear building line would consist of a part single, part two storey element, projecting at a depth of 3.5m if measured from the two storey rear elevation of the existing property. Two rear dormer windows would feature on the relating rear roofslopes.

A basement would be formed as part of the new build with its visible manifestation consisting of a lightwell and external stairwell sited to the eastern flank of the dwelling adjacent to Edgwarebury Lane.

The dwelling would measure an eaves height of 5.5m and a maximum height of 8.4m to its ridge, incorporating a crown roof form. The resultant dwelling would provide for up to 7no. bedrooms for 14 persons and would benefit from approx. 380m² of private rear amenity space.

4. Public Consultation

Consultation letters were sent to 36 neighbouring properties. 6 letters of objections were received with the following comments summarised as follows:

- Out of keeping with surrounding properties
- Height exceeds that of neighbouring property and projects significantly rearwards
- oversized building and overdevelopment of the site
- loss of light to neighbouring garden and habitable rooms
- retained garden would be insufficient for a size of this house
- Concerns over drainage
- Concerns of increased traffic
- Concerns of subsidence
- Concerns of construction activities and associated traffic
- Lack of sustainability and environmentally friendly features

4.1 Internal Consultation

Highways - No objection subject to conditions.

Environmental Health - No objection subject to conditions.

Ecology - No objections subject to implementation of recommended enhancements.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (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 street scene and locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the living conditions of future occupiers;
- Traffic and Parking;
- Impact on trees;
- Ecology;
- Accessibility and Sustainability.

5.3 Assessment of proposals

Impact on the character and appearance of the area

All proposed developments should be based on an understanding of the local characteristics, preserving or enhancing the local character and respecting the appearance, scale, mass and height of the surrounding buildings, spaces and streets in accordance with DM01 of the Development Management Policies DPD (2012).

The subject site benefits from a number of previous planning permissions. The footprint of the proposed new dwelling and overall size, scale, mass and bulk largely resembles the extant planning permission 19/6168/FUL. The extant scheme is therefore a material consideration in the assessment of this application and holds considerable weight given its likelihood of implementation.

The primary external differences between the extant scheme and the current proposal relate to the architectural detailing of the dwelling including the front bay projections, dormer windows, fenestration details and the incorporation of a basement level.

The existing subject dwelling uniquely sits considerably recessed from its neighbouring properties along Parkside Drive. The proposed new dwelling would align with the existing front building line and therefore maintain this contextual relationship with its neighbours.

In terms of its footprint, the new dwelling would largely occupy the footprint of the original building save for a 3.5m deeper ground floor projection, essentially infilling the area between the existing single storey rear projection and a first floor projection of 3.5m in depth set off 5.4m with the neighbouring property no.65 Parkside Drive. These respective elements would be broadly consistent with the parameters of the Residential Design Guidance which allow for a detached dwelling, a 4m deep single storey rear extension and 3m deep first floor rear extension when set 2m away from a neighbouring boundary. Whilst it is acknowledged the proposal relates to a demolition and rebuild, the principals of good design are still applicable and such enlargements could be realised through a householder planning application. In addition, as noted earlier, the extant permission allowed for a comparable footprint.

In respect of its mass, bulk and scale, this would largely resemble that of the extant scheme which was deemed acceptable. Its corner siting and recessed front building line would ensure its mass and bulk would not appear cramped or oppressive on the site. The proposed

2no. rear dormers would be visually contained within their respective roofslopes and are considered to feature as subordinate 'additions' in accordance with guidance.

In terms of its design, this shifts somewhat away from the approved scheme and more so from the existing mock-tudor style dwelling by articulating itself in a more contemporary fashion. However, the site specific circumstances which include, its corner location, recessed nature and contextual relationship to Edgwarebury Lane allow for this degree of variation without resulting in undue harm to the character of the area. The delegated report to the approved extant scheme noted the following in this regard:

"The existing property benefits from a catslide roof feature to the front façade. It is noted that this is a characteristic feature of the properties on Parkside Drive. The proposal would incorporate 2no. two storey bay windows to the front façade. Whilst not a characteristic feature of Parkside Drive, the close proximity of the application site to Edgwarebury Lane renders this design feature acceptable. Following an assessment of the dwellings on Edgwarebury Lane, it is noted that the character of these is relatively mixed, with several semi-detached and detached properties benefitting from two storey bay features. As such, it is not found that the changes to the front façade would appear out of character in the context of the surrounding area."

Officers in assessing this application concur with this view and consider that the new build would be well proportioned and of good design, even accepting the relatively large crown roof, adequately drawing references from neighbouring dwellings in the vicinity.

The incorporation of a basement level would largely exist beneath the footprint of the new dwelling, with the exception of two lightwells and an associated external staircase leading into the rear garden sited to the eastern flank of the dwelling and adjacent to Edgwarebury Lane. The submitted plans indicate the lightwells would be soft landscaped so as to acceptably integrate into the site and a condition could be imposed to secure the details of this landscaping. Moreover, the discreet siting of the lightwells and stairwell between the dwelling and perimeter fencing would ensure minimal, to no, visibility both from within and outside of the site and as such is not deemed to result in harm to the character and appearance of the site or locality.

The submitted planning statement notes that materials will reference those of the local character and a condition will be imposed to secure these details.

In summary, taking all material considerations into account, it is considered that the proposed development would acceptably integrate into the streetscene and wider locality.

Impact on the amenities of neighbours

To the south west, the application site shares a common boundary with No.65 Parkside Drive. This neighbour benefits from a single storey rear extension. Residential Design Guidance states the depth of a rear extension normally appropriate for a detached dwelling is 4m. At ground floor level, the proposed dwelling would extend approximately 3.3m beyond this neighbour's rear elevation and therefore well within the parameters of guidance. Furthermore, a separation distance of approximately 1m to the common boundary would be retained, therefore taking both these factors into consideration, it is not considered that harm would result to this neighbour as a result of this element.

At first floor level, the proposed rear building line would project for the same depth, however, would be inset so that it sits 5.4m away from the common boundary. Given the sizeable

separation distance of this element, it is not considered that this would result in an adverse impact in terms of a loss of light, outlook or overshadowing to occupiers of no.65.

No windows have been proposed on the flank wall of the proposed dwelling facing no.65, which would raise concerns of loss of privacy or overlooking and a condition can be imposed to safeguard this from occurring in the future.

It is not considered that the relationship with no.177 Edgwarebury Lane sited to the rear curtilage of the subject site would materially change and as such this aspect is considered acceptable.

In respect of the basement and associated lightwells and external stairwell, these would be sited to the eastern side of the plot adjacent to Edgwarebury Lane and therefore a considerable distance away from no.65, it is not considered that this would result in an adverse impact in terms of noise, disturbance or light spill.

In order to ensure that the proposal continues to have an acceptable impact on neighbouring amenity, the LPA will ensure a condition is attached removing permitted development rights Class A - E of Part 1, Schedule 2 of the General Permitted Development Order in order to allow the LPA to exercise over any future proposals.

Impact on the amenities of future residents

The proposed development would result in a 6-7 bedroom property, providing occupancy for up to 14 persons. The development would considerably exceed the minimum internal space standards for such a property in accordance with Table 3.1 of Policy D6 of the London Plan (2021) and the Sustainable Design and Construction SPD (2016). The proposed development also meets the minimum ceiling standards, providing sufficient headroom for future residents. All habitable rooms are to have adequate outlook and levels of light. A sizeable rear amenity area would be retained of approximately 380sqm well in excess of the requirement. The proposed development would thus provide an acceptable standard of living for any future residents.

Impact on Highways

Having assessed the development, highways deemed that the proposed development was acceptable subject to conditions.

Parkside Drive is a local residential road and is not located within a CPZ. In accordance with Policy DM17 of the local plan, the proposed new dwelling would attract a requirement of 2 parking spaces. The plans show two spaces to be accommodated within the existing front forecourt and the existing crossovers to be retained. The proposed provision is, therefore, in accordance with the requirements.

Cycle Parking:

Based on London Plan standards, a minimum of 2 cycle parking spaces are required. Cycle parking provision has been indicated to be located within the rear garden which is acceptable. Elevational details of the bin store will be secured via condition.

The proposed development is therefore considered to be acceptable and in accordance with the policy requirements of DM17 of the Development Management Policies DPD.

Refuse and Recycling:

A dedicated refuse and recycle store would be located along the side curtilage of the property adjacent to Edgwarebury Lane suitably accommodating the required bins. The Councils waste team have reviewed the provision and confirmed its acceptance. Details of the refuse store will be conditioned.

Impact on Trees

There are no trees on site subject to a tree preservation order. Within the approved extant scheme (19/6168/FUL), the Councils tree officer stated as follows:

'A mature apple/pear tree is growing in the rear garden. This tree is likely to be removed to accommodate the proposal. The loss of this tree will not have a significant impact on visual tree amenity in the local area, subject to replacement planting'.

A condition for replacement planting will therefore be secured by way of a condition.

The proposal retains the front green space courtyard and in addition provides additional soft landscaping areas to the front of the two projecting bays. It is considered that these aspects will assist in softening the visual appearance of the new dwelling and enhance its setting. Further details of the type and number of species will be secured via condition.

Ecological considerations

The proposal involves the demolition of the existing building on the site. As a result, the applicant has provided a Preliminary Roost and Nesting Bird Assessment (Acer Ecology February 2020) as well as a subsequently a Bat Survey Report by Eco Assistance (2022). The Councils Ecological Consultant has reviewed the information and advised that the information is sufficient to support the application. The ecologist has further advised that the recommendations made in the 'Conclusion and Recommendations' section of the Bat Survey Report are implemented. In the interests of retention and enhancement of biodiversity in accordance with Policy DM16, the implementation of the aforementioned recommendations will be attached to the permission.

Accessibility and Sustainability

The application scheme is required by the London Plan (2021) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with this Policy.

In respect of carbon dioxide emission reduction and water consumption, relevant conditions will be imposed to ensure compliance with the London Plan standards.

Other matters

Thames Water have provided comments for this application, a brief summary is provided below:

-The proposed development is located within 15 metres of a strategic sewer. Thames Water requests that a piling method statement condition is applied to any approval.

-Surface water - Thames Water do not object if the developer follows the sequential approach.

-Sewage flooding - If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

-Waste Water Network and Sewage Treatment Works infrastructure capacity - No objection.

As recommended by Thames Water a condition for a piling method statement will be applied to any approval.

5.4 Response to Public Consultation

Mainly addressed in the report.

-Concerns over drainage

These is governed by other bodies. Thames Water comments raise no objections to the proposal.

-Concerns of subsidence

This is not a material planning consideration.

-Concerns of construction activities and associated traffic

The duration of construction activities would be temporary in nature. A Demolition and Construction Method Statement condition will be applied to mitigate and limit the impact during these phases.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the proposed development would have an acceptable impact on the character and appearance of the street scene and locality. The proposal is not considered to adversely impact neighbouring occupiers or the highway network. The application is therefore recommended for approval.



Location **Newstead Court 33 Brent Street London NW4 2EF**

Reference: **22/2650/FUL** Received: 18th May 2022
Accepted: 18th May 2022

Ward: Hendon Expiry 13th July 2022

Case Officer: **Jade Gillespie**

Applicant: Ms Swetha Patel

Proposal: First floor extension to provide 1no self-contained flat and terrace .
Associated cycle store. New privacy screen and terrace. New
security roller shutters, refuse area and access door to flats.

AGENDA ITEM 13

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:

33BS-201-A
33BS-202-A
33BS-203-A
33BS-204-A
33BS-205-A
33BS-206-A
33BS-207-A
33BS-208-A
33BS-209-A
33BS-210-A

33BS-211-A
33BS-212-A
33BS-213-A
33BS-214-A
33BS-112
Transport Assessment
Planning Statement

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

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

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

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

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

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

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

construction;

x. details of a community liaison contact for the duration of all works associated with the development.

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 The proposed refuse and recycling will be implemented in accordance with approved plans 33BS-201-A and 33BS-212-A.

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 The cycle parking and storage will be provided in accordance with approved plans 33BS-201-A and 33BS-212-A.

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

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

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

- 8 Prior to the first occupation of the new dwelling (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).

- 9 Prior to occupation of the development the proposed parking spaces within the parking area as shown in drawings no. 33BS-201-A, submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason

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

- 10 A privacy screen will be implemented and retained to the proposed balcony at a height of 1.80 metres in accordance with the following approved plans:

33BS-202-A
33BS-203-A
33BS-205-A
33BS-207-A
33BS-208-A
33BS-209-A

Reason: To ensure that the development does not prejudice the amenity of neighbouring 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).

- 11 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevation of the self-contained unit facing St. Peter's Court 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 as shown on approved plans 33BS-202-A and 33BS-207-A.

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

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

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking /

insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

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

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

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

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

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

OFFICER'S ASSESSMENT

This application is being heard at committee due to an extremely rare set of circumstances.

The Local Planning Authority is currently assessing two applications awaiting determination:

- o 22/2138/FUL: 35 - 37 Brent Street, London, NW4 2EF
- o Installation of windows at ground and first floor levels to the south elevation
- o 22/2650/FUL: Newstead Court, 33 Brent Street, London, NW4 2EF
- o First floor extension to provide 1no self-contained flat and terrace. Associated cycle store. New privacy screen and terrace. New security roller shutters, refuse area and access door to flats.

Each application has an impact on the other as both sites are adjacent to each other.

The impact that the proposed residential development at 33 Brent Street will have on the windows of the proposed commercial development at 35-37 Brent Street and the impact that the proposed commercial development 35-37 Brent Street will have on the amenities of the occupiers of the residential development at 33 Brent Street are material considerations and matters to be determined in the public interest and not just a matter of private interest for the respective applicants.

1. Site Description

The application site comprises of a three-storey end terrace property known as Newstead Court which is located at 33 Brent Street. It is considered that part of the ground floor of the property was once in use as office space however, this is now vacant. Part of the ground floor and the upper floors of the host property are in use as residential flats. The property is located within the Hendon ward of Barnet and resides on a corner plot where Brent Street and St. Peter's Crescent connect.

The surrounding area is mixed in nature and comprises of commercial, residential, office and religious use. Attached to the host property is a four storey office block and attached to that is a three storey building that looks to have once accommodated commercial use at ground floor level. Residential use still appears to be present on the upper floors of this building. Next to the terrace the application site is part of, Christ Church is located. Single storey commercial units are located on the opposite side of the street and one-two storey detached and terraced residential properties are located further down the road.

The application site is not located within a conservation area, nor does it contain any listed buildings.

2. Relevant Site History

Reference: 22/1499/FUL

Address: Newstead Court, 33 Brent Street, London, NW4 2EF

Decision: Withdrawn

Decision Date: 17 May 2022

Description: First floor extension to provide 1no self-contained flat and terrace .
Associated cycle store

Reference: H/00399/10

Address: Newstead Court, 33 Brent Street, London, NW4 2EF

Decision: Approved subject to conditions

Decision Date: 21 April 2010

Description: Change of use of ground floor from Class C3 (dwelling house) to Class B1 (office) including alterations to front elevation.

3. Proposal

This application seeks permission for a two-storey extension to the rear of the host property to provide 1no self-contained flat and a terrace with a privacy screen.

The location of the proposed development presently accommodates 4no parking spaces. 3no of these spaces are proposed to be retained as the ground floor level of the extension will be erected with the capacity to house 3no vehicles, all with sperate security roller doors. The existing location also appears to house the refuse and recycling points for the flats contained within Newstead Court. These facilities will be accommodated within the ground floor of the proposed extension and will be accessible by a set of external double doors. The refuse facilities for the proposed flat will also be contained on the ground floor of the extension. An associated cycle store is also proposed for the new flat.

The proposed extension will measure 6.03 metres in depth, 10.57 metres in width with an eaves and maximum height of 5.56 metres. The self-contained flat proposed to the first floor of the extension will include a bedroom, a living/dining room, a kitchen, a bathroom and a built-in storage cupboard. The proposed terrace will be accessible from the bedroom and living/ dining room and will be surrounded by a glass balustrade measuring 1.11 metres in height.

4. Public Consultation

Consultation letters were sent to 92 neighbouring properties.

No responses were received during the consultation period.

5. Planning Considerations

5.1 Policy Context

The determination of planning applications 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.

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

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, CS4, CS5.

Relevant Development Management Policies: DM01, DM02, DM08, DM17.

Residential Design Guidance SPD (2016)

Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene. It states:

- Developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity it states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to the 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 (2016)

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

Barnet's Local Plan (Reg 22)

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

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the proposed unit is acceptable in principle.
- 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.
- Whether harm would be caused to the amenity of future occupiers.
- Highway Impact.
- Other planning applications at neighbouring properties.

5.3 - Whether the additional unit is acceptable in principle

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 DM08 of the Development Management Policies (2012) states 'Development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough', the proposed residential uses would provide a suitable mix of accommodation, including priority housing, which would contribute towards the growing housing shortage in the borough.

High quality design underpins the sustainable development imperative of the NPPF, as well as New London Plan (2021) chapter 3 'Design'. 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 London Plan also contains a number of relevant policies on character, design and landscaping matters. Policy D6 of the London Plan states that Housing development should be of high-quality design and provide adequately sized rooms (see Table 3.1) with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures.

As established above, residential use is evident within the locality of the application site in the form of self-contained flats and single family dwellinghouses. The proposal would be located to the rear of an existing flat block and would accommodate a new flat at first floor level and secure car parking and refuse facilities for the existing flats at ground floor level.

The proposal is partially retaining the existing land use of the site while introducing a new use that is present within the direct locality. Given the nature of the proposal and the context of the site and surrounding area, the proposed two-storey rear extension is considered acceptable in principle.

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

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 proposed development is considered appropriate in its scaling and design. As mentioned above, the proposal partially retains an existing land use (parking) while introducing a new self-contained unit which is characteristic to the area. The proposal appears subordinate in its design as it does not extend the full height of the host property. It is sympathetic to the scaling of the host property and the surrounding area and does not appear as a prominent addition within its setting. Furthermore, the proposal will utilise the same materials as the host property to create a seamless connection between the two.

Given the location of the development behind the host property, it will not be possible to view the extension directly from the street scene. Due to its modest scaling and discreet location, the proposal has been found to have an acceptable impact on character acceptable impact on the character of the host property and the surrounding area.

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

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.

The new development will share its eastern boundary with Flat 2 and Flat 3 which are contained within Newstead Court (the host property).

Flat 2 has 1 no flank window on the elevation where the extension will project from. This window is proposed to be removed. The plans suggest that the window serves a living room/dining room. It is considered that the removal of this window is acceptable given that Flat 2 benefits from 2 no larger windows on its other elevation.

Flat 3 has 2 no flank windows on the elevation where the proposed development will extend from. These windows are obscure glazed and serve a bedroom. These windows will not be removed and will face into the stairwell for the new flat. The bedroom of Flat 3 benefits from a larger window on its other elevation.

As such, the proposal will have an impact on the light/outlook received by Flat 2 and Flat 3 however, other windows serve these rooms and therefore an adequate amount of light will still enter these rooms.

The new development will share its northern boundary with No.35-37 Brent Street. It is considered that this property is used as office space and as such, the proposal would not harm neighbouring amenity given that No.35-37 is not residential.

The proposed unit will face onto a shared courtyard belonging to the properties of St. Peters Court. The proposed unit will be located 7.08 metres from the boundary of this courtyard. Furthermore, the only properties the unit will directly look onto are located over 30.00 metres away. It is therefore considered that the unit will have an acceptable impact on the amenity of these neighbours.

The proposed terrace will look onto No.3, No.4, No.5 and No.6 Peters Court. No.3 and 4 are located over 20.00 metres from the terrace while No.5 and No.6 are diagonally located 10.14 metres from the terrace. At these distances, it is not considered that the terrace would harm the amenity of these neighbours.

The proposal in its entirety is considered to have an acceptable impact on the amenity of all neighbouring occupiers in regard to causing loss of light, loss of privacy and appearing overbearing.

5.6 Whether harm would be caused to the amenity of future occupiers

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

Floor Space Standards:

D6 of the London Plan 2021 notes that in the case of a 1 person 1 bed dwelling, a minimum of 39 sqm of floor space should be provided in the case of a single storey dwelling. The proposed self-contained flat will have an internal GIA of 50 sqm which exceeds the minimum space standards as detailed in the London Plan 2021.

The Sustainable Design and Construction SPD also states that a minimum ceiling height of 2.50 metres for at least 75% of the dwelling area is strongly encouraged. It is considered that the proposed self-contained flat would benefit from adequate internal ceiling height for all areas of habitable space.

Outlook, Light and Privacy:

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. Bedrooms and living rooms/kitchens should have a reasonable outlook with clear glazed windows.

Reasonable glazing and outlook is proposed throughout all habitable rooms in the property.

Outdoor Amenity Space:

The Sustainable Design and Construction SPD (adopted October 2016) states that, "Outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough." Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible.

Table 2.3 within the Sustainable Design and Construction SPD indicates that in the case of flats, 5sqm of outdoor amenity space should be provided for each habitable room. Given that the kitchen is below 13sqm, it is not considered to qualify as a habitable room. This leaves the unit with 2no habitable rooms meaning that 10sqm of outdoor amenity space should be provided. The proposed terrace will provide 8sqm of outdoor amenity space. While below the requirement of 10sqm, this amount of amenity space is still considered sufficient to support a 1-person unit. Furthermore, it should be acknowledged that the existing flats within the host property benefit from no amenity space whatsoever. Given its town centre location this is considered acceptable.

5.7 Highways Impact;

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, requiring 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.

Parking:

The site lies within a PTAL 3 zone, which means that there is moderate public transport accessibility to and from the site. In line with requirements set out on Policy DM17 of the Barnet Local Plan the required off-street car parking provision for the proposed is between 1-4.5 spaces. Therefore, the proposed loss of 1x off-street car parking space, leaving a total of 3x off-street car parking spaces for 3x 1bed and 1x 3bed units and office space, acceptable on highways grounds.

Refuse:

The proposed refuse storage location is deemed acceptable on highways grounds.

Cycle:

The London Plan 2021 notes that 2no cycling spaces should be provided. The plans indicate that 2no cycle spaces will be provided for the new and existing flats.

5.8 Other planning applications at neighbouring properties.

No.35-37 Brent Street is a three storey property currently used as office space and is structurally attached to the host property.

Application 22/2138/FUL proposes to implement 4no ground floor windows and 3no first floor windows to the south elevation of the property. This is the same elevation that the proposed two-storey extension to No.33 is will project along. This applicaiton has implications for this current planning application and must be a material planning consideration in determining this applicaiton. If the applicaiton at 22/2138/FUL is approved, then this applicaiton would not be able to be approved. In determining this applicaiton for approval it would mean that the applicaiton at 22/2138/FUL can not be approved. This has to be a material planning consideration when determining this planning application. In determning this applicaiton, due consideration must be had for the impact it will have on the proposal at 22/2138/FUL.

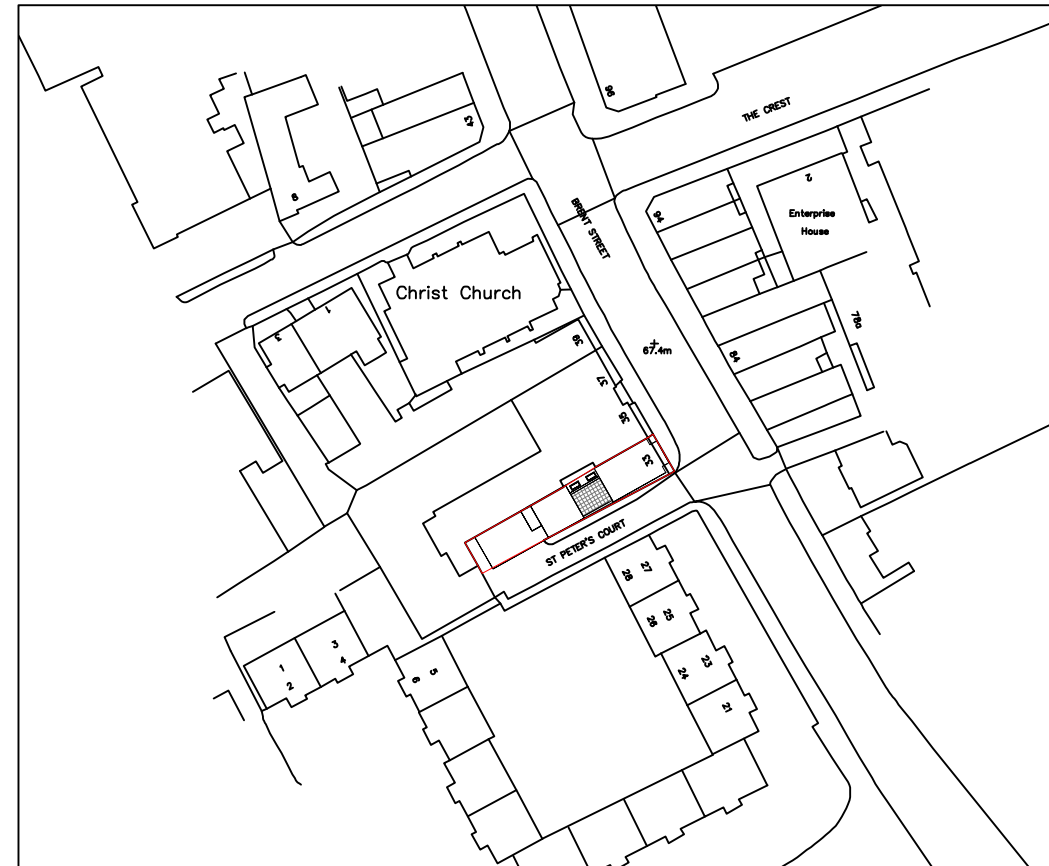
Each application should be determined on its own merits having regard to the provisions of the development plan, so far as material to the application, and to any other material considerations (as per section 38 (6) PCPA 2004 and section 70(2) of 1990 Act). The applicaiton at 22/2138/FUL is a material planning consideration and therefore has to be considered as part of the decision making process of this applicaiton. If the applicaiton at 22/2138/FUL were to be approved, this would prohibit this application from being approved.

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.

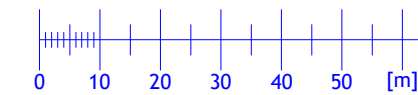
7. Conclusion

Having taken account of all material considerations, the proposal has been found to have an acceptable impact on the character of the host property, the street scene and the surrounding area. The proposal has also been found to have an acceptable impact on neighbouring amenity and the local highway. The proposal will also provide an acceptable standard of accommodation for future occupiers. This application is therefore recommended for APPROVAL.



LOCATION PLAN

SCALE 1:1250



REVISION		
Rev	Notes	Date
NOTES:		
All dimensions are to be checked and verified on site prior to construction.		
STATUS		
Planning		
DRAWING TITLE		
Location Plan		
CLIENT		
Ashok Patel		
PROJECT ADDRESS		
33 Brent Street, London, NW4 2EF		
SCALE	DRAWN BY	
1:1250 at A3	AB	
DATE	CHECKED BY	
January 2022	DD	
DRAWING NO.	33BS - 112	

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Location 35 - 37 Brent Street London NW4 2EF

Reference: 22/2138/FUL

Received: 21st April 2022

Accepted: 25th April 2022

Ward: Hendon

Expiry 20th June 2022

AGENDA ITEM 14

Case Officer: Daniel Wieder

Applicant: Foframe Properties Ltd

Proposal: Installation of windows at ground and first floor levels to the south elevation

OFFICER'S RECOMMENDATION

Refuse

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

- 1 The proposed windows by reason of their positioning would prevent the redevelopment of the neighbouring site and provision of housing contrary to DM01 and housing delivery policies DM08 of the Development Management Policies DPD (2012).

Informative(s):

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

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

OFFICER'S ASSESSMENT

This application is being heard at committee due to an extremely rare set of circumstances.

The Local Planning Authority is currently assessing two applications awaiting determination:

- o 22/2138/FUL: 35 - 37 Brent Street, London, NW4 2EF
- o Installation of windows at ground and first floor levels to the south elevation
- o 22/2650/FUL: Newstead Court, 33 Brent Street, London, NW4 2EF
- o First floor extension to provide 1no self-contained flat and terrace. Associated cycle store. New privacy screen and terrace. New security roller shutters, refuse area and access door to flats.

Each application has an impact on the other as both sites are adjacent to each other.

The impact that the proposed residential development at 33 Brent Street will have on the windows of the proposed commercial development at 35-37 Brent Street and the impact that the proposed commercial development 35-37 Brent Street will have on the amenities of the occupiers of the residential development at 33 Brent Street are material considerations and matters to be determined in the public interest and not just a matter of private interest for the respective applicants.

This application is also being brought to committee on the basis that there are 6 objections.

1. Site Description

The application site concerns a three-storey commercial office building, located on the western side of Brent Street, A502, within the ward of Hendon.

The site is located within the Brent Street Town Centre. Structurally connected to the commercial block, at the fore of the site fronting Brent Street, is a three-storey residential block of flats, Newstead Court.

There are no protected trees on site, or on adjacent land, nor does the application site lie within a conservation area or contain a locally or statutory listed building.

The site has a PTAL of 3 and is located within flood zone 1.

2. Relevant Planning/Site History

Reference: 20/2492/FUL

Address: 35 - 37 Brent Street, London, NW4 2EF

Decision: Approved subject to conditions

Decision Date: 30 July 2020

Description: Change of use of ground floor B1 offices for medical, healthcare and counselling services (D1)

Reference: 22/2134/FUL

Address: 35 - 37 Brent Street, London, NW4 2EF

Decision: Withdrawn

Decision Date: 20 June 2022

Description: First and second floor extension to south elevation

Reference: 22/2650/FUL

Address: Newstead Court, 33 Brent Street, London, NW4 2EF

Decision: Pending Consideration

Decision Date: N/A

Description: First floor extension to provide 1no self-contained flat and terrace . Associated cycle store. New privacy screen and terrace. New security roller shutters, refuse area and access door to flats.

3. Proposal

The application seeks the permission for the installation of windows at ground and first floor levels to the south elevation, facing St. Peters Court.

4. Public Consultation

Consultation letters were sent to 117 neighbouring properties.

6 comments have been received, comprising 6 objections and 0 comments in support.

Of those 6 objections comments received, 5 were signatories on a single petition document - all residents of adjoining Newstead Court.

The objections received are as follows:

- This would encroach on the privacy of neighbours and allow people to view into the windows of surrounding properties.
- Previously when refurbishment work was carried out at these premises, works began very early and well before the permitted 8am start time for construction work. I fear that this would re-occur.
- Concerned that the proposed windows will invade the privacy of the neighbouring occupiers.
- As neighbouring flats have no gardens, occupiers use the hardstanding as outdoor 'garden' space, putting up tables, chairs, paddling pools for the children etc.
- Having windows on this elevation would make us uncomfortable as people could look at and watch us and our children playing.
- If approved, we request that a condition be attached requiring windows to be obscure glazed; thus providing extra light and ventilation without harming our privacy.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS10, CS15
- Relevant Development Management Policies: DM01, DM02, DM08

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 (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.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

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

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to the 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.
- Other material considerations

5.3 Assessment of proposals

Impact on character and appearance of the existing site, street scene and surrounding area:

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

The proposed development is for the introduction of 8 large, glazed panels at ground floor and 3 smaller windows at first floor level.

Officers note that the southern elevation, as existing, features windows on the second storey. The addition of windows at first and ground floor would therefore not be at odds or appear incongruous within its surroundings.

Officers consider that the proposed windows would indeed enhance the appearance of the existing blank walls and improve the visual appearance of the building.

Overall, it is considered that the proposed development would preserve the local character and respect the appearance, scale, mass, height and pattern of the surrounding buildings, spaces and streets, in accordance with Policy DM01 of Barnet's Development Management Policies Document DPD (2012).

Impact on amenity of neighbouring occupiers:

Barnet's Residential Design SPD provides clear guidance with regard to what is expected from new developments to ensure that the amenity of neighbouring occupants is not harmfully impacted. With regard to this application, the key concern is whether the proposal would result in any degree of overlooking to neighbouring sites and if overshadowing, loss of outlook and loss of light would occur as a result of the development.

Throughout the lifetime of the application 1no window at the first floor level, that was situated closest to the periductular rear wall and first floor windows of Newstead Court, has been removed, in order to ensure that no harmful overlooking or loss of privacy would be caused to the occupiers of Newstead Court.

The proposed windows at ground and first floor level on the south elevation, would be situated directly overlooking the garden and rear elevations of buildings in St Peters Court.

However these windows would be a distance of 13m from the communal garden and at a distance of almost 50m up to the rear habitable windows of St Peters Court.

Barnet's Sustainable, Design and Construction SPD (2016), Table 2.4, states that "in new residential development there should be a minimum distance of 21 m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 m to a neighbouring garden".

The current application is for commercial premises, where far shorter distances are generally acceptable. The garden of St. Peters Court is a communal garden, and in any case the proposed windows would be at a significant distance, far exceeding that even required for residential development.

Overall, officers are satisfied that the proposed windows would not give rise to any harmful amenity impact in regard to loss of privacy and overlooking.

During the neighbour consultation process, objections were raised due to the concern of overlooking onto the hardstanding area directly in the front of the south elevation wall, which is utilised by residents of Newstead Court as outdoor amenity space.

Following a site visit, officers observe that this area comprises an access road from Brent Street, 4 marked car parking spaces and a refuse area.

This area of hardstanding directly in front of the South elevation wall does not appear to be within the demise of the office block. The petition document received from occupiers of the flats of adjoining Newstead Court, states: "We appreciate that this space should be used for cars, but we have all been here for over 10 years and none of us drive so it makes sense to make good use of that space. When the weather is hot, we often gather out here" and contained photos showing this area being used for play by children.

On a visit to the site, officers noted that the parking spaces are clearly marked, with bollards at the front, and adequate signage advising that this is private parking space. There was no indication at that time that the area was used for recreation and outdoor amenity space. The 3 historic google street view images available, May 2016, April 2018 and May 2019 similarly show the space used for parking and refuse.

Notwithstanding that the applicant has stated this area has been used informally as outdoor amenity space, this area is clearly designated for parking and is not particularly suitable for amenity space nor is it private. Officers would thus find that the proposed windows would not give rise to any material harm as a result of overlooking this parking area.

In assessment, officers are of the opinion that the development is not considered to prejudice the residential amenities of neighbouring properties in terms of loss of light, outlook and privacy; therefore, in this regard, it is not in compliance with Policy DM01 of Barnet's Development Management Policies DPD.

Other material considerations:

During the assessment of this application officers have noted the application submitted for a first-floor extension at Newstead Court, to provide 1no self-contained flat and terrace, ref: 22/2650/FUL.

This application was validated on the 18th of May 2022, less than a month after the current application was validated on the 21st of April 2022, and before the neighbour consultation period had ended.

The proposed extension at Newstead Court is shown to extend directly across the south elevation of the adjoining commercial block, which as existing is currently a blank wall. For context, were the proposed windows in situ, the proposed extension of Newstead Court would extend directly in front of and obstruct the windows at ground and first floor.

Each application should be determined on its own merits having regard to the provisions of the development plan, so far as material to the application, and to any other material considerations (as per section 38 (6) PCPA 2004 and section 70(2) of 1990 Act).

The task of a local planning authority, therefore, is to consider the planning merits of each application for planning permission. Generally, land may be developed in any way which is acceptable for planning purposes and so the planning legislation does not place a duty on a local planning authority to check whether one planning application submitted to them for planning permission will impact adversely on another extant planning application. However, where a local authority does become aware that a proposed scheme submitted to them will impact adversely on another scheme subject of an extant planning application before the authority, the circumstances become such that the authority cannot simply ignore that fact when determining such an application.

It is recognised in planning law that the impact of a proposed development on the amenities of neighbouring properties or existing and future occupiers or users of the proposed development itself is a material consideration which a local planning authority is required to have regard to when determining a planning application.

The impact the proposed residential development at the neighbour's site will have on the windows of the commercial development and the impact the proposed commercial development will have on the residential development at the neighbouring site are material considerations and matters to be determined by the Council in the public interest and not just a matter of private interest for the respective applicants.

Officers must therefore have consideration for the fact that were the proposed windows approved, the proposed extension at Newstead Court, which would be due to extend directly in front of the proposed windows, would be an unacceptable form of development and likely refused.

Core Strategy Policy CS4: Providing Quality Homes and Housing Choice in Barnet, and Policy DM08 of Barnet's Development Management Policies seek to 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.

When balancing the current application and the neighbouring application at Newstead Court, as material considerations in the assessment of each other, officers would consider that the provision of 1no additional residential unit is given greater priority and preference by Barnet's Local Policy then the provision of additional windows to an existing commercial unit, which can still operate without these additional windows.

The benefit of the residential unit would thus outweigh the benefit provided from the proposed windows; as such officers would consider that the current application should be refused.

5.4 Response to Public Consultation

- The main planning considerations have been addressed throughout the body of the report.
- Officers do not consider that the proposed windows on the southern elevation would give rise to any harmful degree of overlooking or loss of privacy, either to the hardstanding space in front, nor the garden/residents of St Peters Court.

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 relevant material considerations into account, the current application is considered unacceptable by reason of their positioning would prevent the redevelopment of the neighbouring site and provision of housing, which is given greater weight and preference by Barnet's Local Policy than the provision of additional windows to an existing commercial unit.

Therefore, the current application is not compliant with Barnet planning policies and is recommended for REFUSAL.

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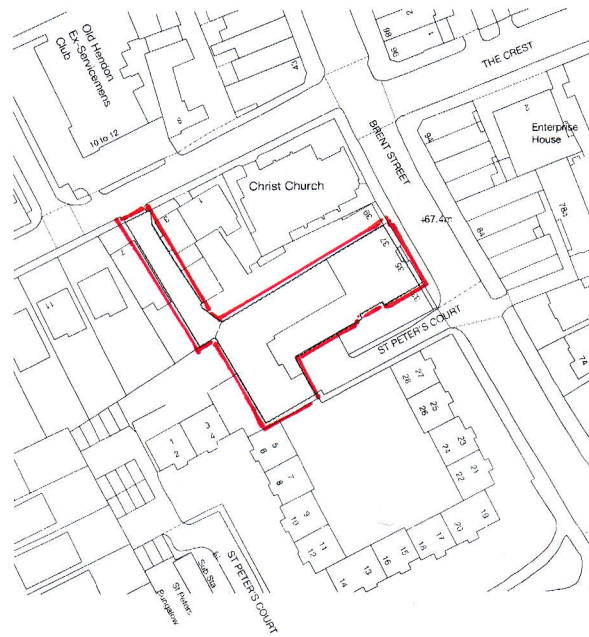
General note

This drawing is to be read in conjunction with all other relevant drawings, schedules and specifications issued by AYH DESIGNS

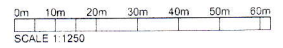
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22/2138/FUL



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35-37 BRENT STREET, LONDON, NW4 2EF

DRAWING TITLE:
LOCATION PLAN

TOTAL SQM/SQFT:

JOB NO: 041/01	DRAWING NO: 01	REVISION: PLANNING	DATE(S): 1:1250@A3
DRAWN: AYH	CHECKED: YES	DATE: 10.04.2022	

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