

Meeting

Planning COMMITTEE A

Date and time

Monday 6TH NOVEMBER, 2023

At 7.00 PM

Venue

Hendon TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

To: Members of Planning COMMITTEE A (quorum 3)

Chair: Councillor Tim Roberts
Vice Chair: Councillor Richard Barnes

Anne Hutton
Danny Rich

Joshua Conway
David Longstaff

Substitute Members

Elliot Simberg
Laithe Jajeh

Claire Farrier

Gill Sargeant

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is Wednesday 1 November 2023 at 10AM. Requests must be submitted to planning.committees@barnet.gov.uk.

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

Andrew Charlwood – Head of Governance

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

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

Assurance Group

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Order of Business

Item No	Title of Report	Pages
1.	Minutes of the last meeting	5 - 8
2.	Absence of Members	
3.	Declaration of Members' Disclosable Pecuniary Interests and Other Interests (if any)	
4.	Report of the Monitoring Office (if any)	
5.	Addendum (if applicable)	
6.	116 Victoria Road Barnet EN4 9PA 22/3005/FUL - East Barnet	9 - 46
7.	961 Finchley Road NE11 7PE 21/5626/FUL - Childs Hill	47 - 86
8.	Belmont Nursery School The Ridgeway NW7 1QT 22/2800/S73 - Mill Hill	87 - 100
9.	60 Hervey Close N3 2HJ 23/2274/FUL - West Finchley	101 - 118
10.	59B Golders Gardens London NW11 9BS - 23/1273/FUL - Childs Hill	119 - 128
11.	14 Varley Parade NW9 6RR 23/3784/FUL - Colindale South	129 - 136
12.	13 Daniel Place London NW4 3PG 23/2739/FUL - West Hendon	137 - 152
13.	Any item(s) that the Chairman decides are urgent	

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Decisions of the Planning Committee A

6 September 2023

Members Present:-

AGENDA ITEM 1

Councillor Tim Roberts (Chair)
Councillor Richard Barnes (Vice-Chair)

Councillors:

Councillor Anne Hutton
Councillor Danny Rich

Councillor Joshua Conway
Councillor David Longstaff

1. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 10 July 2023 be agreed as a correct record.

2. ABSENCE OF MEMBERS

None.

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

None.

4. REPORT OF THE MONITORING OFFICE (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

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

6. 1 HOCROFT WALK LONDON NW2 2LT - 22/1976/FUL (CHILDS HILL)

The Planning Officer presented the report.

Anna Farlow addressed the Committee and spoke against the application.

James Cohen, the agent for the application, addressed the Committee.

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

Further to a discussion, the Chair moved to vote on the Officer's recommendation to approve the application.

The votes were recorded as follows:

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

RESOLVED that the application be APPROVED 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)

7. 222 EAST END ROAD LONDON N2 8AX - 23/2051/HSE (EAST FINCHLEY)

The Planning Officer presented the report.

Romilla Jones addressed the Committee and spoke against the application.

Yamina Bheekhun, the applicant, addressed the Committee.

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

Further to a discussion, the Chair moved to vote on the Officer's recommendation to approve the application.

The votes were recorded as follows:

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

RESOLVED that the application be APPROVED subject to conditions 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. 31 NORTHFIELD ROAD BARNET EN4 9DN - 23/1417/HSE (EAST BARNET)

The Planning Officer presented the report.

Tudor Bratu, the applicant, addressed the Committee.

Further to a discussion, the Chair moved to vote on the Officer's recommendation to approve the application.

The votes were recorded as follows:

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

RESOLVED that the application be APPROVED subject to conditions 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. GROUND FLOOR FLAT 77 LEICESTER ROAD LONDON N2 9DY - 23/1399/FUL (EAST FINCHLEY)

The Planning Officer presented the report.

Harpal Bhoji, the applicant, addressed the Committee.

Further to a discussion, the Chair moved to vote on the Officer's recommendation to approve the application.

The votes were recorded as follows:

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

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

10. 22 DOLLIS AVENUE LONDON N3 1TX - 23/1251/HSE (FINCHLEYCHURCH END)

The Planning Officer presented the report.

James Lai, the agent for the application, addressed the Committee.

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

Further to a discussion, the Chair moved to vote on the Officer's recommendation to approve the application.

The votes were recorded as follows:

For: (approval) 6

Against: (approval) 0

RESOLVED that the application be APPROVED subject to conditions 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. ANY ITEM(S) THAT THE CHAIR DECIDES ARE URGENT

None.

The meeting finished at 8.20pm

Location 116 Victoria Road Barnet EN4 9PA

Reference: 22/3005/FUL

Received: 8th June 2022

AGENDA ITEM 6

Accepted: 4th July 2022

Ward: East Barnet

Expiry 3rd October 2022

Case Officer: Shay Bugler

Applicant: Klara Victoria Limited

Proposal: Demolition of existing buildings and erection of four storey building to provide 11 residential dwellings (comprising of 3 x 1 bed; 4 x 2 bed & 4 x 3 bed); and 78sqm commercial unit (Use Class E) with associated car parking, cycle parking, refuse stores, servicing areas, hard and soft landscaping and associated works

OFFICER'S RECOMMENDATION

Approve following Legal Agreement

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

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 by Unilateral Undertaking and any other legislation which is considered necessary for the purposes of 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. A carbon offset payment of £28,785 towards off site carbon savings
4. An offsite affordable Housing contribution of £40,000 (with "prior to occupation" trigger)
5. Section 287- off site highway improvement works to provide a new crossover is proposed on Victoria Road; provide tactile paving at the site access; and reinstate the footway along the frontage of the site.
6. Local Labour in construction- Reasonable endeavours to secure a minimum of 20% of construction phase jobs for Brent residents
7. Reasonable endeavours must be used to secure a minimum of 20% of jobs for Barnet residents, post construction, once the approved commercial unit is operational

RECOMMENDATION II:

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

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

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

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

106_PL2_S_00 Rev F Proposed Site Location Plan
106_PL2_GA_00 Rev G Proposed ground floor
106_PL2_FX_00 Rev D Proposed Ground Floor Fire Strategy
106_PL2_GA_01 Rev E Proposed first floor
106_PL2_FX_01 Rev C Proposed First Floor Fire Strategy
106_PL2_GA_02 Proposed Second Floor Plan
106_PL2_FX_02 Rev C Proposed Second Floor Fire Strategy
106_PL2_GA_03 Proposed Third Floor Plan
106_PL2_FX_03 Rev D Proposed third floor fire strategy
106_PL2_GA_RF Rev C Proposed Roof plan
106_PL2_M4_00 Rev C Proposed M4 Plans
106_PL2_GE_02 Rev Proposed north and south elevations
106_PL2_GE_03 Proposed General Arrangement Elevations, East/West Elevation

106_PL1_GE_04 Rev D Proposed contextual elevation and Section
106_PL2_GE_01 Rev F Proposed east and west elevations
106_PL2_DE_00 Rev B Section AA, East Elevation Render
106_PL2_DE_02 Rev B Section AA Render
106_PL2_DE_01 Rev B South elevation render
106_PL2_GS_01 Rev B Overlooking Sections

- Cover letter by Avison Young dated 1st June 2022
- Design and Access Statement by T2S Architecture Limited (Ref no: 106_D 7 A Revision C)
- Planning Statement by Avison Young dated June 2022
- Environmental Noise Survey and Noise Impact Assessment Report 27636/NIA1 Rev3 dated 24 May 2022 by Hann Tucker Associates.
- Phase 1 Environmental Site assessment report by Enviro.
- Daylight and Sunlight Report by Right of Light Consulting (neighbouring properties) dated 23 May 2022
- Daylight and Sunlight Report by Right of Light Consulting (within the development) dated 23 May 2022.
- Flood Risk Assessment and Drainage Strategy dated May 2022 by Nimbus Engineering Solutions
- Landscape Masterplan Strategy by Lizard Landscape Design and Ecology dated 31.05.2022
- Transport Statement May 2022 by TTP Planning

- Energy and Sustainability Report Revision C dated 26 May 2022 by Bellevue Environmental Consulting Limited

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

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

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

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

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (2012), Policies DM01, DM04 and DM17 of the Development Management Policies Document (2012), and Policies D4, D5, D8; S1 13, and G7 of the London Plan 2021.

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;

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

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

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (2012), the Sustainable Design and Construction SPD (2016) and Policies SI 1, SI 7, D14, T4 and T7 of the London Plan (2021).

- 6 a) Prior to commencement of the development, parking layout plan showing 11 spaces including 2 disabled space shall be submitted to and approved in writing by the Local Planning Authority. The designated parking spaces shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

- b) The details hereby approved under part a of this condition shall be implemented and retained thereafter.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (2012); Policy DM17 of Development Management Policies Document (2012); and policies T4 and T6 of the London Plan (2021).

- 7 a) Prior to commencement of development onsite, full 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, a minimum of 24 (long stay) and 4 (short stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards.

- b) The details hereby approved under part a of this condition shall be implemented and retained thereafter.

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

- 8 a) Prior to occupation and commencement of use of the development, full details of an Operational Car Parking Management Plan 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 Operational Parking Management Plan.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan policy CS9 of Core Strategy (2012); policy DM17 of Development Management Document (2012); and policies T4 and T6 of the London Plan (2021).

- 9 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of:

(i) A Refuse and Recycling Collection Strategy and Servicing Management Plan , which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider;

(ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and

(iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; in the interest of highway safety and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (2012), Policies DM01 and DM17 of the Development Management Policies Document (2012); the Sustainable Design and Construction SPD (2016); and Policies D6, SI7, T4 and T7 of the London Plan (2021).

- 10 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 2 of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 8 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

London Borough of Barnet's Local Plan policy CS9 of Core Strategy (2012); policy DM17 of the Development Management Document (2012); and policies T3 and T6 of the London Plan (2021).

- 11 The applicant shall enter a Section 278 legal Agreement to deliver the following off site highway improvement works:

- Provide a new crossover is proposed on Victoria Road;
- Provide tactile paving at the site access; and
- Reinstate the footway along the frontage of the site.

b) All off-site highway works shall be completed to the satisfaction of the local highway authority prior to first occupation of the building.

Reason: To ensure that the access is satisfactory in terms of highway safety and in accordance with policy CS9 of Core Strategy (2012); policy DM17 of Development Management Policies (2012); and policies T2 and T4 of the London Plan (2021).

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

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

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (2012), the Sustainable Design and Construction SPD (2016); policy DM04 of the Development Management Policies Document (2012); and policy SI 13 of the London Plan (2021).

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

(b) Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.

Reason: To prevent any damage to nearby underground sewerage utility infrastructure in accordance with policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012); policy DM04 of the Managing Development Document (2012). Sustainable Design and Construction SPD (2016); and policy SI 13 of the London Plan (2021).

- 14 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and

including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

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

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

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

- 15 a) Prior to commencement of works onsite, an Air Quality Neutral Assessment report shall be written in accordance with the relevant current guidance. This report shall be submitted to and approved by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

Should the report shows that the site does not conform to the air quality neutral benchmark requirements then a scheme of offset measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

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

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

- 16 Part 1

Before development commences other than for investigative work:

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

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the

desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

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

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

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (2012), DM04 of the Development Management Policies DPD (2012), the Sustainable Design and Construction SPD (2016); and Policy SD 1 of the London Plan (2021).

- 17 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 generated from the development ; 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.

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

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with policies DM04 of the Development Management Policies Document (2012); Sustainable Design and Construction SPD (2016); and policies D13 and D14 of the London Plan (2021).

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policies DM04 and DM17 of the Development Management Policies Document (2012; the Sustainable Design and Construction SPD (2016); and policies SI 1, SI 7, D14; T4 and T7 of the London Plan (2021).

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

b) 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 DM04 of the Development Management Document (2012); and policy SI 5 of the London Plan (2021).

- 21 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 DM03 of the Development Management Policies Document (2012); and Policies D5 and D7 of the London Plan (2021).

- 22 The development shall be implemented in accordance with the Energy and Sustainability Report Revision C dated 26 May 2022 by Bellevue Environmental

Consulting Limited, prior to first occupation and prior to commencement of any uses on site and retained as such thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of Policies DM01 and DM02 of the Barnet Development Management Policies document (2012); and Policies D6, SI 2, and SI 4 of the London Plan (2021).

23 a) No development other than demolition works shall take place on site until an overheating assessment, carried out by an approved consultant, which assesses the likely impacts of overheating within the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure the development would minimise the risk of the internal space of the dwellings overheating through design, layout, orientation, materials and incorporate of green infrastructure in accordance with policies CS5, CS12 and CS13 of the Local Plan Core Strategy (2012); DM01 and DM03 of the Development Management Document (2012); Sustainable Design and Construction SPD (2016); and Policies D3, D6, SI 2, and SI 4 of the London Plan (2021).

24 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 (2012); Policy DM01 of the Development Management Policies Document (2012), the Sustainable Design and Construction SPD (2016); and Policies G5, G6 and G7 of the London Plan (2021).

25 a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (2012), Policies CS5 and CS7 of the Local Plan Core Strategy (2012); and policies G5, G6 and G7 of the London Plan (2021).

26 a) Within 3 months of completion of the development, the applicant shall be awarded Secure by Design Accreditation, in consultation with the Metropolitan Police.

b) The development shall be carried out in accordance with security details and standards within the Secure by Design Accreditation and retained thereafter.

Reason: To ensure the development is safe and secure for future occupiers in accordance with policy CS5 of the Core Strategy (2012); policies DM01 and DM02 of the Development Management Document (2012); and policies D3, D4 and D8 of the London Plan (2021).

27 a) The development shall be installed with internal water sprinklers and retained thereafter.

Reason: In the interests of fire safety and to ensure the safety of all building users, a accordance with policy DM02 of the Management Development Document (2012); Barnet Supplementary Planning Document on Residential Design Standards (2016); and policy D12 of the London Plan (2021).

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies DM01; DM02 and DM03 of the Development Management Policies DPD (adopted September 2012) and polices D5 & D7 of the London Plan (2021).

29 Upon their first occupation of the relevant development, the commercial units on the ground floor of the buildings hereby approved shall be occupied for uses falling within either Class E, of the Town and Country Planning (Use Classes) (Amendments) England) Regulations 2020, and for no other purpose.

Reason: To enable flexibility for the first occupation of the commercial units hereby approved, in accordance with Policy DM13 of the Development Management Document DPD (2012); and Policies E1, E2, E3 and E9 of the London Plan (2021).

- 30 Notwithstanding the potential initial uses that are permitted to occupy the commercial units on the ground floor of the buildings hereby approved as specified under condition 29 of this consent, following the first occupation and commencement of a use within each commercial unit, any subsequent change to an alternative use within those specified by this consent shall require the submission of a full planning application to the Local Planning Authority for express planning permission.

Reason: To enable the Local Planning Authority to exercise control over future potential uses within the development to safeguard the amenities of occupiers of adjoining residential properties, in accordance with policies DM01 and M04 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).

- 31 The Commercial Use hereby permitted, (Use Class E of the Town and Country Planning (Use Classes) (Amendments) England) Regulations 2020) shall not be operate or be open to members of the public outside the following times:
- 7am-11am Sunday to Thursday
 - 7am-12pm Friday and Saturday

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM01 and 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).

32. Prior to occupation of the development, all north facing windows and balustrades (as shown on drawing no's 106_PL2_GA_01 E; 106_PL2_GA_02 E and 106_PL2_GA_03 F) shall be obscured; permanently fixed shut; and retained thereafter.

Reason: To safeguard the privacy and amenities of occupiers of adjacent residential properties on Victoria Avenue in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012); the Residential Design Guidance SPD (adopted October 2016); and Policies D3 and D6 of the London Plan (2021).

Informative(s):

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

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

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

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

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

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

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

- 3 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 4 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.

5 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.

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

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

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

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The

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

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

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

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.

- 9 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's Highways Licence Team on 0208 359 3555 for any necessary Highways Licences or email highwayscorrespondence@barnet.gov.uk.

- 10 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees,

shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and 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." To ensure the replacement trees meet bio-security standards They should be purchased from a DEFRA accredited supplier that can be found here:-Certification - Plant Healthy

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 5th February 2024 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 to mitigate against the impact of the development. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013); and policy DF1 of the London Plan (2021).

OFFICER'S ASSESSMENT

1. Site Description

The application site is located on the western side of Victoria Road, with residential properties adjacent to the North, East and South, the site is approximately 854sqm, 0.0854 ha. 1.2. The northern portion of the site comprises a group of 12 x single-storey garages and a small workshop building towards its rear, which were ancillary to the previous MOT/Car Repair Services onsite. It is proposed to demolish the garages/sheds onsite.

The southern portion of the site was previously used for car parking associated with the neighbouring MOT garage (which is accessed through the site). There is a small triangular lock up garage at the western end of the site. In the extant planning consent, the site was classified by LBB as "an employment generating sui generis use" during the previous application. The southern portion of the Site is currently used for parking of vehicles and formed a functional link with the 'East Barnet MOT and Automotive Centre' located at 131 East Barnet Road that is used for car repairs and MOT purposes.

The surrounding area is predominantly surrounded by residential and commercial development. The residential development comprises of terrace houses, flat conversions, and purpose build flats. The site is not located in a conservation area.

The site has a Public Transport Accessibility of 3, which means it has moderate access to public transport.

2. Site History

Ref no: 21/1451/FUL

Description of development: Demolition of existing buildings and erection of four storey building to provide 15 residential dwellings (comprising of 6 x 1 bed; 7 x 2 bed & 2 x 3 bed units), and 80sqm commercial unit (Use Class E) with associated car parking, cycle parking, refuse stores, servicing areas, hard and soft landscaping and associated works.

Decision date: 25 October 2021

Decision: Refused:

Reasons for refusal:

1. The proposed development by virtue of its' design, siting, layout, building height, scale, mass and bulk of the proposal result in an excessive footprint including build form and hard surfacing in a heavily constrained site, resulting in an overly dominant and overbearing form of development on the streetscene and the character of its' immediate local context, culminating in overdevelopment of the site contrary to policies D1, D5, D6, D7 & D8 of the London Plan (2021) and CS5 of the Core Strategy (2021) and DM01 of the Development Management Document (2012) which seek to ensure buildings and places are of a high quality design, suitably located and sensitive to its context.

2. The proposed development would provide poor quality residential accommodation including an excessive provision of single aspect units and a high proportion of units that would have limited or no outlook; inadequate private amenity space; poor internal residential layouts including a number of internalised kitchens; a poorly resolved refuse store layout at ground floor and perceived sense of enclosure. The development would exhibit symptoms of poor-quality design and residential quality; and fail to meet the requirements of policy D6 of the London Plan (2021) and policy DM02 of the Development Management Document (2012).

3. The proposal dwelling mix and lack of affordable housing onsite is contrary to policies H1, H2, H4 & H6 of the London Plan (2021) and policies CS4 of the Core Strategy (2012); DM08 and DM10 of the Development Management Document (2012) which seek to ensure that new developments offer a range of housing choices.

4. Insufficient Information has been submitted to demonstrate that the drainage arrangements are acceptable contrary to policy SI 13 of the London Plan (2021); policy DM04 of the Barnet Development Management Document (2012); and policy CS13 of the Core Strategy(2012), which seek to ensure that a Drainage Strategy must demonstrate that surface water runoff is managed effectively to mitigate flood risk and to ensure that Sustainable Urban Drainage Systems (SuDS) are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development.

Part of the subject know is known as Land at rear of (former) Alexandra Public House, Victoria Road, Barnet, EN4 9PA, where planning permission was granted in 2019 for the application set out below:

Reference no: 18/4287/FUL

Description: Construction of a three-storey mixed use building comprising 4no self-contained flats to first and second floor and B1a office use at ground floor level. Associated cycle store, refuse/recycling, parking

Decision: Approved subject to conditions

Decision date: 20 March 2019

3. Proposal

The proposal is for the demolition of existing buildings on the northern site relating to the existing workshop business (E Use Class) as well as the single-storey storage garages, and the erection of a new four storey building to provide 78sqm of commercial floorspace; 11 x no residential units (comprising of 3 x 1 bed; 5 x 2 bed; and 3 x 3 bed units); cycle parking; refuse and recycling storage facilities; private and communal amenity space.

11 x no on-site residential car parking spaces (ratio of 1:1 space per unit) including 2 x accessible parking spaces and 3 x active electric vehicle charging spaces, with passive provision for the remaining 8 x parking spaces.

4. Public Consultation

Consultation letters were sent to 302 neighbouring properties on 05.07.2022; advertised onsite on 05.07.2022, and in the Barnet Times on 12.07.2022. The Local Planning Authority received 11 of objection to the proposed development.

The representations received can be summarised as follows:

- Exacerbate congestion
- Adverse impact on highway safety
- Not enough space for cars to park, which could result in increased pressure on existing kerb side car parking
- Loss of privacy, daylight and sunlight to neighbouring properties
- Overlooking and overshadowing
- The proposed quality of accommodation is sub-standard, large amount of single aspect units proposed
- The proposal scale of development is too much for the site and would have a negative impact in the local area
- Lack of private amenity space onsite
- The transport Assessment has not considered the cumulative impact of the proposal and the development approved at no 183 Victoria Road
- Noise disturbance
- The reduced light from a sustainability perspective will impact on the neighbouring trees and restrict growth of plants in neighbouring gardens

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

Statutory Consultee Comments

LBB Energy and Sustainability

LBB Energy and Sustainability Officer has reviewed the submitted Energy and Statement Reports are conformed they are acceptable subject to the following condition and financial contribution to be secured within a Section 106 Agreement:

- Compliance with details provided within the applicants the Energy and Sustainability.

Section 106 Agreement

- £28,785 contribution towards off site carbon savings to achieve net-zero carbon emissions

Thames Water

Thames Water do not raise any formal objections subject to the following condition:

- 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. This is to ensure the proposal does not have a harmful to the local underground sewerage utility infrastructure.

(Officer comment: The above would be secured by way of planning condition).

LBB Environmental Health

LBB Environment Health do not object to the proposal subject to the following planning conditions:

- Land contaminated assessment
- Air quality neutral assessment
- Non-Road Mobile Machinery used during the course of the demolition, site preparation and construction to comply with set emission standards
- Impact of noise from ventilation and extraction plant on Development
- Restrict Noise from Plant
- Insulation against internally generated noise
- Kitchen extraction equipment
- Demolition and Construction Method Statement

Secure by Design/Metropolitan Police

No objections to the proposed development. The development must achieve Secure By Design accreditation, within 3 months prior to occupation. This would be secured by way of a planning condition.

Local Lead Flooding Authority

The applicant is required to submit a detailed Flood Risk Assessment and Sustainable Urban Drainage Strategy to be submitted to and approved by the Local Planning Authority and implemented thereafter. This would be secured by way of a planning condition to ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development.

LBB Highways

Local Highways Authority do not object to the proposed development, subject to the following conditions:

- Parking layout plan showing 11 spaces including 2 disabled spaces

- Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store to provide a minimum of 24 (long stay) and 4 (short stay) cycle parking spaces.
- Demolition and Construction Management Plan, and Logistics Management Plan
- Refuse and recycling details
- Car park Operational Management Plan
- Off-site highways works including reinstatement of the footway
- Electric vehicle charging points to be installed to provide a minimum of 2 active and 9 passive electric vehicle charging points.

(Officer comment: The above would be secured by way of planning conditions).

LBB Arboricultural Officer

The broad principles of the landscape design of this proposal are acceptable. It is recommended that conditions are secured with require further hard & soft landscaping details; and a Landscape Management Plan.

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) 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 London's form, character and capacity for growth
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D8 Public realm
- D10 Basement Development
- D11 Safety, security and resilience to emergency
- D12 Fire Safety
- D13 Agent of change
- D14 Noise
- G5 Urban Greening
- G6 Biodiversity and access to nature
- G7 Trees and Woodlands
- H1 Increase Housing Supply
- H4 Delivering affordable housing
- H6 Affordable housing tenure
- H7 Monitoring of Affordable Housing
- H10 Housing size mix
- S1 Developing London's social infrastructure
- S2 Health and social care facilities
- SI 1 Improving air quality
- S1 2 Minimising greenhouse gas emissions
- S1 3 Energy Infrastructure
- S1 4 Managing Heat Risk
- S1 5 Water Infrastructure
- S1 8 Waste capacity and net waste self sufficiency
- SI 12 Flood Risk Management
- T1 Strategic approach to transport
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impact
- T5 Cycling
- T6 Car parking
- E1 Offices
- E2 Providing Suitable business space
- E3 Affordable workspace
- E4 Land for industry, logistics and services to support London's economic function
- E11 Skills and Opportunities

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.

Core Strategy (2012)
Relevant policies

Policy CS NPPF National Planning Policy Framework
CS3 Distribution of growth in meeting housing aspirations
CS4 Providing quality homes and Housing choice in Barnet
CS5 Protecting and enhancing Barnet's character to create high quality places
CS9 Providing safe, efficient, and effective travel
CS10 Enhancing inclusive integrated Community facilities and uses
CS11 Improving health and well-being in Barnet.
CS14 Dealing with our waste

Development Management Document (2012)
Relevant Policies

DM01 Protecting Barnet's Character and amenity
DM02 Development standards
DM03 Accessibility and inclusive design
DM04 Environmental considerations for development
DM07 Protecting housing in Barnet
DM08 Ensuring a variety of sizes of homes to meet housing need
DM10 Affordable housing contributions
DM13 Community and Education uses
DM14 New and Existing employment uses
DM15 Green Belt and Open Spaces
DM16 Biodiversity
DM17 Travel Impact and parking standards

Supplementary Planning Documents

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle of the proposed land uses onsite;
- Whether harm would be caused to the character and appearance of the site; the streetscene and the local area;
- The impact on the amenity of neighbouring properties;
- Quality of accommodation;
- Impacts on the local highway;
- Energy and Sustainability
- Trees and landscaping

5.3 Assessment of proposals

Loss of commercial floorspace onsite

Policy E4 of the London Plan seeks to ensure the retention of land when suitable for industry, logistics and services to support London's economic function. Although B2 uses are included within the list of uses to which the policy applies, Part D clarifies that the retention, enhancement and provision of industrial capacity should be prioritised in suitable location that have access to the strategic road network, provide capacity for logistics, SMEs, and support supply chain distribution functions. The site does not fall within the category of non-designated industrial uses, which are defined as containing industrial and related functions.

Policy DM14 of the Local Plan primarily seeks to safeguard B class employment uses, however part a) iv) states that proposals to redevelop or re-use an existing employment space which reduces the levels of employment use and impacts negatively on the local economy will be resisted.

The proposal makes provision for 78sqm of commercial floorspace (Class E). Prior to the changes in the use class order in August 2020 and in reviewing the principle of the loss of the existing B2 use, and re-provision of an element of B1 use), it is necessarily to assess this matter against policy DM11 and DM14 of the Local Plan.

The southern portion of the site is currently in use for car parking and garages associated with the neighbouring MOT garage. Within the extant planning consent for this portion of the site, the Local Planning Authority deemed this to be "an employment generating sui generis use". The northern part of the site is occupied by garages, with a small workshop garage used for vehicle wrapping, which is a B2 use (within the Use Class Order).

The applicant has advised that the existing subject site area is approximately 854sqm and that the consented scheme on the southern element of the site is approximately 307sqm. The proposal would therefore involve the removal of 854sqm of employment generating floorspace onsite. To offset the loss of the existing use, the proposal makes provision for 78sqm of commercial floorspace (B1 use) at ground floor level. As such, the total loss of employment generating floorspace would be 776sqm.

During pre-application engagement with LB Barnet officers, the loss of employment floorspace was raised, and clarification was provided by the applicant relating to use and existing provision of employment floorspace across the Site. The applicant has advised that the proposal has the potential to generate more fulltime employment than the existing situation onsite, and therefore would generate higher density employment floorspace, and therefore creating more employment . On balance, given that the proposal would re-provide the 78sqm of employment floorspace, the loss of the existing B2 uses is considered acceptable, subject to the completion of a Section 106 Agreement to secure the following Planning Obligations:

- Local Labour in construction- Reasonable endeavours to secure a minimum of 20% of construction phase jobs for Brent residents.
- Reasonable endeavours must be used to secure a minimum of 20% of jobs, once operational, for Barnet residents.

These contributions would support local employment, skills development, apprenticeships, and other education and training opportunities at both the construction stage, and post completion, upon occupation in accordance with policy E11 of the London Plan.

Proposed flexible use of the commercial unit and restriction on hours of operation

The proposed commercial unit would fall under Class E of the Town and Country Planning (Use Classes) (Amendments) England) Regulations 2020, which makes provision for a number of flexible land uses, including (but not limited to) - shops and other retail provision, offices, cafes, restaurants, gymnasiums, creche, doctor and dental surveys. The commercial unit would not operate or be open to members of the public outside the following times:

- 7am-11am Sunday to Thursday
- 7am-12pm Friday and Saturday

These restriction in opening hours would be secured by way of a planning condition to protect the amenities of future occupiers and local residents within the vicinity of the site.

Principle of residential use onsite

Paragraph 11 of the NPPF outlines the presumption in favour of Sustainable development where for decision- taking this means approving development proposals that accord with an up-to-date development plan without delay. The use of developed (or previously developed land) to provide new high-quality homes is supported by adopted and local and national policies. The London Plan (2021) identifies a need for 23,640 new homes in LBB between 2019/20 and 2028/29. To help achieve this the target net completions on small sites is 4,340 in the same time period. Policy CS 1 of the Barnet Core Strategy (2012) outlines the strategic approach required to provide the required number of new homes over the plan period. The target at the time of adoption of the Core Strategy was circa 28,000 homes between 2011/12 and 2025/26.

The surrounding area is predominately characterised by residential development. As such, the principle of an element of residential development, subject to material planning considerations. The proposal would assist in the delivery of much needed housing within the Borough and assist in meeting the Councils housing targets as set out in the CS4 and DM08 of the Local Plan (2012) and H01 & H10 of the London Plan (2021).

Housing matters, including dwelling mix; affordable housing; and quality of accommodation are discussed in further section within this report.

Design of proposed development and its impact on the appearance and character of the site, streetscene; and local area

High quality design underpins the sustainable development imperative of the NPPF and policies D1,D3, D4, D5, D6,D7 and D8 of the London Plan (2021). Policy CS5 of Barnet's Core Strategy (2012) seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high- quality design. Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces, and streets.

The previous planning application (for 15 x no residential units) was refused, in part, due to design, siting, layout, height scale, mass and bulk, and excessive footprint of the building. These subject proposal seeks to overcome the previous reason for refusal. The proposed number of units has decreased from 15 to 11 x no dwellings.

Height

The surrounding area is characterised by a variety of building heights, including buildings ranging from 2-4 storeys direct South on East Road; ; 2 storeys dwellings to the north on Victoria Avenue; and 2-4 storeys along Victoria Road. The building directly across the road (181 Victoria Road) from the site is t four storeys. Further, at no 183 Victoria Road, diagonally across the road from the proposed site, planning permission was approved (ref no: 19/3313/FUL) for the demolition of the existing car sales buildings and workshops and erection of a part single, part three and part four storey building. The overall height has reduced, when compared to the previous planning application onsite. The proposed recessed top storey reduces the visual prominence and impact on the streetscene.

Overall, , the proposed part three, part four storey building is reflective and in keeping with emerging building heights of new build developments within the immediate and local area.

Scale, bulk and massing

The treatment of scale, bulk and massing of the proposal is supported by Officers. When compared to the previous planning application (Ref no: 21/1451/FUL, the proposal results in an overall reduction of footprint of the development from 547sqm down to 503sqm (which equates to a 9% reduction). The building footprint is supported, particularly given the ground floor rear unit is set back from the northern boundary. The siting of the development and footprint onsite is respectful of the site's constraints and context.

Moreover, the upper levels have also been reduced in floor area with a 17% reduction at first floor level, a 40% reduction at second floor and a 34% reduction at third floor level. Further, the overall volume has reduced by 1931m³, which is a noticeable decrease.

On the northern elevation, the building steps back on the second-floor level with a further set back at third floor level, thereby the proposal rises away from the neighbouring properties at the north at no's 26-28 Victoria High Road to protect their amenities by reducing its promise, whilst adding to the overall visual interest of the building. Further, the stepped articulation of this façade, also ensure the development would sit comfortably within the plot, by reducing the overall perception of bulk and massing. In addition, the depth of the balconies remains subordinate features within the front and rear elevations, would soften the relationship with the main building and would allow for a softer integration within the façade.

Appearance

The proposal is of contemporary building the external appearance includes different features which demonstrates its overall high design quality. The proposed elevations are well articulated with good quality durable and permeable materials. These material include buff and dark brickwork; glass balustrades; and aluminium PPC windows.

Part of the ground floor elevations would be constructed with the same brick materials as the recessed fourth storey element , creating a continuity within the fabric of the building, whilst the varying building heights would ensure that it does not appear bulky or dominant. The communal terrace and glazing are appropriately recessed from the front building line and set back on the northern elevation, would appear as a subordinate addition to the main development.

Overall, the proposed variation in materials and layouts of bricks in various parts of the building, would further serve to break up the massing, by creating different elements and features to the facades, hereby adding to its visual interest and positive impact on the

streetscene. In addition, the proposed commercial unit at ground floor would create active frontage along Victoria Road, which will support the vitality and vibrancy of the nearby East Barnet Road high street.

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

Standard and quality of residential accommodation

Dwelling mix

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

In recent years, 2 bed (4 person) units are increasingly considered to provide suitable accommodation for families and indeed, there is growing demand for this form of family accommodation, as evidenced with the Council's Strategic Housing Needs Assessment .

The proposal makes provision for 3 x 1 bed; 5 x 2 bed & 3 x 3 bed units Of the 5 x 2 bed units, four x 2 bed units are suitable for 4-person occupation, and thereby provides accommodation suitable for family occupation.

Overall, the proposal makes provision for 7 x no family sized units, which equates to 63% of the total number of units proposed onsite, which is substantial. The proposed dwelling mix would therefore assist with the delivery of much need family sized accommodation within the Borough, which is in accordance with policy, and welcomed by Officers.

Affordable Housing

Policies H4 and H6 of the London Plan (2021); policy DM10 (Affordable Housing Contributions) outlines that sites providing 10 or more units should have regard to the borough-wide target that 40% of housing provision should be affordable. Policy CS4 (Providing Quality Homes and Housing Choice in Barnet) supplements this through seeking an appropriate mix of affordable housing. It underlines that 60% of affordable housing should be social rented and 40% should be intermediate rent.

A Financial Viability Assessment (FVA) has been prepared by the applicant and included within the planning application submission. The viability of the scheme was assessed using an industry standard methodology which compares the residual land value against the Site value benchmark.

The applicant's Affordable Housing Viability Assessment was subject to an independent review by a consultant appointed by the LPA, together with the LPA's Development Viability Officer. Following a rigorous assessment, the proposal cannot deliver onsite affordable housing as to do so would compromise the viability and deliverability of the scheme at this time. Notwithstanding, an offsite affordable Housing contribution of £40,000 (payment in lieu of affordable housing) would be secured within a Section 106 Agreement.

Given that the proposal is relatively minor in scale, providing only 11 x no units, Officers do not consider it reasonable to include an early or late-stage affordable housing review mechanism within the Section 106 Agreement. The Councils appointed Viability Consultant and the LPA's Development Viability Officer are not confident (based on their knowledge and detailed of the proposal on this subject site), that the scheme could deliver any further contributions towards affordable housing in the future, particularly mindful of the requirement to provide a commercial unit onsite.

It is generally understood that development schemes which deliver a large number of smaller units (such as studios and 1 x no bed units) are more profitable to a developer, in contrast to schemes which primarily provide 2 and 3 x bed units. This scheme would provide a substantial number (63% of total number of units) of residential dwellings suitable for family occupation, relative the total number of units proposed onsite.

On balance, it is considered that the benefits of providing 7 x new family sized units within the Borough, outweigh the lack of affordable housing provision in this instance, as to seek further contributions towards affordable housing in the future would jeopardise the deliverability of the family accommodation.

Room size standards and layout

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

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

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

- 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.

The previous planning application was refused, in part due to poor quality residential accommodation provided, which included an excessive provision of single aspect units with limited or outlook; inadequate private amenity space and poor internal layouts to many of the units.

Under this subject planning application, the majority of units proposed (9 of the 11 units) are dual aspect. This equates to 81% of total number of the total number of dwellings proposed onsite. This demonstrates the internal layouts of the units provide a good standard residential accommodation. Further, all the proposed units meet the minimum room size standards as set out below:

Ground floor

1 x 2 bed (4 person) Policy Requirement 70sqm Proposed 96sqm

First floor

1 x 3 bed (5 person) Policy Requirement 86sqm Proposed 86sqm

1 x bed (2 person) Policy Requirement 50sqm Proposed 52sqm

1 x bed (2 person) Policy Requirement 50sqm Proposed 50sqm

1 x bed (2 person) Policy Requirement 50sqm Proposed 50sqm

1 x 2 bed (3 person) Policy Requirement 6sqm Proposed 66sqm

Second floor

1 x 3 bed (5 person) Policy Requirement 86sqm Proposed 99sqm

1 x 2 bed (4 person) Policy Requirement 70sqm Proposed 76sqm

1 x 3 bed (5 person) Policy Requirement 86sqm Proposed 88sqm

Third floor

1 x 2 bed (4 person) Policy Requirement 70sqm Proposed 70sqm

1 x 2 bed (4 person) Policy Requirement 70sqm Proposed 70sqm

Private amenity space

The Council's adopted Residential Design Guidance SPD requires the provision of 5 sqm of amenity space for each habitable room for flats. This applies to one, two, and three bed flats. Based on the details submitted, the following would be required:

Ground floor

1 x 2 bed (4 person) Policy Requirement 20 sqm Proposed 67sqm

First floor

1 x 3 bed (5 person) Policy Requirement 25 sqm Proposed 27sqm

1 x bed (2 person) Policy Requirement 10sqm Proposed 9.3 sqm

1 x bed (2 person) Policy Requirement 10 sqm Proposed 9sqm

1 x bed (2 person) Policy Requirement 10 sqm Proposed 9sqm

1 x 2 bed (3 person) Policy Requirement 10 sqm Proposed 12 sqm

Second floor

1 x 3 bed (5 person) Policy Requirement 25 sqm Proposed 29sqm

1 x 2 bed (4 person) Policy Requirement 20 sqm Proposed 21 sqm

1 x 3 bed (5 person) Policy Requirement 25sqm Proposed 12.5 sqm

Third floor

1 x 2 bed (4 person) Policy Requirement 20 sqm Proposed 55sqm

1 x 2 bed (4 person) Policy Requirement 20sqm Proposed 31sqm

Total policy requirement for private amenity space onsite - 195sqm

Total proposed private amenity space onsite - 255sqm

All proposed residential units contain terrace and/or balcony areas and therefore afforded their own private amenity space areas. Whilst three x residential units would fall short of the policy requirement for private amenity space, the remain 8 x no units would exceed the minimum requirement; of which 3 of the units greatly exceed the minimum standards at ground floor and third floor levels. The total policy requirements for private amenity space is

195sqm. The overall private amenity space provided is 255sqm, and therefore exceeds the policy requirement by 60sqm.

Moreover, the proposal would make provision for a total of 122sqm of communal amenity area (50 sqm at ground level and 72sqm at third floor level). The upper floor communal amenity areas include a 1.8-metre-high acoustic screening and obscured glazing to the north and west aspects to ensure there is no overlooking to the neighbouring adjacent terrace properties. This amenity area is sufficiently set back from the building line and would be less visible from the street Cene, and thereby affording future occupiers and users of this space greater privacy.

Overall, the proposal makes good provision for open space onsite in accordance with policy. Full landscaping details, including a Landscape Management Plan would be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development. This would be secured by way of a planning condition.

Daylight, sunlight and outlook for future occupiers

All units would receive good daylight and sunlight levels in accordance with BRE Guidelines and receive good outlook and would not experience to overlooking or loss of privacy from nearby properties.

The proposed north facing window on the upper floors would be obscured and fixed shut at all times protect the privacy of residents at no 20-28 Victoria from overlooking and loss of privacy. These are secondary windows provide additional natural light to these rooms. Future occupier would enjoy good east or west facing outlook from the primary clear glazed windows within the bedrooms.

North facing balconies and the north facing aspect to the screen enclosure (provided around the communal amenity area at roof level) would be obscured to height of 1.7 metres to ensure the proposal does not result in overlooking or loss of privacy to rear gardens at properties on Victoria Avenue. However, residents would continue to receive good east and west facing outlook from their balconies, and which using the communal amenity area at roof level.

In instances where north facing balconies or habitable rooms are obscured, they would continue to receive acceptable outlook from a secondary window with either east and west facing aspect, or both. This would ensure that future occupiers would not experience good outlook and would not experience a sense of enclosure. The majority of units proposed do not require any obscured glazing, all 11 x no units proposed receive good daylight; sunlight and outlook and have access to good usable private amenity and communal amenity areas onsite, in accordance with policy. The proposed internal layouts and room sizes all meet or exceed minimum standards, which is welcomed by Officers.

Overall, the proposal provides high quality accommodation; including 7 x no units suitable for family accommodation, and would assist towards meeting the need and demand of this form of accommodation, in accordance with the London Plan Policy CS4 of the Core Strategy (2012); Policies DM01; DM02 and DM08 of the Development Management Policies Document (2012); Residential Design Guidance SPD (adopted October 2016); and policies D3, D4, D6, D8, H1, and H10 of the London Plan (2021).

Impacts on amenity to neighbouring properties

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

Policy D6 of the London Plan "Housing Quality and Standards" states that "d". The design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding heating minimising, overshadowing, and maximising the usability of outside amenity space.

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

Daylight and Sunlight Guidance

The BRE Guidance's state that the main rooms should be tested, this would include living rooms, dining rooms, kitchens and bedrooms.

Vertical Sky Component (VSC).

The VSC calculation is the ratio of the direct sky illuminance falling on the outside of a window, to the simultaneous horizontal illuminance under an unobstructed sky. The standard CIE Overcast Sky is used, and the ratio is expressed as a percentage. For a window to be considered as having a reasonable amount of skylight reaching it, the BRE Guidance suggests that a minimum VSC value of 27% should be achieved. When assessing the impact of a new development on an existing building the BRE Guidelines sets out the following requirements.

If the VSC with the new development in place is both less than 27% and less than 0.8 times its former value, then the reduction in light to the window is likely to be noticeable. This means that a reduction in the VSC value of up to 20% its former value would be acceptable and thus the impact would be considered negligible.

No Sky Line Test

The NSL, or sometimes referred to as No Sky View method, describes the distribution of daylight within rooms by calculating the area of the "working plane", which can receive a direct view of the sky. When assessing the potential impacts in the daylight available to the neighbouring properties, the BRE Guidance states that if the area within a room receiving direct skylight is reduced by less than 0.8 following the construction of a new development, the impact will be noticeable to the occupants. This is also true if the NSL encroaches onto key areas like kitchen sinks and workshops.

Sunlight (Annual Probable Sunlight Hours) Test

Annual probable sunlight hours (APSH) is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation. North facing

windows may receive sunlight on only a handful of occasions in a year, and windows facing eastwards or westwards will only receive sunlight for some of the day. The BRE guidance states that only windows with an orientation within 90 degrees of south need be assessed Annual Probable Sun Hours (APSH) represents the sunlight that a given window may expect over a year period. APSH is expressed as the percentage of direct sunlight hours divided by number of hours when sky was clear with sun.

The applicant has submitted a Daylight and Sunlight Assessment, to assess the impacts the proposal would have on the following properties:

- No's 123, 125; 127; 129; 131; & 133 East Barnet Road (to the south of the site)
- No's 181; and 181a Victoria Road (to the east of the site)
- No's 20; 22; 24; 26; and 28 Victoria Avenue: (to the north of the site)

The properties at 123 to 131 East Barnet Road comprise of a mix of residential and non-residential units. The proposed development would have a relatively low impact on these properties as they would continue to receive good daylight and sunlight levels in accordance with standards set out in the BRE Guidance. Further, the proposed south facing windows are at a distance of between approximately 17.4 -25 metres from the rear windows due south at no's 123-133 East Barnet Road, which is a comfortable distance, and therefore would not result in undue loss of privacy to these properties. Properties to the east would also not be unduly impacted and would receive daylight, sunlight and sunlight levels in accordance with BRE Guidelines.

Non-compliance with the BRE recommendations is limited to the daylight tests in respect of isolated main habitable room windows at 24 to 28 Victoria Avenue and 181a Victoria Road. However, the degree of loss of daylight and sunlight is considered to be minor as all windows would achieve before/after ratios of between 0.73 to 0.79, which is only marginally short of the BRE recommended before/after ratio of 0.8 for daylight distribution. Although there are a small number of windows and rooms shown to experience minor reductions in light, the high level of compliance with the BRE Guidance overall is acceptable. Moreover, given the site constraints and urban context of the site, in addition to the reasonable mitigation factors set out below, a reason for refusal based on the loss of daylight and sunlight to a select windows to properties on Victoria Avenue could not be sustained.

Privacy

The separation distance from the development to properties at no's 20-28 Victoria Avenue ranges from approximately 12.7-15 meters at first floor; 16-18 metres at second floor level, and 19.5-20 metres at third floor level. Whilst the proposal, in part (on 1st and 2nd floor levels) fall below recommended distances of *18-21m between facing habitable room windows and 10.5 m to a neighbouring garden as set out within the Councils Residential Design Guidance SPD (2016)*, the proposal provides robust mitigation measures to safeguard the privacy to nearby properties and their respective rear gardens.

All north facing windows, as shown on the drawings, would be obscured and permanently fixed shut at all times and retained thereafter. This would also be secured by way of a planning condition. Further, all north facing balconies and the north facing enclosure screens to the communal amenity area at roof level would also be obscured to height of 1.7 metres to prevent any overlooking and loss of privacy to rear gardens at properties on Victoria Avenue. The building recedes and steps back on the upper floor, thereby rising away from neighbouring properties, reducing its overall visual prominence.

Impacts on the Local Highway

The site lies in an area with a PTAL score of 3, which means it has moderate access to public transport (on a scale of 0 -extremely poor and 6b -excellent) access to public transport. here are 5 bus routes within 3 minutes walking distance of the site. New Barnet rail station is within 8 minutes walking distance of the site.

Car parking

London Plan (car parking standards) (Residential standards)

Policy T6.1 of the London Plan (2021) sets out the following car parking provision requirement for residential units:

- Outer London PTAL 2 - 3 "Up to 0.75 spaces per unit" (1 - 2 bed units) and "up to 1 car parking spaces" for 3 bed plus.
-

in accordance London Plan car parking spaces, the proposal can make provision for "up to", 8 x no car parking spaces onsite.

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

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

Based on London Plan car parking standards, , the proposal can make provision for "up to", 8 x no car parking spaces onsite; and Based on Local Plan standards, the development should make a maximum parking provision of 8-15 spaces. LBB Highways team support the provision of 11x no car parking spaces including 2 disabled, on the basis that the site has moderate access to public transport.

The following conditions would be attached to ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic:

- A Car Parking Management Plan. Details of the Operational Car Parking Management Plan
- A dimensioned parking layout plan showing 6 spaces including 2 disabled space
- Details of Electric Vehicle Charging facilities onsite to provide less than 2 x no of the car active and 9 x no passive Electric Vehicle Charging facilities. This would encourage more sustainable modes of transport for future occupiers onsite.

Cycle storage

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

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

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

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

- 5 to 40 dwellings: 2 spaces

Based on London Plan standards, a minimum of 21 long stay cycle parking spaces are need. 22 spaces are provided in the form of 11 two-tier racks in a segregated bike store and 2 short stay cycle parking spaces in the forecourt for the residential element . For the commercial element, 2 long stay and 2 short stay spaces are proposed.

Notwithstanding the details submitted to the Local Planning Authority., further additional details on cycle parking including the type of stands, gaps between stands, location and type of cycle store, and enclosure proposed shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the development, a minimum of 24 (long stay) and 4 (short stay) cycle parking would be provided onsite and maintained thereafter, in accordance with policy T5 of the London Plan (2011). This would be secure by way of a planning condition ensure that adequate and satisfactory provision for the parking of bicycles onsite in the interests of highway safety and to promote sustainable modes of transport.

Refuse and Recycling

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

The ground floor plan shows an internal bin store which would facilitate on-street collections. Residential and commercial bin storage are provided in separate compartments. Notwithstanding, prior to occupation of the development, full details of a Refuse and Recycling Collection Strategy and Servicing Management Plan, including details collection arrangements together with a plan showing satisfactory points of collection for refuse and recycling, must be submitting prior and approved in writing by the Local Planning Authority, and implemented thereafter. This would be secured by way of a planning condition to ensure a satisfactory appearance for the development and satisfactory accessibility; in the interest of highway safety; and a to protect the amenities within the nearby vicinity of the site.

Energy and Sustainability

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

In terms of water consumption, all residential units would obtain 100% of their water supply through water metres. Notwithstanding, a condition would be attached to a planning

permission to require that each unit receives water through a water meter and be constructed with water saving and efficiency measures to encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy SI 16 of the London Plan (2021).

The proposed development follows the 'Energy Hierarchy' and the Energy Statement follows the format requested by the London Plan. The development meets the London Plan policy SI2 target, achieving a carbon reduction of 36.9% improvement beyond AD Part L (target 35%), including a site-wide 13.1% improvement at the Be Lean/energy efficiency stage (target 10% for domestic, 15% for non-domestic).

The required Zero-carbon emissions target can also be achieved through a cash in lieu contribution of £ 28,785 to the borough's carbon offset fund. This would be secured in a Section 106 Agreement.

Overheating Assessment

The proposed does provide a good standard of accommodate for all 11 x no residential units proposed as discussed within the report. Notwithstanding, the applicant is required to undertake a Summertime Overheating Assessment to determine whether the proposed development would minimise the risk of the dwellings overheating in extreme heat conditions, through design, layout, orientation, and materials proposed, in accordance with Building Regulation Requirements.

The Assessment would consider the likely impacts of overheating within the development and propose mitigation measures to minimise risk. The applicant is advised to incorporate the following mitigation measures into the design of the proposed development:

- Installation of external mechanical ventilation
- Inclusion of external shading to bedrooms to alleviate potential for overheating bedrooms at night in extreme heat conditions;
- Installation of external solar shading to upper floor balconies and terraces to create a more usable areas during extreme heat, whilst also providing better thermal comfort within the dwellings.

The Overheating Assessment would be secured by way of a planning condition to ensure the development would minimise the risk of overheating to internal space with all dwellings.

5.4 Response to Public Consultation

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

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

- The proposal would result in the loss of daylight; sunlight and privacy; and result in overshadowing to neighbouring properties.

(Officer comment: The applicant has undertaken a Daylight and Sunlight Report to assess the impacts the proposal surrounding residential properties as discussed within the report. In line with the assessment criteria prescribed by the BRE Guidelines, it has been shown

that the reduction in daylighting to the windows and rooms to the majority of the existing neighbouring buildings would be within the acceptable limits set out within the BRE Guidelines. Although a small number of windows to habitable would experience some loss in light, the reduction in these instances are considered to be relatively minor as discussed within the report. The proposal would not result in undue overlooking or loss of privacy to neighbouring properties and gardens).

- The scale of development is excessive.

(Officer comment: The proposed building is 4 storeys in height which is a suitable and acceptable approach for the site. The design principle of siting the development to align with the neighbouring front building line is supported)

- Overdevelopment and over intensification of the site.

(Officer comment: It is considered that the proposed density is suitable for this site, and the overall design ensures that the proposal would not present any symptoms associated with overdevelopment of the site, such as sub-standard accommodation, inadequate daylight, sunlight levels, poor outlook and privacy to future occupiers and/or loss of amenity to existing residential properties).

- Increase car parking- put pressure on the local highway safety; exacerbate problems associated with congestion.

(Officer comment: LBB Highways team do not consider that the proposal, would unduly exacerbate the existing problems associated with congestion on the local highway. LBB Highways have recommended a list of planning conditions to mitigate against the impact on highway safety as set out with the recommendation section of this report).

- Increased pressure on local social infrastructure.

(Officer comment: The applicant would be required to make appropriate Levy payments towards local social infrastructure such as schools and doctors' surgeries to mitigate against the impact it would have on existing facilities, in accordance with Community Infrastructure Levy (CIL) requirements and regulations. The CIL is a planning charge that Local Authorities and the Mayor of London set on new development to help pay for community infrastructure.

All representations received during the initial consultation, and subsequent re-consultation on the respective amendments were fully considered and assessed during the decision-making process, prior to reaching Officers recommendation to approve this planning application, subject to conditions and planning contributions secured in a legal agreement to mitigate against the development.

- The proposed development would result in undue noise disturbance to existing neighbouring properties.

(Officer comment: With reference to concerns relating to noise disturbance specifically relating to the structure of the building, sound insulation is a matter adequately addressed by the Building Regulations. LBB Environmental Health do not object to the proposed development, subject to a conditions which requires the development to be implemented in accordance with the measures/mitigation measures set out in the Noise Impact Assessment.

- Increase Dust and Air Pollution

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

It is considered that concerns related to traffic disturbance, noise and air pollution would be sufficiently mitigated against by way of planning conditions as set out within the report. All representations received were fully considered and assessed during the decision-making process, prior to reaching Officers recommendation to approve this planning application, subject to conditions and planning contributions secured in a legal agreement to mitigate against the development.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions and legal agreement, the proposed development would have an acceptable impact on the character and appearance of the application site, the streetscene 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.

Site Location Plan



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Location 961 Finchley Road London NW11 7PE

Reference: 21/5626/FUL

Received: 22nd October 2021

Accepted: 22nd October 2021

Ward: Childs Hill

Expiry 21st January 2022

AGENDA ITEM 7

Case Officer: Shay Bugler

Applicant: Mr. Chaim Menachem Frommer

Proposal: Demolition of existing school and erection of a four-storey building to provide 19 self-contained residential flats, private and communal amenity space, 3 car parking spaces (including one accessible car parking space), associated plant room, cycle parking and refuse storage

OFFICER'S RECOMMENDATION

Approve following Legal Agreement

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

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 by Unilateral Undertaking and any other legislation which is considered necessary for the purposes of 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. An offsite affordable Housing contribution of £100,000 with a review clause and support the application. Affordable housing review mechanism (early stage if progress has not been made onsite within 3 years from date of planning consent, and late-stage review upon disposal of 75% of the units onsite).
4. A carbon offset payment of £73,216.50. towards off site carbon savings
5. Section 287- off site highway improvement works
6. Mechanism to ensure that, prior to commencement of demolition works onsite, the re-provision (a total of 3155sqm in floorspace) of a school to include a Beit Midrash, dormitory for students, and dining room areas as approved under planning ref no's: 18/4689/FUL;

19/4108/S73; 20/4059/S73 and any future planning application(s) at linked site known as "Rear Of Sage Court, 200-210 Golders Green Road, NW11 9AQ", must be fully constructed and in operational use to ensure that an education use building is re-provided

RECOMMENDATION II:

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

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

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

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

- 961FR-PP1-00 Existing site plan
- 961FR-PP1-01 Rev A Proposed Site Plan
- 961FR-PP1-02 Rev A Proposed Ground Floor Plan Proposed Roof Plan
- 961FR-PP1-03 Proposed Floor Plans
- 961FR-PP1-05 Proposed Elevations Proposed Section
- 961FR-PP1-01 Proposed Site Plan

- Design and Access Statement: by TAL ARC Ltd
- Planning Statement by Henry Planning Consultancy and Development
- Air Quality Assessment dated 27th August 2022 by eb7 consultants.
- Noise Impact Statement dated 7th October 2021 by DAA Group
- Bat Survey Report s dated 19 October 2021 and 2 May 202 from Phlorum Limited.
- Energy & Sustainability Statement dated 1st September 2021 by eb7 consultants, including Energy/Co2 calculations
- Sustainability Pre-assessment Stage Tracker by eb7 consultants
- BRURL Output Document dated 27th August 2021
- Transport Statement May 2021 by Caneparo Associates Limited
- Drainage & Utilities Assessment Sustainability Services dated 23 June 2021; 13 July 2021; and 8 April 2023 by eb7 associates
- Arboricultural Impact Assessment dated 16 August by SJ Stephen Associates
- Daylight and Sunlight Report dated 28 June 2021 BY Ecodesign Ltd
- Accommodate schedule (submitted with original application)

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

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

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

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

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (2012); Policies DM01, DM04 and DM17 of the Development Management Policies DPD (2012), and Policies D4, D5, D8, SI 13, and G7 of the London Plan (2021).

- 5 a) Before the development hereby permitted is first occupied, details of cycle parking including the type of stands, gaps between stands, location of cycle parking and type of stores to make a provision for a minimum of 39 cycle parking spaces (37 long stay and 2 short-stay) shall be submitted to and approved in writing by the Local Authority.

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards, in the interests of promoting cycling as a mode of transport and to safeguard the visual amenities of the building and surrounding area, in accordance with Barnet's Local Plan Policies CS NPPF, CS1 and CS9 of Core Strategy (Adopted) September 2012; Policies DM01 and DM17 of Development Management Policies (Adopted) September 2012; and Policy T5 of The London Plan (2021)

- 6 a) Prior to commencement development, a revised parking layout plan showing the location/dimension of the existing crossover and any modifications proposed, including reinstatement of any redundant crossovers to footway, shall be submitted to and approved in writing by the Local Planning Authority.

b) The details hereby approved under part a of this condition shall be implemented

and retained thereafter.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012; Policy DM17 of Development Management Policies (Adopted) September 2012); and policies T4 and T6 of the London Plan (2021).

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

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

- 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 , T4 and T7 of the London Plan 2021.

- 8 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of:
- (i) A Refuse and Recycling Collection Strategy and Service Management Plan, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service

provider,

(ii) Details of the enclosures, screened facilities, and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and

(iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; in the interest of highway safety; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and Policies D6, S17, T4 and T7 of the London Plan (2021).

9 a) The applicant shall enter a Section 278 legal Agreement with the Local Highways Authority to deliver off site highway improvement works within the vicinity of the site.

b) Prior to first occupation of the development, all off-site highway works approved under part a of this condition shall be completed and agreed by the Local Highways Authority in writing.

Reason: To ensure that the access is satisfactory in terms of highway safety and in accordance with Policy CS9 of Core Strategy (2012); Policy DM17 of Development Management Policies (2012); and Policies T2 and T4 of the London Plan (2021).

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

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

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012); Policy DM04 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016) ; and policy S1 13 of the London Plan (2021).

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

(b) Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.

Reason: To prevent any damage to nearby underground sewerage utility infrastructure in accordance with policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012); policy DM04 of the Managing Development Document (2012). Sustainable Design and Construction SPD (2016); and policy SI 13 of the London Plan (2021).

12 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the

Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016); and policy SD 1 of the London Plan (2021).

- 13 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

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

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

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

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

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the

Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policies D13 and D14 of the London Plan (2021).

- 16 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 generated 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).

- 17 a) No development other than demolition works shall take place on site until an overheating assessment, carried out by an approved consultant, which assesses the likely impacts of overheating within the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure the development would minimise the risk of the internal space of the dwellings overheating through design, layout, orientation, materials and incorporate of green infrastructure in accordance with policies CS5, CS12 and CS13 of the Local Plan Core Strategy (2012); DM01 and DM03 of the Development Management Document (2012); Sustainable Design and Construction SPD (2016); policies D3, D6, SI 2, and SI 4 of the London Plan (2021).

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

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

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

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

19 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.

20 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 policies DM04 and DM17 of the Development Management Policies DPD (2012). the Sustainable Design and Construction SPD (2016) and policies SI 1, SI 7, D14; T4, and T7 of the London Plan (2021).

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

The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012), policy DM04 of the Development Management Document (2012); and policy SI 5 of the London Plan (2021).

- 22 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 DM03 of the Development Management Policies Document (2012); and Policies D5 and D7 of the London Plan (2021).

- 23 a) Prior to occupation of the development, full details (including specification, location, and orientation) of biodiversity enhancement measures shall be submitted to and approved by the local planning authority. Biodiversity measures, shall include, but not limited to the following:

o Provision for 2 x no raised roof tile; 2 x no integrated bat roost boxes; 2 x no Woodstone bird nest boxes; 1 x no insect hotel; and 1 x no hedgehog house.

b) The ecological enhancement features shall be installed/constructed in accordance with details approved under part a of this condition and retained thereafter.

Reason: In the interest of preserving and promoting biodiversity onsite and ensure that any protected species present are not adversely affected by the development in accordance with policies CS5 and CS7 of the Local Plan Core Strategy (2012); policy DM16 of the Development Management Policies DPD (2012); the Sustainable Design and Construction SPD (adopted October 2016); and policy G6 of the London Plan (2021).

- 24 a) The development shall be implemented in accordance with the requirements, recommendations, and mitigation measures, including the timing of development works and special technique outlined below.

These precautionary measures shall include the following:

1) All site workers are to be briefed on of the current legislation protecting bats and their roosts, the precautionary measures to be undertaken when demolishing the building, and what to do in the unlikely event that a bat is discovered.

2) A precautionary approach will need to be adhered during the removal of the roof. Whereby the tiles and roof panels will be removed in a vertical rather than horizontal sliding motion. Roof timbers, leadwork, roofing felt, soffits and masonry are to be dismantled in line with best practice guidance as set out in Bat Mitigation Handbook, Mitchell et al. 2004).

b) In the event of any bats being discovered, the applicant must notify the Local Planning Authority in writing and all development works must cease immediately. A project Ecologist and/or Natural England must be contacted promptly as an appropriate licence will be required before the development (demolition and/or construction) works can resume onsite.

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

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

- 25 a) With three years post completion and occupation of the development, a bat monitoring plan shall be submitted to and approval by the Local Planning Authority in writing. The bat monitoring methodology shall be in accordance with best standard practice of the Bat surveys for Professional Ecologists: Good Practice Guidelines - Guidance for professionals - (2014, 3rd edition Bat Conservation Trust).
- b) The post development bat monitoring plan as approved under part a of this condition shall be implemented and retained thereafter.

Reason: In the interest of preserving biodiversity, and the protection of the bat population on adjacent trees, hedgerow, and/or woodlands in accordance with NPPS (2021); policies CS5 and CS7 of the Local Plan Core Strategy (2012); 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)

- 26 a) Prior to the occupation of the development, full details of a Low Impact Lighting Strategy within the site shall be submitted to and approved writing by the Local Planning Authority. Any artificial lighting scheme designed for development, including off street and onsite external lighting, shall be in accordance with Bats Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series.
- b) The details hereby approved under part a of this condition, shall be implemented, and retained thereafter.

Reason: In the interest of preserving biodiversity and to ensure that any protected species present are not adversely affected by the development in accordance with NPPS (2021); policies CS5 and CS7 of the Local Plan Core Strategy (2012); 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).

- 27 a) Should vegetation clearance works be carried out during the active bird nesting bird season (between March 1st to August 31st) a nesting bird check report shall be submitted to and approved in writing by the Local Planning Authority. Any active birds' nest discovered shall be protected by 5metre protective buffer is to be place around the nest(s) and shall be retained until such time until such time as the chicks have fledged.
- b) The development works shall be implemented in accordance with details approved under part a of this condition.

Reason: In the interest of preserving and promoting biodiversity onsite, and to ensure that any protected species present are not adversely affected by demolition and construction works in accordance Policy DM16 of the Local Plan Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy G6 of the London Plan

(2021).

28 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 Policies G5, G6 and G7 of the London Plan (2021).

29 a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long-term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012); and policies G5, G6 and G7 of the London Plan (2021).

30 a) Within 3 months of completion of the development, the applicant shall be awarded Secure by Design Accreditation, in consultation with the Metropolitan Police.

b) The development shall be carried out in accordance with security details and standards within the Secure by Design Accreditation and retained thereafter.

Reason: To ensure the development is safe and secure for future occupiers in accordance with policy CS5 of the Core Strategy (2012); policies DM01 and DM02 of the Development Management Document (2012); and policies D3, D4 and D8 of the London Plan (2021).

- 31 a) The development shall be installed with internal water sprinklers and retained thereafter.

Reason: In the interests of fire safety and to ensure the safety of all building users, in accordance with policy DM02 of the Management Development Document (2012); Barnet Supplementary Planning Document on Residential Design Standards (2016); and D12 of the London Plan.

32. a) Notwithstanding the Energy & Sustainability Report provided, a revised Energy and Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority, prior to first occupation of the development. The revised Energy and Sustainability Statement must demonstrate full compliance with the "Be Lean" energy targets set out in the London Plan (2021).

b) The development shall be carried out in accordance with the details approved under part a of this condition and retained thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of Policies DM01 and DM02 of the Barnet Development Management Policies document (2012); and Policies D6, SI 2, and SI 4 of the London Plan (2021).

33. The obscured glazing to windows as shown on drawing number's 961FR-PP1-03 and 961FR-PP1-04 shall be permanently fixed shut and retained thereafter.

Reason: To safeguard the privacy and amenities of occupiers of adjacent residential properties on Hoop Lane in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012); the Residential Design Guidance SPD (adopted October 2016); and Policies D3 and D6 of the London Plan (2021).

Informative(s):

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

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022

(<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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

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

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

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

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

- 3 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 4 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
 - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
 - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
 - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
 - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
 - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

- 5 The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.
- 6 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.

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

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

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed

as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

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

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

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

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

- 8 If a concrete lorry is operated from the public highway, then 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.

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.

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

- 10 Informative: - Biodiverse plantings and seeding
Soft landscaping should consist of 70/30 native grass to flowering plants to provide high quality habitat for pollinating insects including bees, butterflies. An example of a potential species rich meadow seeding mix includes Boston Seed Dual Purposed Wildflower Meadow Seed Mix BSXM 70/30 and for the amenity lawn Emorsate Seed Strong Lawn Grass Mixture EG22. A purpose-built wildlife friendly pond is advised to be created for the benefit of amphibians. Such a pond should ideally be shallow along the margins, planted with a variety of wetland emergent and submerged plant species and free of fish to encourage the presence of a diverse array of invertebrates and amphibians. For further details on the construction of wildlife ponds refer to Wildlife

ponds / RHS Gardening website.

Any proposed tree, hedgerows, and shrub planting should incorporate native species rich plantings and consist of native berry producing shrub species such as hawthorn, blackthorn, spindle, field maple, hazel, and hornbeam. A best practice approach would be to apply a '10-20-30' formula to develop a diverse tree/hedge population - no more than 10% of any species, 20% of any genus or 30% of any family. These species will provide ideal foraging and sheltering habitats for a variety of species including nesting birds, invertebrates, and foraging mammals.

Night scented plants should also be incorporated into a detailed planting schedule where feasible. An extensive list of suitable plant species can be found on the RHS advice page <https://www.rhs.org.uk/advice/pdfs/plants-for-bats.pdf>.

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 6th February 2024 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 to mitigate against the impact of the development. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012); the Planning Obligations SPD (adopted April 2013); and Policy DF1 of the London Plan (2021).

OFFICER'S ASSESSMENT

1. Site Description

The existing site contains a two-storey building, which is used as a Yeshiva or theological college for 14-18-year-old adults who are studying to become Rabbis. The current Yeshiva is attended by 75 students of whom 54 are day pupils and 21 are borders.

The property is located on the west side of Finchley Road close to the junction with Hoop Lane. The side boundary of 961 Finchley Road abuts the rear garden area of 40/42 Hoop Lane which runs through to the Finchley Road. 40/42 Hoop Lane is a pair of 1930's semi-detached houses which have been used as residential accommodation for students for the Yeshiva for the last 25 years.

Levels drop by 2m across the site which has enabled the creation of basement accommodation at 961 Finchley Road. The site has mature planting to the front and a number of self-seeded trees. The surrounding streets are predominantly residential although a number of the large properties in Finchley Road have been converted to commercial and educational uses.

The surrounding area is predominantly characterised by 2 to 4 storeys residential buildings, including family dwellings and flatted developments.

The site is located within an area with a Public Transport Accessibility Level (PTAL) rating of 6a, which is an excellent rating (on a scale of 1-6 which 1 is extremely poor at 6 is excellent).

The site is not located within a conservation area.

2. Site History

The most relevant planning history applicable to this subject site, relates to an associated site, also owned by the same applicant at land rear of sage court, 200-210 Golders Green Road.

Site at land rear of Sage Court, 200-210 Golders Green Road, London, NW11 9AQ

Ref no: 18/4689/FUL

Demolition of existing ambulance enclosure and removal of existing portacabins and sheds. Erection of a part single storey, part two-storey, part three-storey, part four-storey building to accommodate a Beit Midrash (Jewish study hall) and dormitory for students, including associated dining room. Associated alterations to hard and soft landscaping. Provision of 14no. parking spaces, 24no cycle storage, refuse and recycling storage.

Decision date: 17.01.2019

Decision: Approved subject to a S106 agreement

Ref no: 19/4108/S73

Variation of condition 1 (Plan Numbers) pursuant to planning permission 18/4689/FUL dated 17/01/2019 for `Demolition of existing ambulance enclosure and removal of existing portacabins and sheds. Erection of a part single storey, part two-storey, part three-storey, part four-storey building to accommodate a Beit Midrash (Jewish study hall) and dormitory for students, including associated dining room. Associated alterations to hard and soft landscaping. Provision of 14no. parking spaces, 24no cycle storage, refuse and recycling storage.`

Amendments

- Provision of an additional emergency escape stairs at third floor level, internal layout alterations, enlargement of the plant enclosure at roof level, provision of mansafe fall safety system to flat roofs, alterations to brickwork, minor increase of height.

Decision date: 06.01.2020

Decision: Approved subject to legal agreement.

Ref no 20/4059/S73

Description of development: Variation of condition 1 (approved plans) of planning permission 19/4108/S73 dated 29/01/2020 for `Variation of condition 1 (Plan Numbers) pursuant to planning permission 18/4689/FUL dated 17/01/2019 for `Demolition of existing ambulance enclosure and removal of existing portacabins and sheds. Erection of a part single storey, part two-storey, part three-storey, part four-storey building to accommodate a Beit Midrash (Jewish study hall) and dormitory for students, including associated dining room. Associated alterations to hard and soft landscaping. Provision of 14no. parking spaces, 24no cycle storage, refuse and recycling storage.`

Amendments

- Additional emergency escape doors to dining room, alterations to internal layout, amendments to windows. Curved roof over main hall, provision of timber pergola at rear garden, alterations to zinc cladding, minor amendments to the refuse enclosure

Decision: 19.02.2021

Decision: Approved subject to a legal agreement

Ref no: 22/5000/FUL

Description of development: Construction of a new part 2-storey, part 3-storey, part 4-storey Beit Midrash (Jewish study hall), dormitory for students and caretaker unit, including a basement level, 13no. off-street parking spaces and associated site works

Decision: Pending decision

Planning history at no 961 Finchley Road

Ref no: F/00157/12

Description of development: Extension to the time limit for implementing planning permission reference F/04644/08 granted 03/02/09 for Erection of part two, part three storey building for use as a residential college (Talmudical). Provision of car and cycle parking facilities.

Decision: Approval subject to conditions

Decision date: 13.04.2012

Ref no: F/04644/08

Description: Erection of part two, part three storey building for use as a residential college (Talmudical). Provision of car and cycle parking

Decision: Approved subject to conditions

Decision date: 15.01.2009

Ref no: C00599E/07

Description of development: Erection of part two, part three storey building for use as a residential college (Yeshiva) and use of 40-42 Hoop Lane for staff accommodation. Provision of car and cycle parking facilities.

Decision date: 05.12.2007

Decision: Refused

Reason for refusal:

1. The proposed development by reason of its intensity of use, design, siting, scale, massing and bulk would be visually dominant and out of character in the street scene detrimental to the visual and residential amenity of the occupiers in the street scene detrimental to the visual and residential amenity of the occupiers of adjoining properties.

Ref no: C00599

Description of development: Extension of extension of existing theological college

Decision date: 14.02.1966

Decision: Approved

Ref no: C00599A

Description: Erection and extension of theological college

Decision date: 3.8.1966

Decision: Approved

Ref no: C00599B
Description: Extension to theological college
Decision date: 6.1.1967
Decision: Approved

Ref no: C00599C
Description: Formation of rooms in roof and dormer windows at front and rear
Decision date: 09.05.1973
Decision: Approved

Ref no: C00599D
Description: Two storey rear extension, enlarging lecture hall at ground floor and dining hall at basement
Decision date: 19.01.1977

3. Proposal

The proposal is for the demolition of existing school and erection of a four-storey building to provide 19 self-contained residential flats (comprising of 3 x 1 no bed units; 11 x no 2 bed units & 5 x no 3 bed units).

The proposal makes provision for 300sqm of communal open space and 30sqm of designated child play area at ground level. 3 x no. car parking spaces (one disabled space) and 36no long stay cycle spaces; and 4 x short term cycle parking for visitors near the entrance are provided onsite.

This proposal is sought to be linked to the Yeshiva site in Golders Green Road (Rear Of Sage Court, 200-210 Golders Green Road, London, NW11 9AQ) to ensure re-provision of educational floor space. This would be secured by way of a planning condition, and obligation within a Section 106 Agreement.

4. Public Consultation

Consultation letters were sent to 254 neighbouring properties on 16.11.2021; advertised onsite on 04.11.2021, and in the Barnet Times 02.22.2021.

8 responses have been received, in objection to the proposed development.

The representations received can be summarised as follows:

- Excessive form of development; overdevelopment of the site.
- Out of character with the local area
- Inadequate provision for soft landscaping in communal areas
- Development may not meet building Regulation and Fire Safety standards.
- Overdevelopment of the site, excessive density
- Lack of public benefits or improvement to local communities
- Loss of daylight sunlight and privacy to neighbouring properties and gardens
- Would undue noise distance to the locality.
- Add to increase pressure on existing local amenities and services.
- Lack of onsite car parking spaces propose, resulting in additional pressure on the very limited parking available on these two roads.

- The proposal would be occupied by students, which would potentially result in noise disturbance to local residents.

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

Statutory Consultee comments

Thames Water

Thames Water do not raise any formal objections subject to the following condition:

- 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. This is to ensure the proposal does not have a harmful to the local underground sewerage utility infrastructure.

(Officer comment: The above would be secured by way of planning condition).

Local Lead Flood Authority

The applicant is required to submit a detailed Flood Risk Assessment and Sustainable Urban Drainage Strategy (SuDS) to be submitted to and approved by the Local Planning Authority and implemented thereafter. This would be secured by way of a planning condition to ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development.

(Officer comment: This would be secured by way of a planning condition).

LBB Highways

LBB Highways do not object to the proposed development subject to the following conditions and obligation within a legal agreement:

Conditions

- A revised parking layout plan showing the location/dimension of the existing crossover and any modifications proposed, including reinstatement of any redundant crossovers to footway.
- Details of cycle parking including the type of stands, gaps between stands, location of cycle parking
- Demolition and Construction Management and Logistics Plan
- Details of Refuse and recycling storage arrangements
- Section 278 legal Agreement to deliver off site highway improvement works.

(Officer comment: The above would be secured by way of planning conditions).

The applicant would be required to enter into a s184 licence from the Council for any works on the public highway.

(Officer comment: This requirement is covered under Highways legislation)

Section 106 Agreement

The site is located within a Controlled Parking Zone. LBB Highways would encourage the applicant to enter into a S106 Agreement to Restrict future occupiers on the development for applying for off street car parking permits within the vicinity of the site, so as not to disadvantage or prejudice existing permit holders, and to encourage sustainable and active modes of travel for future occupiers

(Officers comment: LBB Highways team have confirmed such obligation cannot be insisted upon, and they are satisfied the applicants Parking Survey demonstrates sufficient availability for on street parking spaces within 200 metres of the site, As such, the recommendation does not include a requirement for a “Car Free” Agreement.

LBB Streetscene

This proposed bin (refuse and recycling) storage arrangement is acceptable.

Secure by Design/Metropolitan Police

Metropolitan Police do not object to this proposal subject to the applicant being awarded Secure by Design Accreditation, in consultation with the Metropolitan Police, to ensure the development is safe and secure for future occupiers onsite.

(Officer comment: This would be secured by way of a planning condition).

LBB Environmental Health

LBB Environmental Health do not raise any formal objections subject to the following conditions:

- Demolition and Construction Method Statement
- Air quality mitigation measures
- Impact of noise from development
- Restriction noise from plant
- Impact of noise from plant room, ventilation and extraction plant on development
- Insulation against internally/externally generated noise
- Overheating assessment

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

LBB Ecology

Based on the findings of the two reports no further survey will be required prior to determination as no bats were found to be roosting within the building. Given the small number of passing common pipistrelle surrounding the house any artificial lighting scheme for the property will need to be compliant with Bats Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series to limit the risk of artificial lighting on commuting bats.

The proposed development is acceptable subject to the following conditions:

- Provision of biodiversity enhancement
- Precautionary soft stripping of building to protect Bat population,
- Bat Monitoring Management Plan
- Low impact lighting to protect Bat population.
- Protection of nesting birds.

(Officer comment: The above would be secured by way of planning conditions).

LBB Energy and Sustainability

LBB Energy and Sustainability Officer has reviewed the submitted Energy and Statement Reports are conformed they are acceptable subject to the following conditions and financial contribution to be secured within a Section 106 Agreement:

Condition

- Prior to occupation, a revised Energy and Sustainability Statement to demonstrate "Be Lean" London plan targets are met.

Section 106 contribution

- £73,216.50 contribution towards off site carbon savings to achieve net-zero carbon emissions.

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) 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 follows:

- D1 London's form, character and capacity for growth
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D8 Public realm
- D10 Basement Development
- D11 Safety, security and resilience to emergency
- D12 Fire Safety
- D13 Agent of change
- D14 Noise
- H1 Increase Housing Supply
- H4 Delivering affordable housing
- H6 Affordable housing tenure
- H7 Monitoring of Affordable Housing
- H10 Housing size mix
- S3 Education and childcare facilities
- S4 Play and informal recreation
- SI 1 Improving air quality
- S1 2 Minimising greenhouse gas emissions
- S1 3 Energy Infrastructure
- S1 4 Managing Heat Risk
- S1 5 Water Infrastructure
- S1 8 Waste capacity and net waste self sufficiency
- SI 12 Flood Risk Management
- T1 Strategic approach to transport
- T3 Transport capacity, connectivity and safeguarding

T4 Assessing and mitigating transport impact
T5 Cycling
T6 Car parking
S3 Education and Childcare facilities
S4 Play and informal recreation

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.

Core Strategy (2012)

Relevant policies

Policy CS NPPF National Planning Policy Framework
CS3 Distribution of growth in meeting housing aspirations
CS4 Providing quality homes and Housing choice in Barnet
CS5 Protecting and enhancing Barnet's character to create high quality places
CS9 Providing safe, efficient, and effective travel
CS10 Enhancing inclusive integrated Community facilities and uses
CS14 Dealing with our waste

Development Management Document (2012)

Relevant policies

DM01 Protecting Barnet's Character and amenity
DM02 Development standards
DM03 Accessibility and inclusive design
DM04 Environmental considerations for development
DM08 Ensuring a variety of sizes of homes to meet housing need
DM10 Affordable housing contributions
DM13 Community and education uses
DM16 Biodiversity
DM17 Travel Impact and parking standards

Supplementary Planning Documents

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle on the acceptability of the loss of an educational use and redevelopment onsite to provide residential development;
- Whether harm would be caused to the character and appearance of the site; the streetscene and the local area;
- Standard of accommodation
- Impacts the amenity of neighbouring properties;
- Impacts on the local highway; and
- Energy and Sustainability

5.3 Assessment of proposals

Principle of the proposed demolition of the existing building onsite

Policy S3 of the London Plan seeks to ensure there is a sufficient supply of good quality education and childcare facilities to meet demand and offer educational choice. Development proposals should ensure that there is no net loss of education or childcare facilities, unless it can be demonstrated that there is no ongoing or future need. Similarly, policy DM13 of the Local Plan states that "loss of community or educational use will only be acceptable in exceptional circumstances where the new Community or education use of at least equivalent quality and quantity are provided on the site or at a suitable alternative location; or there is no demand for continued community use, and that the site has been marketed effectively for such use; or the proposal includes a new community of education use.

New Community or educational uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres, and that new Community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety.

The proposed results in the loss of the education use onsite, which in isolation of other matters would be deemed unacceptable. However, when assessing the loss of the educational facility onsite, it is necessary to understand the planning history of a different site which is owned by the same applicant. The site is known as rear of Sage Court 200-210 Golders Green Road.

At present, this site is currently occupied by a series of ambulance enclosures. On 17.01.2019, planning permission was granted for the "Demolition of existing. An ambulance enclosure and removal of existing portacabins and sheds. Erection of a part single storey, part two-storey, part three-storey, part four-storey building to accommodate a Beit Midrash (Jewish study hall) and dormitory for students, including associated dining room. Associated alterations to hard and soft landscaping. Provision of 14no. parking spaces, 24no cycle storage, refuse and recycling storage" (Ref no: 18/4689/FUL). This decision was subject to conditions and Section 106 Agreement. There have been two subject S73 application, to make minor alterations to this original planning consent (ref no's: 19/4108/S73 and ref no: 20/4059/S73).

The approved educational facility on the associated site at rear of Sage Court 200-210 Golders Green Road is of a larger school, which is of superior design quality than the existing school on this subject site.

Officers are advised that both sites are owned by the same landowner. This planning application is linked to the Yeshiva site in Golders Green Road (Rear of Sage Court, 200-210 Golders Green Road, London, NW11 9AQ) to ensure re-provision of educational floor space at the Yeshiva site. The overall floor area of the existing building onsite at 961 Finchley Road is 534sqm; and the overall floor area of the school building to be re-provided at the associated linked site is 3155sqm (Rear of Sage Court, 200-210 Golders Green Road, NW11 9AQ). As such, there would uplift of approximately 2621sqm of education floorspace, which is welcomed by Officers.

The planning mechanism to re-provide the school would be secured within a Section 106 Agreement to ensure the Beit Midrash (Jewish study hall) and dormitory for students as approved at the linked site and is delivered. The S106 will ensure that:

“Prior to commencement of demolition works onsite, the re-provision (a total of 3155sqm in floorspace) of a school to include a Beit Midrash, dormitory for students, and dining room areas as approved under planning ref no's: 18/4689/FUL; 19/4108/S73; 20/4059/S73 and any future planning application(s) at linked site known as "Rear Of Sage Court, 200-210 Golders Green Road, NW11 9AQ", must be fully constructed and in operational use to ensure that an education use building is re-provided” . .

Subject to the completion of a legal agreement, the principle of residential development would be considered acceptable onsite as discussed below.

Principle of residential use onsite

Paragraph 11 of the NPPF outlines the presumption in favour of Sustainable development where for decision- taking this means approving development proposals that accord with an up-to-date development plan without delay. The use of developed (or previously developed land) to provide new high-quality homes in supported by adopted and local and national policies.

The London Plan (2021) identifies a need for 23,640 new homes in LBB between 2019/20 and 2028/29. To help achieve this the target net completions on small sites is 4,340 in the same time period.

Policy CS 1 of the Barnet Core Strategy (2012) outlines the strategic approach required to provide the required number of new homes over the plan period. The target at the time of adoption of the Core Strategy was circa 28,000 homes between 2011/12 and 2025/26.

The surrounding area is predominately characterised by residential development. As such, the principle of an element of residential development, subject to material planning considerations. The proposal would assist in the delivery of much needed housing within the Borough and assist in meeting the Councils housing targets as set out in the CS4 and DM08 of the Local Plan (2012) and H01 & H10 of the London Plan (2021).

Housing matters, including dwelling mix; affordable housing; and quality of accommodation are discussed in further section within this report.

Design- Impact on the Character of the Area

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

The Councils adopted Supplementary Planning Documents Residential Design Guidance SPD (2016) specifically sets out requirements for roof top extension and dormer windows

and information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority sets out.

Height

The existing property onsite was originally a pair of two storey semi-detached houses extended over a number of years including the creation of a semi basement, rooms within the roof (via the addition of dormers to the front and rear roof slopes) and a two-storey flat roofed side extension. The surrounding area is predominantly characterised by 2 to 4 storeys residential buildings, including single family dwellings and flatted developments.

Although the neighbouring houses are two stories in height, the proposed height would be four storeys in height (2 storey plus roof)and would follow the same height as the tallest element of the previously approved development onsite. The proposal matches the roof ridge height of the neighbouring property at no 959 Finchley Road. Moreover, the proposed front elevation would not be highly visible from the streetscene and therefore sits comfortably within its plot, justifiable on townscape terms. Overall, the proposed height of the building is in keeping with the existing and emerging character of the local area.

Bulk, massing and appearance

The proposal is contemporary in appearance, shape, and materiality, including a glazed feature on the front elevation and the glazed roofing reducing the perception of bulk and massing, whilst also adding visual interest to the street scene. The front elevation reads as two separate buildings, separated by a full height glazing element located centrally on this elevation. This feature provides natural light and ventilation to internal circulation areas including the lobby area; corridors and hallway areas. In addition, this feature serves to reduce the overall length and bulk of the development. Moreover, the proposed setback to the main building lines at the front elevation serves to reduce the overall massing. Moreover, the proposed fenestration pattern provides symmetry and continuity across all elevations.

The proposal includes 9 x no dormer windows (four on the rear elevation; and five across the side elevations). All dormer windows are of appropriate size and well positioned to the centre of the roofslope. This provides a degree of uniformity and continuity to the form. Moreover, the 10 x Velux rooflights proposed (five to the front elevation; and five across the side elevations) are also suitably located to ensure the roof remain a subordinate feature to the development.

All elevations are well articulated with a variety of permeable and durable materials, which include red bricks; timber effect and zinc cladding; aluminium windows; glass balustrades and clay roof tiles. The use of a selection of robust materials would enhance different features and elements on the elevations separately, therefore adding to the overall design quality of the development. The applicant would be required to submit full specifications of all materials to the Local Planning Authority, prior to the commencement of works onsite. This is secured by way of a planning condition.

Overall, the proposal would contribute positively to the streetscene and is respectful of the existing character and appearance of the area.

Impact on Amenity of future occupiers/ Quality of accommodation

Dwelling mix

Policy H10 of the London Plan (2021) and policy DM08 relates to dwelling mix and requires all new residential development to provide a mix of dwelling sizes and types to cater for a range of housing needs in the area. In particular, LBB set a dwelling size mix requirement for new development in the borough with homes of 3 bedroom or more the priority, as there is growing a need and demand for 3 bed plus residential units within the Borough,

In recent years, 2 bed (4 person) units are increasingly considered to provide suitable accommodation for families and indeed, there is growing demand for this form of family accommodation, as evidenced with the Council's Strategic Housing Needs Assessment.

The proposal would make provision for 3 x 1 bed; 12 x 2 bed (of which three of these units are suitable for 4-person occupation) and 5 x 3-bedroom units. As such, the proposal makes provision for 8 x units which are suitable for family occupation. This equates to 42% of the total number of units proposed, which is substantial. The proposed dwelling mix would therefore assist with the delivery of much need family sized accommodation within the Borough, which is in accordance with policy, and welcomed by Officers.

Affordable housing

Policies H4 and H6 of the London Plan (2021); and policy DM10 (Affordable Housing Contributions) outlines that sites providing 10 or more units should have regard to the borough-wide target that 40% of housing provision should be affordable. Policy CS4 (Providing Quality Homes and Housing Choice in Barnet) supplements this through seeking an appropriate mix of affordable housing. It underlines that 60% of affordable housing should be social rented and 40% should be intermediate rent.

A Financial Viability Assessment (FVA) has been prepared by the applicant and is included within the planning application submission. The viability has been assessed using an industry standard methodology which compares the residual land value against the Site value benchmark. The FVA demonstrates the scheme cannot currently support affordable housing on site. Further, the delivery of the proposed 19 x no private units is necessary to generate sufficient funds to enable the delivery of the education facility at the linked neighbouring site.

The applicant's Affordable Housing Viability Assessment has been independently reviewed by a consultant appointed by the LPA, together with the LPA's Development Viability Officer. Following a rigorous assessment to test the viability of the scheme for its deliverability and provision of affordable homes., it was concluded that the proposal cannot deliver onsite affordable housing as to do so would compromise the viability and deliverability of the scheme at this time. Notwithstanding, an offsite affordable Housing contribution (payment in lieu of onsite affordable housing) of £100,000, with early and large stage Viability review mechanism would be secured in a Section 106 Agreement.

An early stage would be undertaken should an agreed level on progress on implementation is not made within two years of the permission being granted or agreed by the Local Planning Authority in writing. A late review would be required on disposal of 75% of the units onsite. These mechanisms enable the Council to revisit the viability of the scheme, which could potentially secure a financial contribution towards offsite affordable housing should viability improve at the early and late review stages. The basis for the reviews would reflect the current output of the agreed Financial modelled between the applicant and the Council.

Room size standards and layouts

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

Housing standards are set out in the Nationally Described Space Standards (NDSS), policy D6 of the London Plan (2021); and London Housing SPG and Barnet's Sustainable Design and Construction SPD.

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

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

The development would deliver a high standard of residential accommodation for future occupiers. All proposed units are dual aspect and benefit from a minimum of 2.5m internal ceiling heights. The proposed west facing dormer windows (4 x bedroom windows in total) at roof level would be obscured and fixed shut at all times to prevent overlooking to rear of properties on Hoop Lane directly facing the development. Notwithstanding, these are secondary windows provide additional natural light to these rooms. Future occupier would enjoy good north or south facing outlook from the primary clear glazed windows within these respective bedrooms. All units would receive good outlook and would not experience undue overlooking or loss of privacy from nearby properties.

The applicant has undertaken a Daylight and Sunlight Assessment, which demonstrate that all the proposed habitable rooms within the scheme would achieve daylight and sunlight levels in accordance with BRE Guidance, and in accordance with policy.

Further, all units proposed meet or exceed minimum room standards, as detailed below:

2bed (3 person)	Policy Requirement 61m ²	Proposed 67m ²
3bed (5 person)	Policy Requirement 86m ²	Proposed 90m ²
1bed (2 person)	Policy Requirement 50m ²	Proposed 59m ²
3 bed (4 person)	Policy Requirement 74m ²	Proposed 85m ²
2bed (3 person)	Policy Requirement 61m ²	Proposed 63m ²
2 bed(3 person)	Policy Requirement 61m ²	Proposed 67m ²
3bed (5 person)	Policy Requirement 86m ²	Proposed 90m ²
1bed (2 person)	Policy Requirement 50m ²	Proposed 59m ²
2bed (4 person)	Policy Requirement 70m ²	Proposed 85m ²
2bed (3 person)	Policy Requirement 61m ²	Proposed 68m ²
2bed (3 person)	Policy Requirement 61m ²	Proposed 67m ²
3bed (5 person)	Policy Requirement 86m ²	Proposed 90m ²
1 bed (2 person)	Policy Requirement 50m ²	Proposed 59m ²
2 bed (4 person)	Policy Requirement 70m ²	Proposed 85m ²
2 bed (3 person)	Policy Requirement 61m ²	Proposed 68m ²
2 bed (3 person)	Policy Requirement 61m ²	Proposed 67m ²
3 bed (6 person)	Policy Requirement 95m ²	Proposed 96m ²
2 bed (4 person)	Policy Requirement 70m ²	Proposed 84m ²
2 bed (3 person)	Policy Requirement 61m ²	Proposed 62m ²

The internal layouts of the proposed flats and communal circulation areas allow for sufficient passages / width and door thresholds to meet the requirements of Part M4: 10% of the dwellings meet Part M4(3) of the Building Regulations and the remaining 90% of units meet Part M4(2) of the Building Regulations. A passenger lift is included as part of the design, and access to the building is step-free from the pavement.

Private amenity space

The Council's adopted Supplementary Planning Document entitled Residential Design Guidance requires the provision of a 5 sqm (minimum) of amenity space for each habitable room for flats. The Council's adopted Supplementary Planning Document entitled Residential Design Guidance requires the provision of a 5 sqm (minimum) of amenity space for each habitable room for flats.

The adopted policy and proposed provision for private amenity space is as follows:

2bed (3 person)	Policy Requirement 20sqm	Proposed 70sqm
3bed (5 person)	Policy Requirement 25sqm	Proposed 125sqm
1bed (2 person)	Policy Requirement 15sqm	Proposed 95sqm
3bed (4 person)	Policy Requirement 25sqm	Proposed 77sqm
2bed (3 person)	Policy Requirement 20sqm	Proposed 65sqm
2 bed(3 person)	Policy Requirement 20sqm	Proposed 0sqm
3bed (5 person)	Policy Requirement 25sqm	Proposed 0sqm
1bed (2 person)	Policy Requirement 15sqm	Proposed 0sqm
2bed (4 person)	Policy Requirement 20sqm	Proposed 0sqm
2bed (3 person)	Policy Requirement 20sqm	Proposed 0sqm
2bed (3 person)	Policy Requirement 20sqm	Proposed 0sqm
3bed (5 person)	Policy Requirement 25sqm	Proposed 0sqm
1bed (2 person)	Policy Requirement 15sqm	Proposed 0sqm
2bed (4 person)	Policy Requirement 20sqm	Proposed 0sqm
2bed (3 person)	Policy Requirement 15sqm	Proposed 5sqm
3bed (6 person)	Policy Requirement 25sqm	Proposed 0sqm
2bed (4 person)	Policy Requirement 25sqm	Proposed 0sqm
2bed (3 person)	Policy Requirement 15sqm	Proposed 5sqm

The total policy requirement of private amenity space across the development would be 360sqm, and the total amount of private amenity space across the development amounts to 442sqm.

Whilst the majority of the proposed units do not have access to private amenity area, the proposal provides large private amenity areas to ground floor units which greatly exceed minimum requirements. The proposed under provision of private amenity space is offset by 300sqm of communal amenity space at ground level and 20sqm designated child play area. The communal area is well located on the site, and it should provide good quality amenity space, and would not suffer from unnecessary shadowing, and thereby would be genuinely usable space.

A scheme of hard and soft landscaping would be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development. This would be secured by way of a planning condition.

Impact on Amenity of neighbouring occupiers

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

Policy D6 of the London Plan "Housing Quality and Standards" states that "d". The design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding heating minimising, overshadowing and maximising the usability of outside amenity space.

Daylight Assessment

The BRE Guidance's state that the main rooms should be tested, this would include living rooms, dining rooms, kitchens and bedrooms.

Vertical Sky Component (VSC)

The VSC calculation is the ratio of the direct sky illuminance falling on the outside of a window, to the simultaneous horizontal illuminance under an unobstructed sky. The standard CIE Overcast Sky is used, and the ratio is expressed as a percentage. For a window to be considered as having a reasonable amount of skylight reaching it, the BRE Guidance suggests that a minimum VSC value of 27% should be achieved. When assessing the impact of a new development on an existing building the BRE Guidelines sets out the following requirements:

If the VSC with the new development in place is both less than 27% and less than 0.8 times its former value, then the reduction in light to the window is likely to be noticeable. This means that a reduction in the VSC value of up to 20% its former value would be acceptable and thus the impact would be considered negligible.

No Sky Line

The NSL, or sometimes referred to as No Sky View method, describes the distribution of daylight within rooms by calculating the area of the "working plane", which can receive a direct view of the sky. When assessing the potential impacts in the daylight available to the neighbouring properties, the BRE Guidance states that if the area within a room receiving direct skylight is reduced by less than 0.8 following the construction of a new development, the impact will be noticeable to the occupants. This is also true if the NSL encroaches onto key areas like kitchen sinks and workshops.

Sunlight (Annual Probable Sunlight Hours)

Annual probable sunlight hours (APSH) is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation. North facing windows may receive sunlight on only a handful of occasions in a year, and windows facing eastwards or westwards will only receive sunlight for some of the day. The BRE guidance states that only windows with an orientation within 90 degrees of south need be assessed. Annual Probable Sun Hours (APSH) represents the sunlight that a given window may expect over a year period. APSH is expressed as the percentage of direct sunlight hours divided by number of hours when sky was clear with sun.

Impact on neighbouring properties

The applicant submitted a Daylight and Sunlight report, which assess the impact the proposed would have on the nearby properties located on no Finchley road, to the north and south of the site; to properties on the opposite side of the road to the east on Finchley road, and properties to the west on Hoop Lane.

The windows with aspect to, and closest distance to the development are:

- Existing windows located at the side of 959 Finchley Road, facing the proposed development.
- Existing Windows located on at the rear of 959 Finchley Road, facing their back garden.

Due to the location of the building (having a significant garden area around it and thus nearby buildings being a bit far, (as well as the orientation), very few buildings and windows are going to be impacted in terms of daylight. The existing windows side to no 959 Finchley Road, facing the proposed Development, and the existing rear windows to no 959 Finchley Road, facing their back garden, would continue to receive daylight levels in accordance with standards set out within the BRE Guidance.

All windows that face within 90 degrees of due south have been tested for direct sunlight. All windows pass both the total annual sunlight hours test and the winter sunlight hours test. The proposed development therefore satisfies the BRE direct sunlight to windows requirements.

Impact on properties the opposite side of the road on Finchley Road (to the east of the site) and properties and rear gardens at Hoop Lane (to the west of the site)

BRE Guidance stipulates that:

- If any part of a new building or, measured in a vertical section perpendicular to a main window wall of an existing neighbouring building, from the centre of the lowest window, subtends an angle of more than 25 degree to the horizontal, then it is unlikely to have a substantial effect on the existing enjoyed by the existing building.

-If a living room of neighbouring property has a main window facing within 90° of due south, and any part of a new development subtends an angle of less than 25 degree, the neighbouring would continue to receive acceptable. sunlight.

As per the recommendations of the BRE Guidance, the 25-degree line was tested for nearby windows that were located within distance to determine whether the proposed development lies below this 25-degree line. The applicant's assessment concludes that "the properties located on the opposite side of the road on Finchley Road are far enough so that a 25-degree plane from the middle of the ground floor windows is above the proposed development. In other words, the proposed development is entirely below the 25-degree line and hence for all these windows it is unlikely that there would be a harmful impact on existing windows on these properties, as suggested by the BRE guide". Further, the assessment concludes that properties texted at 40-42 Hoop Lane (to the west of the site) also meets this set.

Privacy

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

There are no clear glazed window proposed within 21 metres of neighbouring habitable room windows or within 10.5 metres of neighbouring gardens to ensure the proposal would not result in loss of privacy to these properties. As such, the proposal would not result in undue overlooking to neighbouring habitable room windows or residential amenity space as there would be no direct intervisibility between habitable rooms.

The proposed west facing windows on the upper floors with aspect to neighbouring properties on Hoop Lane are secondary windows to habitable rooms and/or bathrooms and would be obscured and fixed shut to ensure to prevent overlooking to rear gardens on Hoop Lane.

Impact on local highway

The road fronting the application site is Finchley Road (A598), a major north-south route through the borough. This section of Finchley Road is mainly residential in nature and the site is in a CPZ that operates (Mon - Fri, 11am - midday). There are single yellow lines which operate between Mon-Fri, 4pm-7pm in front of the site and on the opposite of the road, the restrictions are in force from 7am-10am. The site lies within an area with a PTAL rating of 6a (excellent) on a scale of 1 to 6, where 1 denotes poor, and 6 denotes excellent accessibility to public transport. There are 13 bus routes which can be accessed from stops within 8 minutes walking distance of the site and the closest bus stop served by routes 13, 103, 460 is directly in front of the site. Golders Green tube station is within 8 minutes walking distance of the site.

Car parking

London Plan (car parking standards for residential developments).

Policy T6.1 of the London Plan (2021) sets out the following car parking provision requirement for residential units. No onsite car parking is required to site location within PTAL 5-6.

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

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

Based on Policy T6 of the London Plan (2021), the proposal is not required to make provision for onsite car parking spaces. Based on policy DM 17 of the Local Plan (2021), the proposal would generate a car parking requirement for approximately 16 car parking spaces.

The proposal makes provision for 3 x no car parking spaces onsite, including one disabled car park space. Up to 13 vehicles could be displaced on-street. The applicant submitted a Car Parking survey to determine whether there would be sufficient on street car parking spaces within a 200metre radius of the site to accommodate for additional overspill of off street car parking spaces. The results showed that there were 41 vehicles parked, and 44 spaces were available within a 200 metres distance of the site, which is accepted by the Local Highway Authority.

Although Officers are satisfied the applicants Parking Survey demonstrates sufficient availability for on street parking spaces within 200 metres of the site, the Local Highways Authority recommends an obligation within a Section 106 to restrict future occupiers from applying for car parking so not to disadvantage or prejudice existing permit holders, and to encourage sustainable and active modes of travel for future occupiers. Notwithstanding, the Local Highways Authority also advise that imposing such restriction, cannot be insisted upon, and the applicant is unwilling to enter into a "Car free" Agreement, as there is no legal requirement for them to do so. As such, a reason for refusal on this ground could not be sustained.

The following would be secured by way of planning conditions:

- A revised parking layout plan showing the location/dimension of the existing crossover and any modifications proposed, including reinstatement of any redundant crossovers to footway, shall be submitted to and approved in writing by the Local Planning Authority. This is to ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic.

Cycle storage

Secure cycle parking would be required for any additional units onsite in accordance with the following standards set out in policy 6.3 (Cycling) of the London Plan (2016):

- 1 cycle space for each studio and 1-bedroom units;
- 2 cycle spaces each 2-, 3- and 4-bedroom units

In accordance with policy, the development requires a minimum of 37 long stay and 2 short stay cycle spaces. The proposal makes provision for 36 x no long stay and 4 short stay cycle spaces which is considered acceptable. Out of the total number of cycle spaces required, 5% should be designed to accommodate larger bicycles. Long-stay cycle parking needs to be provided in a covered, sheltered, secure, lockable, and enclosed environment while short stay cycle parking needs to be in a covered, secure, and lockable environment. The type of stands used must allow both wheels and the frame of the bicycle to be locked and retained thereafter. . Further details of cycle parking are therefore required, which would be secured by way of a planning condition, in accordance with policy T5 of the London Plan (2021). This would be secure by way of a planning condition ensure that adequate and satisfactory provision is made for the parking of bicycles onsite in the interests of highway safety and to promote sustainable modes of transport.

Servicing arrangements

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

The proposal provides the location of the refuse and recycling storage area, to be located at ground floor level. The applicant is advised that bin storage location must be within the 10m drag distance from the proposed refuse and recycling storage area. Notwithstanding the details submitted with the application and otherwise hereby approved, the applicant would be required to submit details of A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider. This would include plans showing satisfactory points of collection for refuse and recycling. This would be secured by way of a planning condition to ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities within the vicinity of the site.

Energy and Sustainability

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

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

The applicant's Energy and Sustainability Assessment outlines the development's approach to energy efficiency, energy use and carbon reduction. The approach taken aligns with that of the London Plan (2016 and GLA Guidance 2020) and Barnet's Local Plan. The site achieves an CO2 emissions reduction beyond Part L of Building Regulations of 63.1%, exceeding the London Plan's target of 35% improvement. The London Plan target for the Be Lean (energy efficiency) aspect, for non-dwellings, is 15%. LBB Energy Officer has reviewed the Energy and Sustainability Strategy and confirm that appropriate measures to maximise energy efficiency have been applied. The development has energy efficiency in its design and has provided details of energy efficiency values that go beyond Part L requirements, The proposed design is predicted to meet the BREEAM 'Very Good' requirement.

The required Zero-carbon emissions target can also be achieved through a cash in lieu contribution of £73, 216.50 to the borough's carbon offset fund. This would be secured in a Section 106 Agreement.

Overheating Assessment

The proposed does provide a good standard of accommodate for all 11 x no residential units proposed, which is supported by Officers and discussed within the report. Notwithstanding, the applicant would be required to undertake a Summertime Overheating Assessment to determine whether the proposed development would minimise the risk of the dwellings

overheating in extreme heat conditions, through design, layout, orientation, and materials proposed, in accordance with Building Regulation Requirements.

The report would assess the likely impacts of overheating within the development and propose mitigation measures to minimise risk. For example, mitigation measures can include the installation of external mechanical ventilation; inclusion of external shading to bedrooms to alleviate potential for overheating bedrooms at night in extreme heat conditions; the installation of external solar shading to upper floor balconies and terraces to create a more usable areas during extreme heat conditions, whilst also providing better thermal comfort within the dwellings. The Overheating Assessment would be secured by way of a planning condition to ensure the development would minimise the risk of overheating to internal space with all dwellings in accordance with policies CS5, CS12 and CS13 of the Local Plan Core Strategy (2012); DM01 and DM03 of the Development Management Document (2012); Sustainable Design and Construction SPD (2016); and Policies D3, D6, SI 2, and SI 4 of the London Plan (2021).

5.4 Response to Public Consultation

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

- The proposal would result in the loss of daylight; sunlight and privacy; and result in overshadowing to neighbouring properties.

(Officer comment: The applicant has undertaken a Daylight and Sunlight Report to assess the impacts the proposal surrounding residential properties as discussed within the report. In line with the assessment criteria prescribed by the BRE Guidelines, it has been shown that the reduction in daylighting to the windows and rooms to the majority of the existing neighbouring buildings would be within the acceptable limits set out within the BRE Guidelines. Although a small number of windows to habitable would experience a potential "reduction", the mitigating circumstances have been explored in each case. Given the site constraints and the urban context of the site, a reason for refusal based on the loss of daylight and sunlight to neighbouring properties could not be sustained).

The proposal would not result in overlooking or loss of privacy as discussed within the report).

- The scale of development is excessive.

(Officer comment: The proposed development follows the height of the previously approved development onsite in 2009 and 2012. Further, within the wider local area, there are examples of four storey developments. The proposed front elevation would not be highly visible from the streetscene. The proposed scale and contemporary design approach to the site would not be out of character with the immediate area generally. The scale of development sits comfortably within this plot of land).

- Overdevelopment and over intensification of the site.

(Officer comment: It is considered that the proposed density is suitable for this site, and the overall design ensures that the proposal would not present any symptoms associated with overdevelopment of the site, such as sub-standard accommodation, inadequate daylight, sunlight levels, poor outlook, and privacy to future occupiers and/or loss of amenity to existing residential properties).

- Increase car parking- put pressure on the local highway safety; exacerbate problems associated with congestion.

(Officer comment: LBB Highways team do not consider that the proposal, would unduly exacerbate the existing problems associated with congestion on the local highway. LBB Highways have recommended a list of planning conditions to mitigate against the impact on highway safety as set out with the recommendation section of this report).

- Lack of public benefits or improvement to local communities

(Officer comment: The proposal makes provision for 8 x no units which are suitable for family occupation, which is a benefit to the community, as it would assist with the delivery of much sought after family sized accommodation within the Borough.

Further, the applicant would be required to make appropriate Levy payments towards local social infrastructure such as schools; local sports facilities; and doctors' surgeries to mitigate against the impact it would have on existing facilities, in accordance with Community Infrastructure Levy (CIL) requirements and regulations. The CIL is a planning charge that Local Authorities and the Mayor of London set on new development to help pay for community infrastructure).

- The proposed development would result in undue noise disturbance to existing neighbouring properties.

(Officer comment: With reference to concerns relating to noise disturbance specifically relating to the structure of the building, sound insulation is a matter adequately addressed by the Building Regulations. LBB Environmental Health do not object to the proposed development, subject to conditions set out within this report to protect both existing local residents and future occupiers against undue noise pollution).

- Increase Dust and Air Pollution

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

All representations received were fully considered and assessed during the decision-making process, prior to reaching Officers recommendation to approve this planning application, subject to conditions and planning contributions secured in a legal agreement to mitigate against the development.

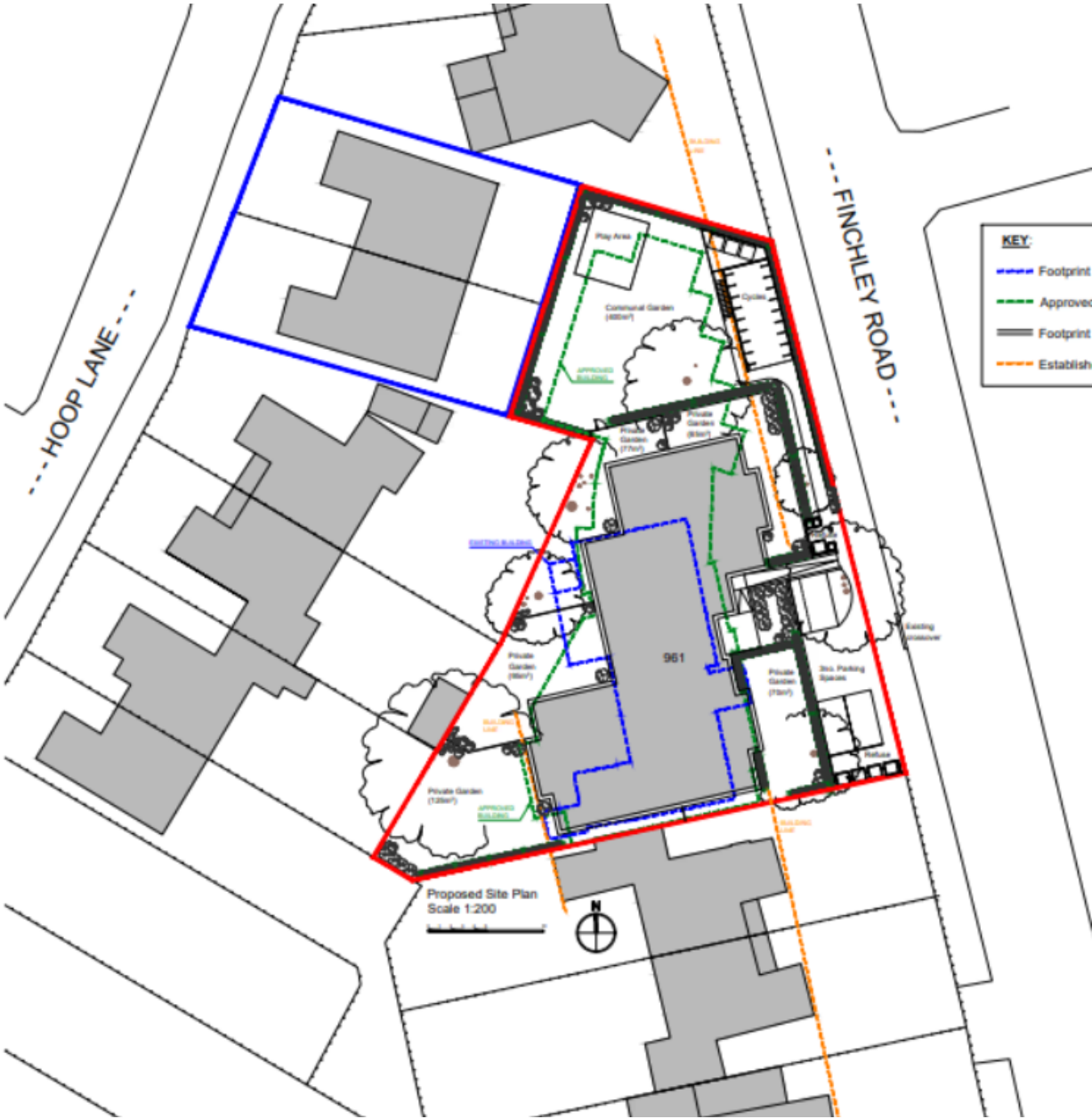
6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions and completion of a legal agreement, the proposed development would have an acceptable impact on the character and appearance of the application site, the streetscene 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.

Site Location Plan



Location	Belmont Nursery School The Ridgeway London NW7 1QT	
Reference:	22/2800/S73	Received: 25th May 2022
		Accepted: 25th May 2022
Ward:	Mill Hill	Expiry 20th July 2022
Case Officer:	Mansoor Cohen	
Applicant:	Belmont Farm Nursery	
Proposal:	Variation of Conditions 1 (Approved Plans), 5 (Parking Spaces), 17 (Landscape Management Plan) and 18 (Hard and Soft Landscaping) of planning permission reference 17/1982/FUL dated 05/12/17 for 'Demolition of existing buildings and erection of single storey buildings to facilitate use as a children's nursery and associated changes to landscaping.' Variation to include the retention of existing hardstanding at the area to the west of the nursery building for continued use as parking, providing 50 spaces	

AGENDA ITEM 8

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 retention of the main car park would constitute an inappropriate form of development which would harm the openness of and encroach upon the rural character of the Green Belt both visually and spatially. No case for very special circumstances has been demonstrated such as to outweigh the harm caused to the Green Belt by reason of inappropriateness or any other harm identified. The proposal would have an unacceptable impact on the aims and purpose of the Green Belt. As such the proposal would be contrary to Policies CS NPPF, CS1 and CS7 of the Local Plan Core Strategy (September 2012), Policy DM01 and DM15 of the Local Plan Development Management Policies DPD (September 2012), Policy G2 of The London Plan 2021 and Section 13 of the National Planning Policy Framework (2021)

- 2 The proposed retention of the car park hardstanding would, by virtue of its excessive scale, extent and siting, result in the erosion of the special rural verdant character of the site and wider area, fail to provide appropriate on-site soft landscaping to mitigate the impact of approved on site development and neither preserves nor enhances the character and appearance of this part of the Mill Hill Conservation Area, contrary to Policies D3 and HC1 of the London Plan (2021), Policies CS NPPF and CS5 of the Local Plan Core Strategy (adopted September 2012), Policies DM01 and DM06 of the Local Plan Development Management Policies DPD (adopted September 2012) and the Mill Hill Conservation Area Character Appraisal (2008)

Informative(s):

- 1 The plans accompanying this application are:

16096-L01

0505.4

Letter from St Paul's CE Primary School, dated 19 April 2022

Email from Mill Hill School Foundation, dated 22 April 2022

Cover letter, dated 24 May 2022

- 2 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (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 has been called to Committee by Cllr Simberg for the following reason:

As all are aware this is an issue that needs to be dealt with as a matter of urgency. The Car park is on the Green belt however I have lived in Mill Hill for over 35 years and during that time I have always known there to be a car park in the current location.

Having visited the site on several occasions I cannot see the benefit to the community that is the car park, if moved, would continue to be of benefit to the community all I can see is the hard standing remaining and people parking on the road thus causing more of an issue.

Officers have tried to resolve this issue with the current landowner, who has not complied with the issue, and to this end I feel that if this was decided by committee a line will be drawn under it and the land owner will move on.

1. Site Description

The application site relates to an extensive piece of land located to the north east side of The Ridgeway and operating as Belmont Farm since 2009. The site following an approval in 2017 facilitated the incorporation of a purpose built children's nursery within the wider Belmont Farm use located rearwards of the pond along the eastern curtilage of the site.

The area adjoining The Ridgeway is predominately residential in character however there are a number of schools and similar institutional establishments in the wider area. The land is undulating and there are numerous mature trees along the main roads. The area is designated as Green Belt and the site lies within the Mill Hill Conservation Area.

The wider holding at Belmont Farm covers an area of some 81 hectares. In appeal decisions in early 2003 the Belmont Estate was found to be a single planning unit in a mixed use consisting of equestrian, agricultural and residential uses. The site has extensive planning and enforcement history.

The application specifically relates to a parcel of land towards the southern end of the site consisting of extensive hardstanding and operating as a car park for up to 50 vehicles.

2. Relevant Site History

Reference: 21/1520/FUL

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

Decision: Pending consideration

Description: Change of use of part of ground floor into Children's Day Nursery (Use Class E(f)). Revised site layout including outdoor play space, 5 no. disabled parking spaces, new drop-off area and cycle parking [AMENDED DESCRIPTION AND PLANS]

Reference: 18/0601/CON

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

Decision: Approved

Decision Date: 16 March 2018

Description: Submission of details of conditions 3 (Levels) 4 (Materials) 6 (Disabled Access) 9 (Demolition and Construction Method Statement) 14 (Extraction and Ventilation) pursuant to planning permission 17/1982/FUL dated 17/05/17

Reference: 18/0471/CON

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

Decision: Split Decision

Decision Date: 10 August 2018

Description: Submission of details of Conditions 3 (Levels), 4 (External Materials), 6 (Disabled Access), 7 (Cycle Spaces), 8 (Refuse and Recycling), 9 (Demolition & Construction Method Statement), 10 (Public Highways Work), 11 (Means of Enclosure), 14 (Extraction and Ventilation Equipment), 16 (Noise Assessment), 17 (Landscape Management Plan), 18 (Landscaping), 19 (Tree Protection) and 20 (Arboricultural Method Statement) pursuant to planning permission 17/1982/FUL dated 17/05/17

Reference: 17/1982/FUL

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

Decision: Approved following legal agreement

Decision Date: 5 December 2017

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

Reference: 15/05843/FUL

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

Decision: Approved following legal agreement

Decision Date: 01 February 2017

Description: Change of use of existing indoor riding school involving its demolition and rebuild to provide for the relocation of the existing unauthorised children's Farm. Addition of animal enclosures. Alterations to existing access and provision of 50 no. car parking spaces.

Reference: 15/06794/FUL

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

Decision: Approved subject to conditions

Decision Date: 3 February 2016

Description: Relocation of an existing fixed twin mobile home (granted under application W00180BS/07) 100 meters to the north east of its present location

Reference: H/04062/13

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

Decision: Refused

Decision Date: 5 November 2013

Description: Variation of Condition 10 (children's play facilities) pursuant to planning permission reference H/01150/12 dated 03/06/2012. Variation to enable construction of children's play facilities upon Local Authority approval.

Reference: H/04060/13

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

Decision: Refused

Decision Date: 4 November 2013

Description: Variation of Condition 4 (opening hours) pursuant to planning permission H/01150/12 dated 03/06/13. Variations involve extending the opening times for the building, access, and car park from 6:30am to 10:00pm Monday to Friday and 9am to 10pm Saturdays, Sundays and Bank Holidays.

Reference: H/06082/13

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

Decision: Refused

Decision Date: 17 February 2014

Description: Variation of Condition 10 (children's play facilities) pursuant to planning permission reference H/01150/12 dated 03/06/2012. Variation to enable construction of children's play facilities upon Local Authority approval.

Reference: H/05605/13

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

Decision: Refused

Decision Date: 23 January 2014

Description: Variation of Condition 4 (Opening Hours) pursuant to planning permission H/01150/12 dated 03/06/2013. Variations include public opening times from 6:30am to 10:00pm Monday to Friday, and 9:00am to 10:00pm Saturday, Sunday and Bank Holidays.

Reference: H/01150/12

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

Decision: Approved following legal agreement

Decision Date: 3 June 2013

Description: Change of use of existing indoor riding school to provide for the relocation of the existing unauthorised children's Farm. Addition of animal enclosures. Alterations to existing access and provision of 50 no. car parking spaces.

Reference: H/00554/12

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

Decision: Refused

Decision Date: 22 January 2013

Description: Part demolition, extension and alteration of existing buildings including existing bungalow, and change of use to provide a 4 bedroom bungalow (land currently occupied by children's farm).

Reference: H/00652/12

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

Decision: Approved subject to conditions

Decision Date: 22 January 2013

Description: Demolition of stables and ancillary farm buildings.

Reference: H/04579/11

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

Decision: Approved subject to conditions

Decision Date: 30 July 2012

Description: Installation of an 11.8m high slimline monopole and 2no. equipment cabinets to replace the existing equipment within the existing Vodafone compound at Belmont Farm.

Reference: W00180BQ/05

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

Decision: Refused

Decision Date: 13 April 2005

Description: The Installation of a 10m monopole (telecommunications mast) with telegraph pole design, with 3 No. shrouded antennas, radio equipment housings and ancillary development.

Reference: W00180BL/03

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

Decision: Refused

Decision Date: 6 February 2004

Description: Installation of 27m high telecommunications lattice mast with 6 cross polar antennae and 2 relay dishes and associated equipment cabin and 1.8m high chain-link fence.

Reference: W00180BF/02

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

Decision: Refused

Decision Date: 26 April 2002

Description: Erection of 21 metre high lattice mast with 4 antennae in new post and rail fenced compound, in addition to a separate, ancillary single storey equipment cabin.

Relevant Enforcement History:

Reference: ENF/0590/21

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

Status: Pending Consideration

Breach: Car park - the disused car park has not been grassed over as indicated- 2. The children's farm has moved to their new location but the ancillary cafe did not and it is now advertising and operating as a restaurant. 3. Proliferation of advert signs along the Ridgeway frontage of the site.-

3. Proposal

Permission is sought for the variation of conditions 1 (Approved Plans), 5 (Parking Spaces), 17 (Landscape Management Plan) and 18 (Hard and Soft Landscaping) of planning permission reference 17/1982/FUL dated 05/12/17 for 'Demolition of existing buildings and erection of single storey buildings to facilitate use as a children's nursery and associated changes to landscaping.'

The proposed variation seeks to retain an area of existing hardstanding located west of the approved nursery building for continued use as parking, providing 50 vehicle parking spaces.

This area under the approved scheme was set to be re-landscaped and turfed over.

4. Public Consultation

Consultation letters were sent to 25 neighbouring properties.

2 letters of objection were received summarised as follows:

- Inappropriate for Mill Hill and will result in an increase of traffic in already congested area.
- Contrary to London and Local policy regarding the Green Belt and Conservation Area.
- Allowing for hardstanding areas to remain where it was decided it should be turfed to compensate for further intensified use elsewhere on the site, allows for development to sprawl within this already very much developed Green Belt location.

-The car park should be turfed as per the approved plans to ensure that as much the Green Belt remains as possible and to mitigate for the new areas that will be more intensely used and developed as a result of the approved plans.
-If there is not sufficient parking provided for in the approved plans, then the proposal is inappropriate and too large in scale for the Green Belt - permission with this intensified use of Green Belt land should, therefore, be reconsidered.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, DM06, DM13, DM15, DM17.

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (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.
- Mill Hill Conservation Area Character Appraisal (2008)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the openness of the Greenbelt.
- Whether harm would be caused to character of the Mill Hill Conservation Area and locality
- Whether harm would be caused to the living conditions of neighbouring residents.
- Highway and parking impacts

5.3 Assessment of proposals

The principle of the development and other planning issues have previously been considered acceptable under the planning decision approval 17/1982/FUL dated 05/12/17.

The following assessment relates only to the amendments proposed by the current S73 application.

Impact on the Greenbelt

Policy context:

The policy background for development within the Green Belt is set out in Section 13 of the National Planning Policy Framework (NPPF, 2021) and establishes that the government attaches great importance to Green Belts, "the fundamental aim" of which is to prevent urban sprawl by keeping land permanently open.

The essential characteristics of Green Belts are their openness and their permanence and the NPPF identifies five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;

- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 147 of the NPPF states: Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 continues and states: When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Policy DM15 of the Local Plan offers the same level of protection to Green Belt land as the NPPF. It goes on to state in part ii) Except in very special circumstances, the council will refuse any development in the Green Belt or MOL which is not compatible with their purposes and objectives and does not maintain their openness.

In this instance, the proposed variation relates to the retention of the existing main car park in its current use which sits towards the southern end of the site (nearing the junction with The Ridgeway). The area was designated to be re-turfed as part of the approval under reference 17/1982/FUL for the new nursery building as it was considered surplus to the requirements of operating the wider site. This aspect of the approved development has not been implemented.

It would appear from historical records that whilst the car park is in situ, its historical origins did not benefit from express planning consent. In so far as it is relevant an appeal decision (ref: APP/N5090/C/10/2142219) for this site relating to an enforcement notice, considers some if the spatial development aspect in a decision made in 2011.

Paragraph 39 acknowledges the existence of the subject car park and additional car park further north: 'In addition, space to the north and west has been formalised for a car park with about 92 spaces, retaining a grass area on the site frontage.'

Paragraph 41: 'The appellant maintained that the land on the northern and western part of the appeal site was previously used for the stationing of farm vehicles and horse boxes in connection within the wider holding, together with a 50 space car park referred to in sales particulars for the Belmont Riding Centre. The extension to the grassed area on the frontage has resulted in the loss of an area equivalent to some 20 spaces.

Paragraph 42: 'However, the 2005 appeal decision indicated that the land was largely open, which is consistent with an aerial photograph pre 2007. The probability is that in the 1990's the unsurfaced land was used for informal and occasional parking of horse and farm related vehicles, apart from the frontage north west of Sheepwash Pond. A defined area for car parking appeared to exist on the land adjacent. There is no information on the level of use of the car park, only its capacity. In recent years, prior to the opening of the children's farm in 2009, these areas were little used for parking, a conclusion supported by the comments of residents and other interested parties and by previous appeal decisions. By that time the stables had fallen into disuse and the indoor equestrian centre had closed. The current position is that the 92 space car park is more formally laid out with an in-out arrangement, demarcation of blocks of parking and a hard surface in a good state of repair. It is well used, with a regular turnover of cars. Openness has not been maintained.'

The Inspector considered that the resultant hard surfaced car park did not maintain the openness of the Green Belt.

The NPPF recognises exceptions to new development in Green Belts as being, inter alia, g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development (Para.149).

In respect of inappropriateness, the PPG details what factors can be taken into account when considering the potential impact of development on the openness of the Green Belt:

-openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume;

-the duration of the development, and its remediability - taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and

-the degree of activity likely to be generated, such as traffic generation.

In spatial terms, the subject parcel of hardstanding is an extensive plot of land measuring governing an area of approximately 90m by 28m. The site lies within the Green Belt, the area is characterised by extensive lush areas of greenspace providing a strong rural feel, the extensive hard standing in spatial terms erodes the rural nature of the site and wider area.

In visual terms, whilst the hardstanding provides limited volume, its visibility is clear when viewed from the street scene and is in direct contrast to the greenspace area which fronts the site and the Ridgeway. On site, its extensive depth and width has a dominating impact and reduces the verdant nature of the site. It is therefore considered that in visual terms the hardstanding erodes the openness and verdant character of the site.

In terms of durability, it is evident as per the approved scheme, that remediability is possible, however, this attaches limited weight as there is no indication that the hardstanding would be temporary in nature.

Given its use as a car park, this would attract considerable comings and goings and levels of activity. In this context, it is highlighted that weighed up in the planning balance of the approved scheme was the increased intensification of the site as a result of the Childrens Nursery, the delegated report to this approval noted that the reduction in hardstanding (the subject of this proposal) would to an extent compensate for the increased intensification by the nursery. Given the variation seeks to now retain this element, it is considered that cumulatively the site results in an over-intensive use harmful to the openness of the Green Belt. It is further highlighted that the aforementioned Inspector also considered the hardstanding did not retain the openness of the Green Belt.

The proposal therefore constitutes inappropriate development. In accordance with Paragraph 147 of the NPPF Very Special Circumstances (VSC) would need to be demonstrated. The NPPF states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

To this end, the applicant advocates that the subject area of parking is paramount to the operation of Belmont Farm Nursery as well as other nearby education establishments which utilise the car park and has provided supporting letters from two local schools. The applicant notes that amongst these users car use is a primary means of travel particularly given the low PTAL rating. Further to this, the applicant states 'Retention of the car parking area is crucial to the safety of residents, visitors and parents. The car park helps to relieve pressure on the Ridgeway from the effects of illegal parking which leads to the creation of excess traffic and visibility issues putting pedestrians, cyclists and motor users at risk.'

Highways have been consulted and have commented as follows:

'There have been several discussions on Belmont Nursery expansion (21/1520/FUL) on the wider site. Parking and drop-off provision were among the key issues discussed. Highways does not object to the retention of the existing hardstanding area to the west of the nursery building for continued use as parking to provide 50 spaces although this may represent an overprovision of parking given that the previous application suggest from the entire site can operate safely with only 50 spaces on the basis of the applicant's transport statement (21/1520/FUL).

It is considered that any additional provision could reduce any potential parking displacement onto The Ridgeway which already suffers from on-street parking pressure. In the event of an approval, a parking management plan is recommended to control how the car park is used and to ensure that adequate enforcement is provided.'

Highway comments refer to a concurrent application for the expansion of the nursery to the northern end of the site. Within this submission a parking survey was carried out on the subject car park only, the results on average over the two survey days note that peak parking accumulation was 16 vehicles, at a parking stress of 27.6% with 42 spare spaces. The transport consultant confirms the survey relates to all users of this car park, ie. the childrens farm, nursery and any other users and confirms this representative of the typical users at peak time. Given this survey is recent, it is not considered that the applicants assertion is founded and rather the survey evidences to the contrary.

It is accepted that car park would to an extent alleviate parking pressure on the The Ridgeway and likely assist local schools and users as Highways state, however, equally it is noted that this is a clear on-site over provision.

Furthermore, the site benefits from an additional car park to the northern end of the site which would amply accommodate the parking demand.

It is therefore not considered that very special circumstances exist. Irrespective of this, the limited benefit that would be derived from the car park in terms of alleviating parking pressure along The ridgeway would not outweigh the significant harm to the Green Belt as already identified.

The proposal would thus be contrary to the aforementioned policies of the NPPF and local plan.

Impact on the Mill Hill Conservation Area

Policy DM06 of Barnet's Development Management Policies (2012) states: All heritage assets will be protected in line with their significance. All development will have regard to

the local historic context. Development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

Within the Mill Hill Conservation Area Character Appraisal Statement (Adopted 2008), the local area is characterised by 'the attractive linear views along the length of the Ridgeway... enhanced greatly by the intermittent trees and hedges, which form a distinct boundary to the road. They provide a strong green barrier to the traffic and the properties that they enclose.' (p.18).

The proposed variation would see the loss of the approved and conditioned greenspace presently in situ as a car park. The car park is extensive and therefore the soft landscaping of this area would positively contribute to the verdant and rural character of the area. It is considered (and as evident within the planning conditions), that this area plays a crucial role in maintaining the visual openness of the site and its verdant character consistent with the Mill Hill Conservation Area. The retention of the car park and therefore subsequent loss of green space is therefore not accepted and would neither preserve nor enhance the Mill Hill Conservation Area.

Furthermore, paragraph 135 of the NPPF in relation to 'achieving well designed places' states:

'Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'

In this context, it is considered that the proposal would materially diminish the quality and contribution to the site and wider area from that previously approved. The retaining of the car park would fail to mitigate the increased intensive use of the site and this is considered to adversely impact the characterisation of this area contrary to policies.

Impact on the amenities of neighbours including highway impacts

The car park is in existing use and has been so for a number of years, its relative recessed nature and separation distance to the eastern boundary means it is sited away from any neighbouring properties and therefore it is considered that any levels of increased activity and associated noise would have an acceptable impact on neighbouring occupiers.

In respect of highway impact as noted earlier, Highways do not object to the proposal despite it clearly constitutes an over-provision of parking spaces as this would alleviate some parking pressure on street. As such, from a highway perspective, the proposal is considered acceptable.

5.4 Response to Public Consultation

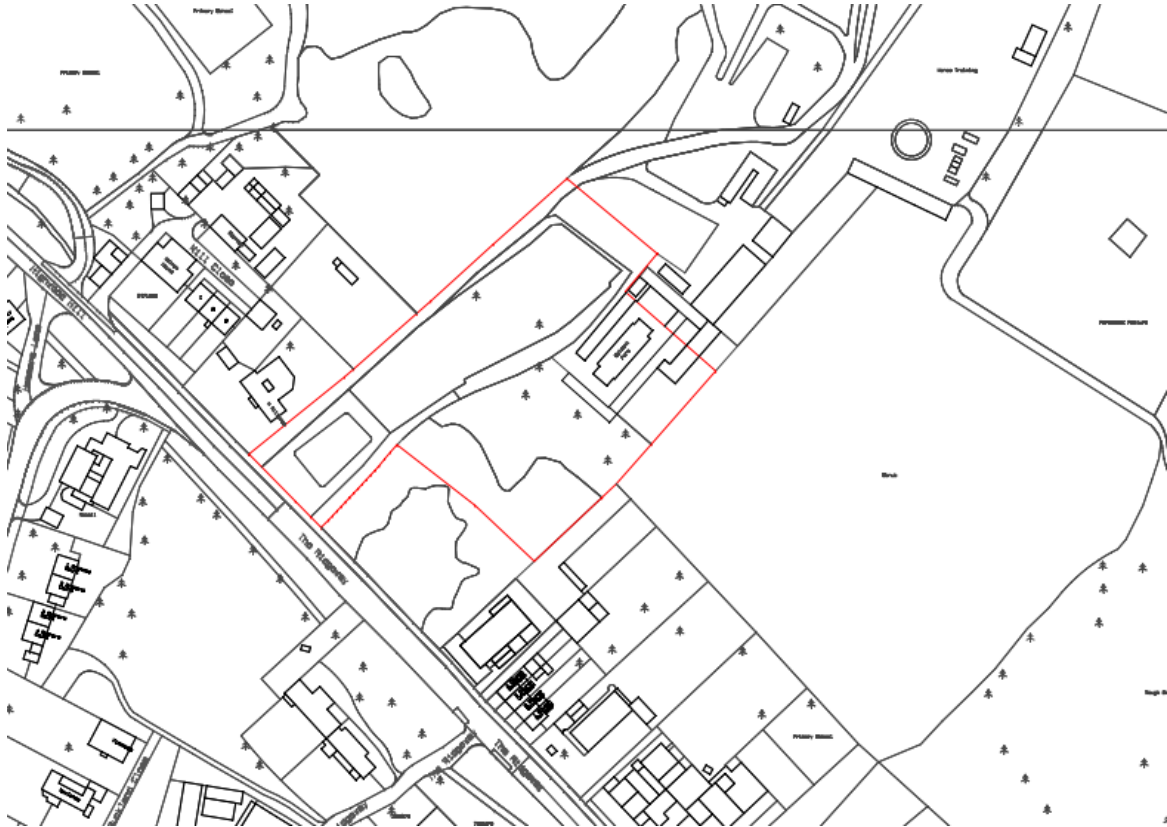
Addressed in the report.

6. Equality and Diversity Issues

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

7. Conclusion

The proposal is not considered to accord with the requirements of the Development Plan and is therefore recommended for REFUSAL.



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Location 60 Hervey Close London N3 2HJ

Reference: 23/2274/FUL

Received: 22nd May 2023

Accepted: 23rd May 2023

Ward: West Finchley

Expiry 18th July 2023

AGENDA ITEM 9

Case Officer: **Natasha Campbell**

Applicant: C/o Agent

Proposal: Part retention and part proposal first floor side and part single, part two storey rear extensions with 1no skylight to flat roof of single storey rear extension. Associated alterations and extension to roofs, side, front and rear windows. Conversion of the existing dwelling into 3no. self-contained flats, associated amenity space, refuse and recycling/cycle storage

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. Restriction of residential parking permits

Contribution of £2,392.01 towards the amending of the Traffic Management Order to restrict future occupiers from obtaining residential parking permits.

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:
2023/60HC/CONV/LB/08 Rev 7a, 2023/60HC/CONV/EE/07 Rev 7a,
2023/60HC/CONV/EAS Rev 7a, 2023/60HC/CONV/EFP Rev 7a,
2023/60HC/CONV/PFP/07 Rev 7a, 2023/60HC/CONV/PA/07B Rev 7B,
2023/60HC/CONV/PE/07 Rev 7b, 2023/60HC/CONV/PSP/07 Rev 7B, Proposed Crossover plan (date inspective 25/02/2021).

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

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

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

- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

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

- 4 a) Before the development hereby permitted is first occupied, the sub-division of the amenity area(s) as shown on drawing no. 2023/60HC/CONV/PA/07B (Proposed Plans And Amenity) shall be provided as approved under this condition.

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

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

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

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

- 6 Prior to occupation of the development the proposed parking spaces within the parking area as shown in drawing no. 2023/60HC/CONV/PA/07B (Proposed Plans And Amenity) submitted with the planning application and the corresponding access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 7 Prior to occupation of the development hereby approved, cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards, in the interests of promoting cycling as a mode of transport and to safeguard the visual amenities of the building and surrounding area, in accordance with Policy T5 and Table 10.2 of The London Plan (2021), Barnet's Local Plan Policies CS NPPF, CS1 and CS9 of Core Strategy (Adopted) September 2012, and Policies DM01 and DM17 of Development Management Policies (Adopted) September 2012

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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory

accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

- 9 The roof of the single storey rear extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 10 The development hereby approved shall not be occupied until details of the proposed highway works have been submitted to and approved in writing by the local Highway authority. The applicant will be required to enter into a s278/184 agreement with the council for these works which will include implementing proposed/new access layout and a pedestrian refuge in the vicinity of the site.

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

- 11 The use of the outbuilding hereby permitted shall at all times be ancillary to, and occupied in conjunction with, the 3 no approved flats and shall not at any time be occupied as separate units or dwellings.

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).

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

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

RECOMMENDATION III:

- 1 That if the above agreement has not been completed has not been submitted by 31 January 2024, 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 provide a legal agreement to mitigate the impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Adopted Core Strategy and policy DM17 of the Adopted Development Management Policies DPD.

Informative(s):

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

are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

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

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

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

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

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking /

insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

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

OFFICER'S ASSESSMENT

This application has been referred to Planning Committee due to the number of objections received.

1. Site Description

The application site is a two-storey end terrace dwellinghouse located at 60 Hervey Close. The property is located within the West Finchley ward of Barnet and benefits from off-street parking facilities to the front of the dwelling and amenity space to the rear.

The surrounding area is predominately residential and upon review, it is apparent that many of the properties within the street have benefitted from some form of extension over the years. There is adequate access to public transport, with several bus routes (125, 460, 82, 143, 382) that can be accessed from stops located within 6 minutes walking distance of the site. In addition, Finchley Central tube station is within 8 minutes walking distance from the site.

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

2. Site History

Reference: 20/5614/192

Address: 60 Hervey Close, London, N3 2HJ

Decision: Lawful

Decision Date: 18 December 2020

Description: Roof extension involving hip to gable, rear dormer window and 2no front facing rooflights. Erection of a rear outbuilding including garage with 1no car parking space. New front hardstanding

Reference: 20/5620/PNH

Address: 60 Hervey Close, London, N3 2HJ

Decision: Prior Approval Required and Refused

Decision Date: 23 December 2020

Description: Single storey rear extension measuring 6.00 metres in depth from the original rear wall with an eaves height of 3.00 metres and a maximum height of 3.00 metres

Reference: 21/0149/PNH

Address: 60 Hervey Close, London, N3 2HJ

Decision: Prior Approval Required and Approved

Decision Date: 12 February 2021

Description: Single storey rear extension with a proposed depth of 6.00 metres from original rear wall, eaves height of 3.00 metres and maximum height of 3.00 metres.

Reference: 21/0789/192

Address: 60 Hervey Close, London, N3 2HJ

Decision: Lawful

Decision Date: 15 March 2021

Description: Single storey rear extension

Reference: 21/0835/HSE

Address: 60 Hervey Close, London, N3 2HJ

Decision: Refused

Decision Date: 16 April 2021

Description: Two storey side and rear extension. Roof extension involving hip to gable, rear dormer window and 4no rear and 4no front facing rooflights. New front porch

Reference: 21/6321/HSE

Address: 60 Hervey Close, London, N3 2HJ

Decision: Refused

Decision Date: 28 March 2022

Description: First floor side and part single, part two storey rear extensions with 1no skylight to flat roof of single storey rear extension. Associated alterations and extension to roof including 1no. front facing and 1no. rear facing rooflights and side, front and rear windows. New front porch. Reduction of first floor rear extension. (Amended plans - dormer)

Appeal Reference: APP/N5090/D/22/3296341

Appeal Decision: Allowed

Appeal Decision Date: 21.09.2022

Reference: 23/0334/192

Address: 60 Hervey Close, London, N3 2HJ

Decision: Lawful

Decision Date: 9 March 2023

Description: Erection of a rear outbuilding

3. Proposal

This application proposes a part retention and part proposed first floor side and part single, part two storey rear extensions with 1no skylight to flat roof of single storey rear extension. Associated alterations and extension to roofs, side, front and rear windows. Conversion of the existing dwelling into 3no. self-contained flats, associated amenity space, refuse and recycling/cycle storage.

The proposal involves works that were previously allowed at appeal under the reference 21/6321/HSE for a first floor side and part single, part two storey rear extensions with 1no skylight to flat roof of single storey rear extension. Associated alterations and extension to roof including 1no. front facing and 1no. rear facing rooflights and side, front and rear windows. New front porch. Reduction of first floor rear extension.

4. Public Consultation

Consultation letters were sent to 50 neighbouring properties.

A Schedule and signed letter objecting to the proposal was received from 12 properties, many of which are considered within the separate objection comments below.

25 no objections have been received which can be summarised as:

- Subdivision into flats is out of keeping with the rest of this family residential area.
- The proposal to divide the main house thus renders the outbuilding at the back in its scope and size, illegal - there was no planning permission requested for it, as it was supposedly an addition to a family home. This is clearly no longer the case.

- Overdevelopment and out of character with the surrounding houses
- Setting a bad precedent for future development
- The submitted drawings do not represent the current aspect of the house and garden.
- The previous narrow side gate on Claignmar Gardens has been widened and moved along for greater access and use.
- The application of three flats and increased occupancy is not in keeping with the area/infrastructure and parking available.
- To my knowledge no other property has used the service road and outhouse for another flat. If it is to be used as a library/gym then why is there need for another toilet. I'm concerned that this will be rented out for three occupiers in the future.
- The application cites 17 houses on Hervey Close that have supposedly been subdivided, but this is misleading. The approved subdivisions are for a maximum of two flats. Barnet's policy DM01 specifies that 'conversions in roads characterized by houses in single family occupation will not be normally appropriate'.
- The bedroom of Flat 3 seems close to the legal minimum space requirement. Also, it appears that more than 25% (25% is the Council maximum) of the floor area has a reduced ceiling height, being under the roof eaves. So, this represents very poor-quality housing.
- Barnet's policy DM01 states that a flat should normally have its own 'private amenity space', and that shared gardens are usually for 'town centres or some high-density schemes'. Hervey Close is neither of these, but the plans show that Flats 2 and 3 will be sharing a small strip of garden, accessed by a gate opening onto Claignmar Gardens. This represents a low standard of living for the future residents of the development.
- There is as severe shortage of family homes with associated amenity space in the area. This development does nothing to alleviate this issue with what would seem to be a high number of flats in the area already.

There were 2 comments of support, which can be summarised as:

- The proposed design outlook is same as a single dwelling house, only impacting the internal layout
- Additional parking spaces in front of the property have been allocated.
- This proposal will decrease the number of occupants on site from 14 people occupancy to a maximum of 10 people.
- Many of the properties along the street have undergone conversions to flats we think this development proposal can add a range of housing choices to the community, in terms of the mix of housing sizes and type and meets the needs of its future occupiers.
- The principle of conversions to flats in Hervey Close is addressed within many granted conversion planning applications and is acceptable.
- Absolutely no harm would be caused to the living conditions of neighbouring residents.

Elected Representatives

Mike Freer MP

I would like to add my own opposition to this sub-division proposal.

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 in September 2023. 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. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS7
- Relevant Development Management Policies: DM01, DM02, DM17

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

Supplementary Planning Documents

Residential Design Guidance SPD (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:

- The principle of flats in this location;
- 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 the proposal provides satisfactory living accommodation for future occupiers; and
- Highways impacts: Parking, cycle storage and refuse and recycling storage.

5.3 Assessment of proposals

The principle of flats in this location

The proposal involves converting the dwelling into 3 self-contained flats, comprising of 1 x 3B5P, 1 x 3B4P and 1B1P units.

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.

Hervey Close has a mixed character, comprising a mix of single-family dwellings and flats, many of which are the result of conversions from single dwellings. This mix of residential typology is evident along the whole street. As a result, it is considered that a proposal to convert the dwelling into flats would broadly follow the general pattern and typology of development within the street.

Regard also has to be given to the Emerging Barnet Local Plan which through Policies HOU2 and HOU03 identify that a key housing consideration is to achieve a better housing balance, including protecting family houses from conversions into smaller units, while delivering new converted homes in the right location. Following the Examination in Public (EIP) Hearing of the Local Plan(Regulation 19) (2021) and in response to the subsequent

comments from the Planning Inspector, these policies have been further modified.

According to Policy HOU03 of the emerging Barnet Local Plan, the Council will permit the conversion of larger homes into smaller self-contained residential units (C3) only when the proposal provides at least one larger family sized home capable of providing 3 bedrooms with 4 bedspaces with direct access to a dedicated rear garden of the converted home. In this application, two family sized 3 bedroom units are provided (3B5P and 3B4P). The internal floor area of the dwelling with approved extensions is approximately 283m² which far exceeds the emerging policy criteria that the gross internal floor area of the property (at time of application) should not be less than 135m².

London Plan policy HC1 states that *boroughs optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially the following sources of capacity:*

sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station or town centre boundary

As noted above, the proposal would result in the provision of family sized accommodation. Furthermore, the site falls within an area of PTAL rating 4 and lies approx. 400m from the boundary of the Finchley Central Town Centre.

Although the Local Plan (Regulation 22) (2021) has not been formally adopted it is a material consideration and it is considered that significant weight can be placed on the Plan, as the EIP Hearing has taken place and the Council has proposed modifications (and received further comments).

Barnet is in need of large family homes, therefore whenever possible larger units are encouraged. The proposal has provided 2 x 3 bed family homes in excess of 74sq m, each, on the ground floor and first floor. 1no. 1b1p unit is proposed at second floor. It is considered that the proposal has achieved a good mixture of family homes.

It is not considered that the conversion will have an impact on the character and appearance of the existing dwelling or the immediate area.

Impact on Character and Appearance of the host building, street scene or wider locality

The proposed extensions are the same as approved under the Appeal for Barnet planning application ref:21/6321/HSE.

The previously approved elements of the proposal involve the first floor side and part single, part two storey rear extensions with 1no skylight to flat roof of single storey rear extension. Associated alterations and extension to roof including 1no. front facing and 1no. rear facing rooflights and side, front and rear windows. New front porch. Reduction of first floor rear extension.

Ground floor rear extension

The ground floor rear extension will have a varying depth, with a maximum depth of 6 metres over a footprint which was given prior approval under the application 23/0124/PNH and is situated in the centre of the rear. This element could otherwise be realised in isolation and as such, material weight is given to that as a 'fall-back' position. The ground floor side element extends to the rear by 3.5 metres in depth along the common boundary. The

Residential Design Guidance SPD states that for semi-detached properties, a depth of 3.5 metres is usually considered acceptable.

New front porch

At the front of the property there would be a pitched roof which would extend above an enlarged porch. These elements of the appeal scheme would be visible from the adjacent roads but would not detract from the spacious character and appearance of the streetscene and the surrounding residential area.

First floor rear

The first floor rear element will have a depth of 3 metres, and height of 7.28 metres (from ground level). It will be set in from each neighbouring boundary by 3.6 metres.

Part single, part two storey side extension

The ground floor side element involves replacing the existing garage to the side with a new single storey side extension that wraps around to the rear with the new built single storey rear extension. The ground floor side element will have a depth of 9.5 metres, a width of 3.6 metres to the common boundary, and a height of 3.7 metres.

The first floor side extension will have a depth of 9.15 metres, a width of 2.7 metres, and a height of 7.3 metres. It will have a set back 1 metre from the front elevation, set in 1m from the side and set down 0.5 metres from the main roof ridge.

The proposed extension would be sited away from the shared boundary with Claigmar Gardens, would be less than half the width of the host property, at first floor would be set back from the host property's front elevation and would possess a lower ridge height than the property's main roof. This design approach echoes the guidance in the Council's Supplementary Planning Document Residential Design Guide (RDG

Overall, it was concluded by the inspector that the proposed works and alterations to the property when assessed in combination they would represent a significant addition to the property. However, because the property is located at a road junction it would not represent an overdevelopment of this larger than average plot, even with consideration to the outbuilding within the rear garden. The character and appearance of the spacious streetscenes along Hervey Close and Claigmar Gardens would be preserved by the enlarged property.

The proposed conversion of the dwelling into 3 flats will not result in further external works than that approved at appeal and discussed above.

As such, the proposed development is considered to have an acceptable impact on the character of the existing dwelling, streetscene and wider area and thus compliant with the policies stated under Policy DM01.

Impact of the conversion on Amenities of future occupiers

The proposal involves converting the dwelling into 3 self-contained flats. The mix of dwellings is as follows;

Ground Floor :

Flat 1 (3b 5p) 111sq m

First Floor:
Flat 2 (3b 4p) 81sq m

Second Floor:
Flat 3 (1b 1p) 39sq m

The minimum space standard for a 3 bed 5 person is 86m², a 3 bed 4 person is 74m² and a 1 bed 1 person is 39m². The proposed complies with the minimum floor area and space standards required for each of the 3no. flats.

The London Plan states that the minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling in the unit with a floor-to-ceiling height of less than 1.5m is not calculated as habitable space. A section drawing was provided and showing each unit would meet the height requirements set out.

Stacking

The Residential Design Guidance SPD requires that the vertical stacking of rooms between flats should as far as practicable ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. The layout and stacking is considered acceptable.

Outlook/Privacy

There are no concerns with regard to the privacy of occupants of the flats.

Box hedges at a height of 1 metres are provided for Flat 1 situated at the ground floor two bedroom windows facing the front driveway of the house to ensure privacy to the bedrooms of the ground floor flat.

Overall, the privacy of the flats are considered acceptable. The units have been provided with sufficient outlook.

Outdoor Amenity Space

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible.

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". It further mentions that, "residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers."

Section 8.4 of Barnet's Local Plan Residential Design Guidance SPD (2016) states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy". Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5m² per habitable room for flats. The property benefits from a private rear garden, however details of boundary treatment used to subdivide this garden have not been provided.

It is considered that the sufficient outdoor amenity space has been provided for each flat, with 47.5 square metres for Flat 1, and 43.2 square metres outdoor amenity space for Flats 2 and 3 which will be access from a side gate. Flats 2 and 3 will have access to the rear

outbuilding with use as a game/gym room, bike storage and office/library room.

The outdoor amenity space will be subdivided by 1.7 metre high boundary fence.

Impact on Residential Amenities of Neighbours

The proposed extensions approved under the application 21/6321/HSE were determined to not have a negative impact on the residential amenity as a result of the scale and distances from neighbouring properties.

Residential use is accepted on site and it is considered that there would be no significant additional harmful impact on the residential amenities of the neighbouring occupiers as a result of the sub-division. Thus, it is found that the proposed development will have an acceptable impact to the neighbouring properties. The flat conversion is not considered to result in an intensity of use that would be harmful to the neighbouring residential occupiers by way of noise and disturbance and comings and goings, to an unacceptable degree.

Highways

The road fronting the site is Hervey Close. The site is in a CPZ which operates Mon-Fri, 2pm-3pm and it lies in an area with a PTAL rating of 4 which suggests that there is good access to public transport. Several bus routes (125, 460, 82, 143, 382) can be accessed from stops located within 6 minutes walking distance of the site. In addition, Finchley Central tube station is within 8 minutes walking distance from the site.

The highways officer was consulted on the proposal and required clarification on the crossover plan provided. The applicant provided confirmation that the crossover team agreed, with a width of 3.6 metres, is to be carried out. The submitted plan is identical to the plan submitted with the crossover application.

Given the site's PTAL rating of 4, the provision of 3 parking spaces would be acceptable. The ground floor plan shows 2 car parking spaces which leave a shortfall of 1 space and Highways would not object to this shortfall provided the applicant is willing to enter into a s106 agreement with the Council to deny occupants of the development the right to buy CPZ permits.

The highways officer provided a number of conditions to be attached to the application should approval be received, and a S106 agreement will be required with the council.

5.4 Response to Public Consultation

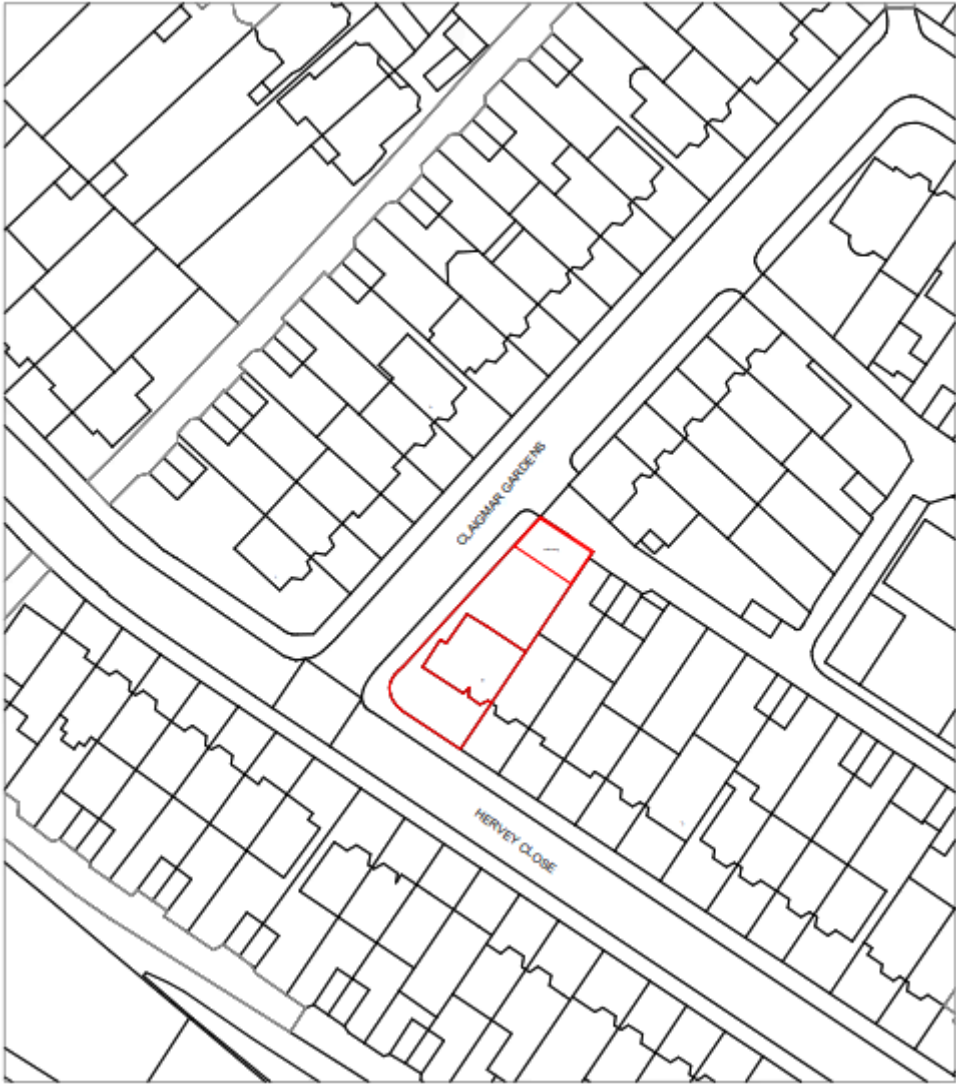
Mainly addressed within the report.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL subject to the completion of S106 and conditions.



Location **59B Golders Gardens London NW11 9BS**

Reference: **23/1273/FUL** Received: 22nd March 2023
Accepted: 30th March 2023

Ward: Childs Hill Expiry 25th May 2023

Case Officer: **Daniel Wieder**

Applicant: Nisha and Raveena Soni

Proposal: Erection of an ancillary rear outbuilding [Amended Plans/Description]

AGENDA ITEM 10

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

GG-R00-EX-101 Site Location Plan
GG-R01-PR-101 Rev R02 Proposed Block Plan
GG-R01-PR-102 Rev R02 Proposed Outbuilding Plans & Elevations

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

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

permission.

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

- 3 The use of the outbuilding hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

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 The development shall be implemented in accordance with the materials detailed within the application form and in accordance with approved plans GG-R01-PR-102 Rev R02 Proposed Outbuilding Plans & Elevations.

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 Before the building hereby permitted is first occupied the proposed window in the rear elevation facing No 45 Woodstock Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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 concerns the rear garden area demised to the first floor flat, No 59B Golders Gardens, within the ward of Childs Hill.

The surrounding area is primarily residential and consists of two-storey semi-detached properties of similar architectural styles.

There is parking to the forecourt of the site, and amenity space to the rear.

There are no protected trees on site, nor does the application site lie within a conservation area or contain a locally or statutory listed building.

The site has a PTAL of 2 and is located in Flood Risk Zone 1 (low risk).

Officers carried out a site visit on the 22nd of May 2023.

2. Relevant Planning History

Reference: 18/7518/FUL

Address: 59A And 59B Golders Gardens

Decision: Approved subject to conditions

Decision Date: 21.02.2019

Description: Two storey rear extension. New side dormer and rear dormer window

Reference: 18/7017/191

Address: 59 Golders Gardens NW11

Decision: Lawful

Decision Date: 29.11.2018

Description: Use as 2no self-contained flats

Reference: C02296

Address: 59 Golders Gardens NW11

Decision: Approved subject to conditions

Decision Date: 11.09.1969

Description: Conversion into two self-contained flats.

Reference: C02296

Address: 59 Golders Gardens NW11

Decision: Refused

Decision Date: 21.01.1969

Description: Conversion into two self-contained flats.

3. Proposal

The application seeks permission for the erection of a rear outbuilding.

Throughout the lifetime of the application the proposed outbuilding has been amended.

As amended the outbuilding would have a width of 5.8m, a depth of 3.1m, supporting a flat roof with a height of 2.5m and 2no. skylights. The outbuilding would contain a gym, office, and WC, to be used ancillary to the upper flat, with a footprint of 18sqm.

The outbuilding has been reorientated so that the 'front' elevation, with the entrance door and fenestration is facing north-east towards the side boundary with No 57.

The tree adjacent to the rear boundary is proposed to be removed as part of the development.

The external walls of the proposed outbuilding is to be rendered in white.

4. Public Consultation

Consultation letters were sent to 6 neighbouring properties.

3 responses have been received, comprising 3 letters of objection.

The objection received can be summarised as follows:

- Bulk, scale of the outbuilding unacceptable
- Overshadowing
- Overlooking & loss of privacy
- Increased parking stress
- Increased noise and disturbance
- Loss of tree harmful to visual amenity
- Use of the building as a self-contained dwelling unacceptable and contrary to policy
- Will set precedent for back land development.

Following amendments to the proposal, subsequent neighbour consultations were carried out between 01/09/2023 - 15/09/2023, and from the 05/10/2023 - 19/10/2023.

5 responses have been received, comprising 5 letters of objection.

The objection received can be summarised as follows:

- General statement of objection
- Overdevelopment
- Loss of tree harmful to area and impact on neighbouring foundations
- Outbuilding is a potential dwelling with associated impacts of parking, noise etc.
- Direct overlooking to ground floor flat rear windows and garden.

The applications thus received objections from 6 individuals and is therefore recommended to be determined at planning committee.

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 first published on 27 March 2012 and updated on 24 July 2018, 19 February 2019, 20 July 2021 and 5 September 2023. 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 of 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, CS14.
- Relevant Development Management Policies: DM01, DM02, DM16

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

development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, 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 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.
- Impact on Trees

5.3 Assessment of proposals

Design and Visual Amenity

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 Residential Design Guidance SPD states that extensions should normally be

subordinate to the original property, 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 regard to back garden buildings, the Residential Design Guidance SPD advises as follows:

"Back garden buildings

14.40 In general, rear garden walls and fences should not exceed 2 metres to protect views and daylight. The same principles apply to the design of back garden buildings as to rear extensions: they should not unduly over-shadow neighbouring properties, they should not be too large or significantly reduce the size of a garden to become out of character with the area, they should not unduly affect outlook from an adjoining properties habitable rooms or principal garden areas their design and materials should be in harmony with the surrounding area.

14.41 Proposals should consider location of garden buildings such as sheds and greenhouses so that they minimise the impact on neighbouring properties. Garden buildings should be located to the rear of properties. The building materials used should respect the existing buildings and the overall character of the area. Garden buildings should minimise any impact on trees."

Throughout the lifetime of the application the scale of the proposed outbuilding has been amended and reduced.

As revised, the outbuilding would measure a width of 5.8m, a depth of 3.1m - a footprint of 18sqm, supporting a flat roof with a height of 2.5m and 2no. skylights.

It is considered that an outbuilding at this scale is not unusually large nor significantly out of character with the surrounding area.

As initially proposed, the outbuilding included elements of a self-contained residential unit and a number of the initial public objections pertained to this use.

Officers concur that a self-contained residential unit at the rear of a garden would be contrary to policy and unacceptable. Following amendments the footprint of the outbuilding has been reduced significantly in scale, to no more than 18sqm, and would contain a small gym, office, and WC, to be used ancillary to the main dwelling. A condition will be attached to ensure that the outbuilding remains used ancillary to the main dwellinghouse and not as a residential unit.

Overall, it is found that the established character and appearance of the existing dwelling would not be affected, should this proposal receive approval; therefore, in this regard, it is in compliance with Policy DM01 of Barnet's Development Management Policies DPD.

Trees

The importance of trees, ecology and landscape is recognised at every policy level, Nationally NPPF chapter 15; regionally London Plan policy G6 and locally within Barnet Council's adopted policies DM01, DM04, DM15 & DM16 all require developers to consider, trees, ecology and landscape which builds biodiversity.

The proposed development includes the removal of the existing tree at the rear of the garden. Though the benefits of retaining the tree are numerous and clear, in consultation with Barnet's Tree officers, they have confirmed that the existing tree would not likely merit

a Tree Protection Order. As the tree is on private land, and would not warrant a TPO, the tree could be lawfully felled without seeking consent outside the parameters of this planning permission.

As such, the LPA do not consider that the loss of this tree would warrant a reasonable refusal of the proposal in this regard.

Residential Amenity

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. The Residential Design Guidance SPD states that proposals should be designed to ensure the provision of sufficient privacy, minimisation of overlooking between surrounding dwellings and orientation of buildings to maximise sunlight and daylight.

Throughout the lifetime of the application the scale and height of the outbuilding has been amended. As currently proposed the outbuilding would have a flat roof with a height of c2.5m.

It is considered that a height of 2.5m is generally appropriate for an outbuilding (and indeed what would be lawful under permitted development for a single family dwellinghouse to implement) and would not result in an overly harmful impact on the amenity of the neighbouring occupiers such that would warrant refusal.

Sufficient outdoor amenity space will be retained for the occupiers of Flat 59B in line with minimum Outdoor Amenity Space Requirements for flats of 5sqm per habitable room.

Concerns have been raised that the fenestration of the outbuilding would give rise to direct overlooking and loss of privacy to the occupiers of the ground floor flat of No 59, in part due to the low 1.3m height of the boundary fence.

In light of this concern, the outbuilding has been reorientated, so that the fenestration faces the rear garden area of No 59b and the rear section of the boundary fence with No 57. Officers are satisfied that the outbuilding would thus not give rise to harmful direct overlooking or loss of privacy to the occupiers of the ground floor flat.

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

- The main planning considerations have been addressed within the body of the report.
- As amended the footprint, size and height of the outbuilding is considered to be acceptable.
- The revised outbuilding would be used ancillary to the main dwellinghouse, and a condition attached to ensure it is not used as a self-contained residential unit.

- The loss of the tree has been addressed in the report above.
- The outbuilding has been reorientated so as not to give rise to direct overlooking to neighbouring rear windows.

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, as amended, would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



Location map

1 : 1250

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Location	O/s 13 And 14 Varley Parade The Hyde London NW9 6RR	
Reference:	23/3784/FUL	Received: 1st September 2023
		Accepted: 4th September 2023
Ward:	Colindale South	Expiry: 30th October 2023
Case Officer:	Olivia Becci	
Applicant:	John Rainford	
Proposal:	Installation of 1no. electrical vehicle charging point unit with double-sided LCD screen, feeder pillar and associated electrical connection works	

AGENDA ITEM 11

OFFICER’S RECOMMENDATION

Approve subject to conditions

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

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

JLT.001-EXISTING LAYOUT Rev B
 JLT.002-PROPOSED LAYOUT Rev B
 EVA 2.0 - Prelim UK Design Rev 1.0
 Design and Access Statement dated 1st September 2023
 Product Specifications (EVCP + 2x Display Advertising Screens)

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 development hereby approved shall be installed in full accordance with the materials and specifications as set out within the approved drawings and documents.

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

- 4 The EV charging unit shall be operated and maintained in compliance with 'The Electric Vehicles (Smart Charging Points) Regulations 2021' for the lifetime of the unit.

Reason: To ensure that the development is carried out fully in accordance with the regulations as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM03 of the Local Plan Development Management Policies DPD (adopted September 2012).

Informative(s):

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

OFFICER'S ASSESSMENT

1. Site Description

The application site is located outside 13-14 Varley Parade (Jct. with Woodfield Avenue), NW9 6RR, becoming a new piece of infrastructure in this location. Varley Parade is a row of shop lots situated off of Edgware Road, which is a heavily used main road connecting Hendon and Edgware, geographically located towards the west of the borough. The road has a high traffic count and hosts multiple shops and businesses in addition to being located along several bus routes.

The site is not listed or within a conservation area.

2. Site History

Reference: 23/3785/ADV

Address: O/s 13 And 14 Varley Parade, The Hyde, London, NW9 6RR

Decision: Pending Consideration

Decision Date: N/A

Description: Installation of 1no. double-sided internally illuminated LCD screen with integral electrical vehicle charging point

3. Proposal

This application seeks approval for the 'Installation of 1no. electrical vehicle charging point unit with double-sided LCD screen, feeder pillar and associated electrical connection works'.

4. Public Consultation

Consultation letters were sent to 37 neighbouring properties.

13 objection comments have been received, which can be summarised as follows:

- All leaseholders have objected due to loss of parking for the leaseholder shop and business. The benefit will go to Jolt Charge Limited.
- The Varley Parade is a private parade and freeholders are Varley Parade Estate and the lease holders are from 10-19 Varley Parade. Objection to have anything placed on this land which is private property.

4.1 Internal Consultation

Highways and Transportation - recommend the installation of JOLT charge points.

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 5th September 2023. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2021

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

Barnet's Local Plan (2012)

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

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5,
Relevant Development Management Policies: DM01, DM03, 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

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the site, the street scene and the wider locality.
- Whether harm would be caused to the living conditions of neighbouring residents;
- Highway impact;
- Public safety.

5.4 Assessment

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

Development proposals must represent high quality design, preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. This ensures that the development addresses the requirements of Policies DM01, CS05 (Barnet's Local Plan), Policies D3 and D8 of the London Plan and the NPPF.

Varley Parade is a row of shops situated off Edgware Road, which is a heavily used main road connecting Hendon and Edgware, geographically located towards the west of the Borough. The road has a high traffic count and hosts multiple shops and businesses in addition to being located along several bus routes.

The site has been selected based upon the need for additional fast EVCPs in the area, the high attraction rate of the site, and the suitability of the location for an EV charge point. The site conforms to the current standards in the IET Code of Practice for Electric Vehicle Charging Equipment Installation, 4th Edition. JOLT has reviewed the draft 5th Edition of the IET Code of Practice, currently out for consultation, and the site selection criteria meets the updated standards.

The unit is 1160mm wide will be situated 450mm from the kerb edge. This leaves 5090mm of clear footway width between the back of the unit and the back of the footway.

The location is not outside residential property and will utilise an existing parking bay with sufficient road width remaining for vehicles to pass.

The site will have an 'EV Charging Only' allocated bay, and would serve the EV charging needs of the surrounding residential properties with no access to off-street parking, namely residents on Edgware Road, Hay Lane, Haydon Close and residential properties above commercial premises on Varley Parade.

It is noted that the proposed unit has a non-reflective, Monument Grey finish, designed to be sympathetic with a variety of street settings. The unit is certified IP55+ for dust and water resistance, with easy clean, graffiti-resistant coatings, allowing the units to become an attractive, well-maintained part of the local streetscape.

The primary function of the unit is electric vehicle charging, with a secondary function of digital out-of-home advertising. The integral double-sided LCD screen will display paid-for adverts by third party companies, compliant with national and local advertising standards and requirements. The dual functionality of the unit reduces street clutter by combining the electrical vehicle charging point and a double-sided display screen into a single unit. This reduces the number of power connections required and reduces the number of vehicle movements within the London Borough of Barnet as maintenance is carried out on a single visit.

The proposal is considered to be of an appropriate size and scale in relation to the buildings on which they are set. It is considered that the proposed electrical vehicle charging point unit with double sided LCD screen would be in keeping with the character of the area and is considered acceptable.

As a result of the wide pavement and busy location, the proposed unit is not considered to give rise to undue visual clutter when taken together with other street furniture in the immediate vicinity.

It is therefore considered that the introduction of the proposed installation of 1no. electrical vehicle charging point unit with double-sided LCD screen, feeder pillar and associated electrical connection works would be in keeping with the local character and not to the detriment of the streetscene.

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

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policies D5 and D8 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

While the proposed electrical vehicle charging point unit may result in an increase in the use of the site by the public through the facilities provided, it is noted that the existing parking provision is in demand and it is not considered that this would be detrimental to the living conditions or amenity of neighbouring residents - in particular with regard to the ambient noise level. As such, the proposed development is not found to conflict with Policy DM01 of Barnet's Local Plan in respect of residential amenity.

Highway impact

Policy DM17 mandates that the council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

Officers have received a formal internal response from the Director of Highways and Transportation which acknowledges that the size and placement of such on-street units poses several potential challenges to the public realm, most notably to the width of the footway. As such, Officers from across the Council, in particular Highways Service, Transportation and Town Centres have reviewed the sites to ensure the effective location and minimisation of conflict with other priorities on the Highway. Following this review, the proposed site has been recommended for the installation of JOLT charge points.

Highways officers have confirmed no objections are raised to the proposed works.

Taking these comments into consideration, the Local Planning Authority therefore considers that the proposed development would have an acceptable impact on the surrounding the pedestrian highway network, in compliance with DM17.

Public safety

Policy DM01 states that development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime.

Design Guidance Note 1 (Advertising and Signs) states that advertisements should relate to their surrounding in terms of size, scale and sitting. In addition, they should be located to avoid visual clutter. Policy D8 of the London Plan (2021) seeks to ensure that street

clutter, including street furniture that is poorly located, unsightly, in poor condition or without a clear function is removed, to ensure that pedestrian amenity is improved. The Council's emerging approach to Public Realm improvements and including reducing crime is contained within policy CDH03 Barnet's Draft Local Plan 19 which states Be designed to meet Healthy Street Indicators, promote active travel and discourage car usage, with avoidance of barriers to movement and consideration given to desire lines. The document expands on this by stating Good public realm should be uncluttered so that all pedestrians including those that are mobility impaired can use pavements. Town centre public realm strategies will address in more detail the management of obstacles such as: shops which use pavements for displaying goods; advertisement hoardings; and telephone kiosks.

The site can be found outside 13-14 Varley Parade (Jct. with Woodfield Avenue), NW9 6RR. The existing footway has a total width of 6700mm. The electrical vehicle charging point unit with double sided LCD screen is 1160mm wide and will be placed 450mm from the kerb edge. This leaves 5090mm of clear footway width between the back of the charging unit and the back of the footway - in excess of that sought by the Pedestrian Comfort Guidance for London (TfL, 2019). The display screen has multi-layer, laminated, vandal-resistant cover glass with anti-reflective coating to minimise mirror haze and reflection. The LCD screen proposed is not hazardous or overly distracting to the surrounding area and a condition is proposed requiring it to be operated and maintained in compliance with 'The Electric Vehicles (Smart Charging Points) Regulations 2021' for the lifetime of the unit. It is considered that the electrical vehicle charging point unit with double sided LCD screen would not be detrimental to public safety and that the application is therefore acceptable on this ground.

5.5 Response to Public Consultation

- All leaseholders have objected due to loss of parking for the leaseholder shop and business. The benefit will go to Jolt Charge Limited.

As discussed within the main body of the report, Highways officers have reviewed the proposal and have raised no objections to the proposed works. The financial benefit from the works is not a relevant planning matter.

- The Varley Parade is a private parade and freeholders are Varley Parade Estate and the lease holders are from 10-19 Varley Parade. Objection to have anything placed on this land which is private property.

The application form demonstrates that the applicant has served Certificate B on owners of the land, therefore any dispute as to ownership or access rights is a civil matter between the parties concerned. A grant of planning permission would not supersede any other obligation required to be satisfied prior to implementation.

6. Equalities and Diversity Issues

The proposals do 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 application is therefore recommended for APPROVAL subject to conditions.



Location 13 Daniel Place London NW4 3PG

Reference: 23/2739/FUL

Received: 22nd June 2023

Accepted: 28th June 2023

Ward: West Hendon

Expiry 23rd August 2023

AGENDA ITEM 12

Case Officer: Daniel Wieder

Applicant: Mr C Deng

Proposal: Change of use of the property from a single family dwelling (C3) to a 5 bedroom House in Multiple Occupation (HMO) (Class C4) for 5 people including single storey rear infill extension. Associated amenity space and cycle parking

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. - A contribution of £2738.94 is required towards the amendment of the Traffic order that regulates the Controlled Parking Zone, to restrict future occupiers from obtaining parking permits.

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:

202311.P.3001 Rev A Site Location Plan
202311.P.3002 Rev B Existing Block Plan
202311.P.3003 Rev C Proposed Block Plan
202311.P.201 Existing Elevations and Sections
202311.P.3101 Existing Floor Plans
202311.P.202 Proposed Elevations and Sections
202311.P.3102 Rev B Proposed Floor Plans
202311.P.3103 Proposed Outbuilding Floor Plan
Planning Statement REV B (17.10.2023)
Parking Survey (Traffic Surveys UK Ltd 13 Daniel Place Parking Report Sept 2023.TSUKDetails)

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 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.

- 4 The use of the outbuilding hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied

as a separate bedroom/ unit or dwelling.

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).

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

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

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

- 6 The House of Multiple Occupation hereby approved must be occupied by no more than 5 persons at any time.

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

- 7 No cooking facilities, including hot plates, shall be installed in the bedrooms of the HMO hereby permitted.

Reason:

To ensure the units remain as HMO accommodation and not self-contained flats, and to protect the amenities of the future occupiers.

- 8 The subdivision of the amenity space shall be implemented in accordance with the details shown and approved under Proposed Block Plan 202311.P.3003 Rev C before first occupation or the use is commenced and retained as such thereafter.

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

RECOMMENDATION III:

1 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 25/05/2024, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of amending the Traffic Order to restrict CPZ permits from future occupiers. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 3 The applicant is advised that suitable absorbent materials should be installed in the outbuilding for its use as an ancillary domestic gym, to reduce reverberation noise if weights are dropped as well as also help reduce any amplified noise. If not done correctly, noise could possibly cause a nuisance and would be assessed and dealt with accordingly by the Environmental Health Team if complaints were received.

OFFICER'S ASSESSMENT

1. Site Description

The application site concerns a two-storey terraced dwelling located at the end of the cul-de-sac Daniel Place, within the ward of West Hendon.

There are no protected trees on site, nor does the application site lie within a conservation area or contain a locally or statutory listed building.

The site is located within Flood Zone One (low risk) and has a Public Transport Accessibility Level (PTAL) of 0.

Officers undertook a site visit to the site on the 2nd of August 2023.

2. Site History

Reference: 23/1471/192

Address: 13 Daniel Place, London, NW4 3PG

Decision: Lawful

Decision Date: 3 May 2023

Description: Roof extension involving rear dormer window with Juliette balcony and 2no. front facing rooflights.

It is prudent to note that the outbuilding at the rear of the garden has been subject to a number of planning enforcement complaints, investigations and notices in regard to its use as a self-contained residential unit.

An enforcement notice issued on the 25th of September 2006, ref: W15603/06/ENF required the cessation of the use of the outbuilding as a separate unit of accommodation and to permanently remove all kitchen and bathroom facilities from the outbuilding. A subsequent appeal against the notice, ref: APP/N5090/C/06/2027264 was dismissed and the notice upheld.

Notwithstanding the history of the site, the current proposed application to convert the premises into a 5 person HMO includes the use of the outbuilding as an ancillary space to the main dwellinghouse, and a condition will be attached to secure this.

In addition, the property benefits from a historic rear extension. Following an enforcement investigation in 2017, ref: ENF/01285/07/W, this was deemed likely to have complied with permitted development and would now be lawful by virtue of time.

3. Proposal

The application seeks the permission for the

- Change of use of the property from a single-family dwelling (C3) to a 5-bedroom House in Multiple Occupation (HMO) (Class C4) for 5 people

- Single storey rear infill extension.
- Associated amenity space, refuse and cycle parking

4. Public Consultation

Consultation letters were sent to 62 neighbouring properties. 6 comments have been received, comprising 5 objections and 1 supporting comment.

The objection received can be summarised as follows:

- Already an HMO next door which is harmful to the character of the area
- Significant concerns over existing HMO at No 13 in regard to refuse and parking, this will make it worse.
- Severe lack of parking and congestion in area as existing
- Disruption to the immediate community and families living on either side of the proposed development who will be adversely affected by noise, disruption, and dust during the construction/building works.
- Antisocial behaviour, security issues and noise issues arising from rental properties in this street formed primarily by family homes.
- 'Evidence' from Estate Agents would be biased.
- Clear glazed windows for a bedroom would result in overlooking.
- Oversized outbuilding in rear garden used as a self-contained unit without consent.

The supporting comment received can be summarised as follows:

- When inflation has shot through the ceiling along with rental costs and bills, the local councils should consider alternative accommodations for those who cannot afford to rent entire properties. Many professionals employed in Brent Cross Shopping Centre or local firms struggle to find housing matching their monthly budget. A few more well-managed HMOs will not harm anyone and will help minimise this problem.

A site notice was posted on the 06 July 2023.

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 first published on 27 March 2012 and updated on 24 July 2018, 19 February 2019, 20 July 2021 and 5 September 2023. 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, DM04, DM08, DM09, DM17

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

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

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

Barnet's Local Plan (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:

- i. The principle of a large HMO in this location and whether there is an identified need
- ii. The Impact on the appearance and character of the area
- iii. The impact on the amenities of neighbouring occupiers
- iv. Whether the proposal provides satisfactory living accommodation for future occupiers in accordance with the HMO standards
- v. Parking and highways
- vi. Refuse and recycling storage

5.3 Assessment of proposals

The principle of a large HMO in this location and its identified need

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.

As of 29 May 2016, planning permission is required anywhere in Barnet to convert a dwelling house (Use Class C3) to a small HMO (Use Class C4) where up to 6 unrelated people share basic amenities such as a kitchen or bathroom.

Larger HMOs are properties occupied by more than 6 unrelated individuals who share basic amenities such as a kitchen or bathroom facilities. They are classified as 'sui generis' (a use like no other) and always require planning permission.

Within the planning system a HMO can be either a house split into separate bedsits, a shared house or shared flat. The introduction of an Article 4 across the borough is recognition that HMOs need to be controlled and their proliferation can be harmful to a more permanent residential character. The use of the property by a large number of separate households is likely, on the basis of the criteria identified above, to change the character of the street and to undermine the more permanent residential nature afforded by single dwelling houses.

The proposal is for a 5 bed HMO for 5 people.

Core Strategy policy CS4 aims to maximise housing choice by providing a range of sizes and types of accommodation that can meet aspirations and increase access to affordable and decent new homes. Barnet's growing and increasingly diverse population has a range of needs that requires a variety of sizes of accommodation. HMOs are recognised as an important source of low cost, private sector housing for students, those on low incomes and those seeking temporary accommodation. HMOs can involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of additional refuse facilities and more people movements and more deliveries, that can have an unacceptable impact on the established character of an area.

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

Policy DM09 recognises proposals for new HMO will be encouraged provided that they meet an identified need. HMO are an important source of low cost, private sector housing for students, those on low incomes and those seeking temporary accommodation.

Policy DM09 advocates that proposals for new HMO's will be encouraged provided that:

- they meet an identified need;
- can demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area;
- are easily accessible by public transport, cycling and walking; and
- meet the relevant housing standards for a HMO.

Policy DM09 also requires HMOs to be located in town centres or close to transport nodes.

In evidencing the need for an HMO at this site, 3 letters from local estate agents have been submitted, alongside a Planning Statement, which detail the 'immense' demand for HMO accommodation in this area, far outstripping the supply, and the need for more HMO accommodation.

It is noted that the site has a poor PTAL rating of 0, however this appears to be a quirk of the PTAL rating specific to this particular location, not reflecting the relatively good level of accessibility, in particular by bike and on foot by way of the connecting footpaths and alleyways with surrounding roads. Though not in a Town Centre, the site is an approximately 5-minute walk to Brent Cross Shopping Centre, 10 minutes' walk from the Brent Cross Bus Station, and 13 minutes to both Hendon Central Underground and Hendon Mainline Rail Station (as measured on Google Maps).

The immediate neighbouring property, No 14, is a House of Multiple Occupation (made lawful by virtue of time) and No 17 was recently granted consent (ref: 19/6431/FUL) for the conversion into a House in Multiple Occupation (C4 use) for up to 5 people. The proposed conversion would thus not be harmful to or out of character with the surrounding area, nor with a condition restricting occupation to 5 persons, result in an intensification of use that would have an overly harmful impact on the character and amenities of the surrounding area.

Overall, the principle of the conversion of this single family dwellinghouse to a 5 person HMO, is considered to be in accordance with Policy DM09 and therefore would be acceptable.

The proposal includes the use of the existing rear garden outbuilding as an ancillary gym/recreational space for the occupiers of the HMO. This is considered to be acceptable, and a condition will be attached to ensure that it remains ancillary, occupied only in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

Impact on the character of the area

The NPPF attaches great importance to the design of the built environment, stating 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" (para.124). Section 12 of the National Planning Policy Framework (2021) sets out guidance for 'achieving well-designed places'. Paragraph 130 of the Framework states that planning policies and decision should ensure that development "...create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users..." (part f)

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 CS NPPF, CS1, CS5, DM01 and DM02 and Policy D3 of the London Plan. Policy DM01 states that development proposals should have due regard for the character and pattern of in the local area and respect the appearance, scale, mass height and pattern of surrounding buildings, spaces and streets.

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

The proposed alterations to the actual built form proposed as part of the application is relatively minor, comprising a small rear infill extension. In addition a new set of doors will be added on the existing rear elevation, to serve the cycle store area. These are considered to be acceptable in character and design.

Overall, it is found that the established character and appearance of the existing dwelling and surrounding area would not be affected, should this proposal receive approval; therefore, in this regard, it is in compliance with Policy DM01 of Barnet's Development Management Policies DPD.

Impact on the amenities of neighbours

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 all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. The Residential Design Guidance SPD states that proposals should be designed to ensure the provision of sufficient privacy, minimisation of overlooking between surrounding dwellings and orientation of buildings to maximise sunlight and daylight. 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.

Officers do not consider that the minor rear infill extension would give rise to any neighbouring impact.

The proposal would result in the single family 3-bedroom dwellinghouse being converted to a 5-bedroom 5 person HMO.

An HMO unit would create an increase in footfall and the intensification of use which could have a harmful impact on the character of the wider street scene. The level of activity resulting from groups of unconnected people, as would be the case with an HMO, would be likely to result in differing patterns of usage and behaviour as compared with residents living as single households who could be expected to share a lifestyle. In particular, there is likely to be more frequent comings and goings of residents and visitors and greater potential for increased noise and disturbance to local residents, the use of the limited garden/ outside area and parking on the surrounding road network.

Though the intensification of the site and level of activity will inevitably increase, it is not considered that difference between the existing use as a 3-bed house and its use as an HMO restricted to 5 persons would give rise to an overly deleterious amenity impact to neighbouring occupiers and would raise no objections in this regard.

Therefore, is not likely to result in noise and disturbance which would be detrimental to the living conditions of neighbouring occupiers as per the aims of Policies DM01 and DM09.

Concerns have been raised regarding the conversion of the first-floor bathroom into a bedroom, and the likely conversion of the recently installed obscure glazed window to a

clear window serving the bedroom resulting in overlooking to the neighbours' rear garden. It is not considered that changing this window to a clear glazed window would result in any worse degree of overlooking than exists already from the main first floor rear windows, as is common on narrow terraced housing.

In regard to the use of the outbuilding as an ancillary gym space for the occupiers of the main dwelling, noting its proximity to neighbouring properties and the potential noise implications of using this space, Environmental Health officers advise that the applicant should ensure that an absorbent flooring material is used to reduce reverberation noise if weights are dropped as well as also help reduce any amplified noise. If not done correctly, noise could possibly cause a nuisance and would be assessed and dealt with accordingly if complaints were received. A condition has been added to prevent the use as primary living accommodation/ self contained unit.

Whether the scheme complies with HMO standards

Space Standards:

Turning to the housing standards for HMOs, the Residential Design Guidance states at Para 15.6:

"Where the conversion of a single-family home into a small HMO or subdivision into flats is proposed the following should all be considered:

- The property should be large enough to be converted without the need for substantial additional extensions;
- There should normally be access to the rear garden for all flats;
- There should be adequate space off street to meet parking standards set out in DM17;
- There should be adequate space to provide suitable refuse storage in line with council guidance for architects; and
- Unit sizes should conform with the London Plan's minimum space standards set out in Appendix 2 of this SPD or for HMO the Councils adopted Housing Standards.

The Council's adopted Standards for Houses in Multiple Occupations (adopted 2016) provides guidance on the recommended standards and states that it is expected that all HMOs will comply with these standards where reasonable and practicable.

The Council's Environmental Health Officer was consulted throughout the lifetime of this application.

The proposed HMO as described and subject to any exemptions set out in Schedule 14 to the Housing Act 2004, is likely to require a licence from the Council. Subject to application, any licence conditions will be broadly in line with Barnet's HMO Standards <https://www.barnet.gov.uk/sites/default/files/2023-03/HMO-standards-Feb-22.pdf> and the LACORS 'Guidance on fire safety provisions for certain types of existing housing' <https://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf>

Fire safety and any other matters relating to building work will also need to accord with the current Building Regulations and an application/building notice to Building Control/or approved inspector should be made for this purpose.

Overall, the proposed HMO is considered to comply with the relevant Housing Standards and Policy DM09.

Highways and parking

Policy DM17 of Barnet's Development Management Policies Document DPD (2012) states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

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

The applicant is proposing to convert the existing into 5x bed HMO with the provision of no off-street parking spaces. Though no specific standards exist for HMO units, they are generally assessed as 1bed individual units, as occupants are likely to be individuals rather than a family sharing a dwelling who are likely to share vehicles, so 0-1 space required per unit.

Highways officers have reviewed the proposal and commented as follows:

The site lies within a PTAL 0 zone (poor transport accessibility), which means that there is poor public transport accessibility to and from the site. The site is located within a Controlled Parking Zone (GC1) which is in operation Mon-Fri between (11am-12pm).

In line with requirements set out on Policy DM17 of the Barnet Local Plan, the required off-street car parking provision for this proposal is 5 spaces. This is an increase of 4no. space requirement from the existing use.

No off-street parking is proposed. The applicant has submitted a Parking Survey, undertaken in accordance with the Lambeth Methodology, which demonstrates that the both the existing parking stress levels, and the levels with the addition of 4no cars parked, would remain below the acceptable threshold of parking stress (85%).

Highways officers have advised that the proposed development would be considered acceptable, subject to a legal agreement to exempt the occupiers of the proposed units from the schedule of addresses eligible for parking permits in the CPZ.

In regard to cycle parking the London Plan set out in Table 6.3 states that 1no. cycle parking space is required for a studio and 1no. bedroom unit, whilst 2no. cycle parking spaces are required all other dwellings. Cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport. For a proposal such as this the required cycle parking provision is 5 spaces (1 per dwelling).

5-cycle spaces are proposed. This is considered acceptable, and a condition will be attached securing its provision.

Refuse and recycling storage

Bin stores should be designed to include storage for both refuse and recycling and be in compliance with policies as set out in the Sustainable Design and Construction SPD (section 2.12) and Barnet's "Provision of Household Recycling and Waste Service" guide.

2x recycling bins are provided in a refuse store at the front of the property, and 2 x refuse bins are provided in a refuse store at the rear. The planning statement confirms that these will be brought forward to the public highway on collection day.

This is considered to be acceptable. A condition has been recommended to request the submission of details in relation to the dimensions, design and materials of the proposed refuse stores, to ensure they that do not have a visually harmful impact on the area.

5.4 Response to Public Consultation

- The main planning considerations have been addressed within the body of the report.
- Highways officers have reviewed the proposal and confirmed following a parking survey and subject to a S106 restricting CPZ permits to future occupiers the proposal is acceptable.
- The outbuilding will be conditioned to be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.
- The refuse provision has been considered and is acceptable in accordance with standards
- Alleged anti-social behaviour from rental properties is not a valid planning consideration

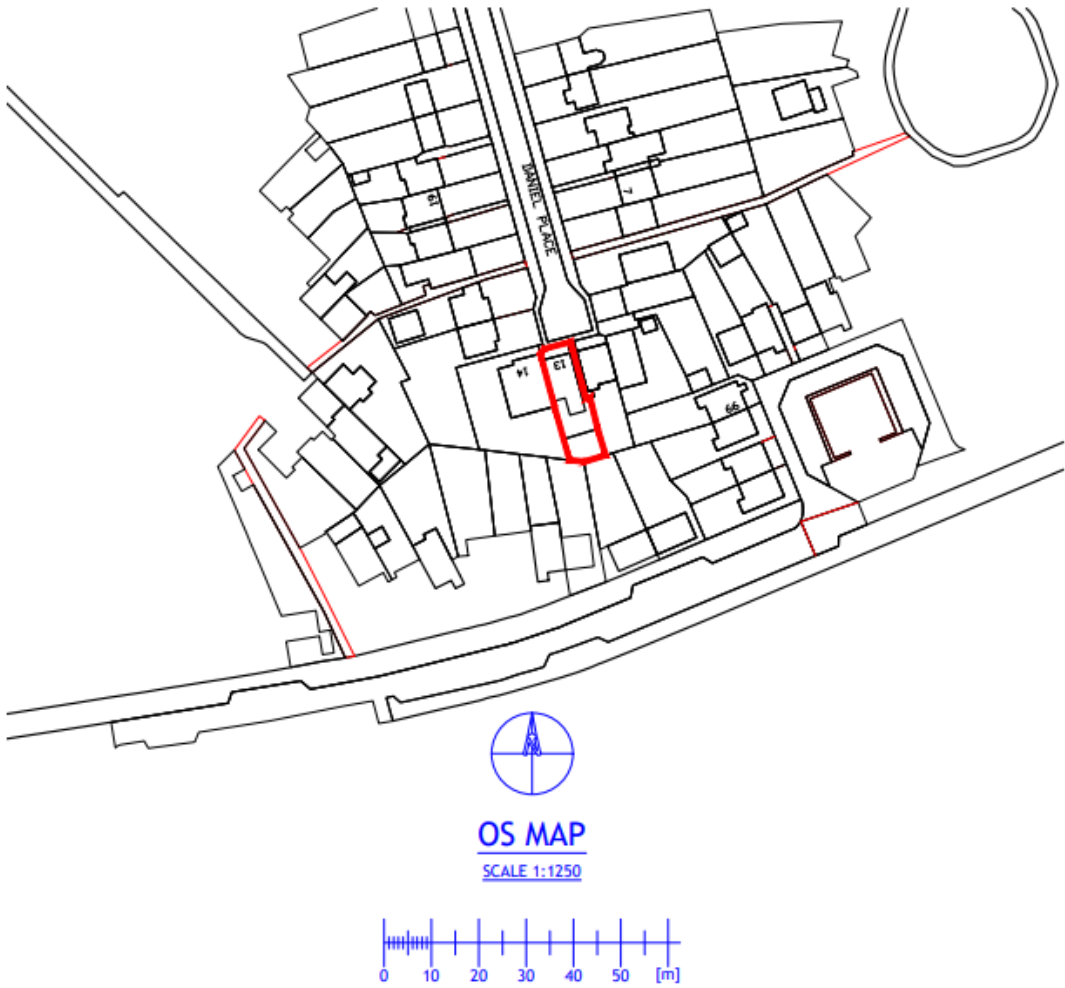
6. Equality and Diversity Issues

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

7. Conclusion

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

Site Location Plan:



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