

**MEETING**

**PLANNING COMMITTEE A**

**DATE AND TIME**

**MONDAY 4TH DECEMBER, 2023**

**AT 7.00 PM**

**VENUE**

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

**TO: MEMBERS OF PLANNING COMMITTEE A (Quorum 4)**

Chairman: Councillor Tim Roberts  
Vice Chairman: Councillor Richard Barnes

Anne Hutton  
Danny Rich

Joshua Conway  
David Longstaff

**Substitute Members**

Elliot Simberg  
Laithe Jajeh

Claire Farrier

Gill Sargeant

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**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](mailto:planning.committees@barnet.gov.uk)

Media Relations Contact: Tristan Garrick 020 8359 2454

**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.	Sherwood Court Garages Friern Park N12 9LX - 22/0766/FUL (Woodhouse)	9 - 32
7.	Yew Tree Court Bridge Lane London NW11 0RA - 23/3530/S73 (Golders Green)	33 - 48
8.	93 High Road London N2 8AG - 23/1660/FUL (East Finchley)	49 - 72
9.	Fortune House Moxon Street Barnet EN5 5TS - 23/2741/FUL (High Barnet)	73 - 120
10.	Ground Floor Flat 67 Church Lane London N2 8DR - 23/1805/FUL (East Finchley)	121 - 128
11.	Any item(s) that the Chairman decides are urgent	

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# Minutes of the Planning Committee A

6 November 2023

Members Present:-

AGENDA ITEM 1

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

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 6 September 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)

The Chair informed the committee that the following items have been deferred from the meeting:

Item 8 – Belmont Nursery School, The Ridgeway, NW7 1QT

Item 11 – 14 Varley Parade, NW9 6RR

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. 116 VICTORIA ROAD BARNET EN4 9PA 22/3005/FUL - EAST BARNET

The Planning Officer presented the report.

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

Both Clare Rowell and Andrew Spyrou addressed the Committee and spoke against the application.

Gardiner Hanson, the agent for the application, 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) 0

Against: (approval) 3

Abstained: 3

The Chair recommend a referral of the application to be determined at the Strategic Planning Committee on the basis that committee members were not provided sufficient evidence to make an informed decision on the application to which Councillor Hutton moved a motion seconded by Councillor Conway in agreement.

The motion was carried. The Committee then voted for the application to be determined at a forthcoming Strategic Planning Committee which was recorded as follows:

For (referral) 6

Against (referral) 0

Abstain 0

**Therefore the application was AGREED to be taken to the Strategic Planning Committee for determination.**

## **7. 961 FINCHLEY ROAD NE11 7PE 21/5626/FUL - CHILDS HILL**

The Planning Officer presented the report.

Joe Henry, 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) 6

Against: (approval) 0

Abstained: 0

**RESOLVED that the application be APPROVED 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).

**8. BELMONT NURSERY SCHOOL THE RIDGEWAY NW7 1QT 22/2800/S73 - MILL HILL**

Item deferred.

**9. 60 HERVEY CLOSE N3 2HJ 23/2274/FUL - WEST FINCHLEY**

The Planning Officer presented the report.

Sina Jeddi addressed the committee and spoke in support of the application.

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

Abstained: 0

**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).

**10. 59B GOLDERS GARDENS LONDON NW11 9BS - 23/1273/FUL - CHILDS HILL**

The Planning Officer presented the report.

Sam Bodansky addressed the committee and spoke against the application.

Nitin Soni addressed the committee and spoke in support of the application.

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) 3

Against: (approval) 2

Abstained: 1

**RESOLVED** that the application be **APPROVED** subject to conditions **AND** the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report 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. 14 VARLEY PARADE NW9 6RR 23/3784/FUL - COLINDALE SOUTH**

Item deferred.

**12. 13 DANIEL PLACE LONDON NW4 3PG 23/2739/FUL - WEST HENDON**

The Planning Officer presented the report.

Dominic Dear spoke on behalf of the agent.

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

Abstained: 0

**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).

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

None.

The meeting finished at 9.15pm



**Location** Sherwood Court Garages Friern Park London N12 9LX

**Reference:** 22/0766/FUL Received: 4th February 2022  
Accepted: 4th February 2022

Ward: Woodhouse Expiry 1st April 2022

**Case Officer:** John Sperling

Applicant:

Proposal: Demolition of existing garages. Erection of a two storey detached dwelling with off street parking and amenity space (AMENDED DRAWINGS).

AGENDA ITEM 6

### **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:

13784-P-201  
13784-P-202  
13784-P-203  
13784-P-204  
13784-P-205 E  
13784-P-206 A  
13784-P-207 B  
13784-P-208 A  
13784-P-209 A  
13784-P-210 A

Ecological Assessment  
Design and Access Statement  
Energy Statement  
Arboricultural Report

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

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

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

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

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

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

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

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

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a

storage/delivery area for all plant, site huts, site facilities and materials;

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

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

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

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

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

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

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

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

- 7 Prior to occupation at least 2 x 1FF Schwegler bat boxes (or alternative brand), 2 x Schwegler 1B bird nest box, (or alternative brands) shall be installed on the newly constructed building and retained trees nearby in accordance with guidance with 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA)',

shall be installed at least 6m high on the S, SE, or SW orientation, ideally and with enough space for bats to fly under the box easily in accordance with guidance with 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA)'. Photographs of the bat roost and bird nest box are to be submitted as evidence of compliance which shall be approved by the local planning authority. These installations shall be maintained and replaced as necessary for the lifetime of the building as directed by an appropriately qualified and licenced bat ecologist.

Reason: To enhance conditions for bats and nesting birds pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with policy DM16 of the Development Management Policies DPD (adopted September 2012), policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy G6 of the London Plan.

- 8 The development shall be implemented in accordance with the recommendations set out in the Ecological Assessment in respect of Low Impact Lighting

Reason: To protect bats pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with policy DM16 of the Development Management Policies DPD (adopted September 2012), policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy G6 of the London Plan.

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

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

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

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

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

b) The development shall thereafter be implemented in accordance with the details

as approved under this condition and the spaces shall be permanently retained thereafter.

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

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

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

- 12 No works on public highway including creation or modification of a vehicular access as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

The applicant will be expected to make an application to the Domestic Crossovers Team, for the creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

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

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7

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

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

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

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

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

- 16 Before the building hereby permitted is first occupied the proposed window(s) in the side and rear elevations as shown on drawing 13784-P-209A 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).

- 17 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

## Part 2

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

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

- 18 Prior to commencement of any construction or demolition works a detailed application shall be submitted to Highway Authority for approval of the alterations to the vehicular access from public highway and the works shall be carried out in accordance with the approved plans.

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

- 19 Prior to occupation of the development the proposed parking spaces within the parking area submitted with the planning application and the access to the parking area from public highway shall be provided. The access to the parking spaces shall be maintained at all times. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety

on the adjoining highway is not prejudiced in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 20 No structure including fences or planting exceeding 0.6 metres in height shall be erected to the left or right of the access within the visibility splay at the junction of private access and the public highway.

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

- 21 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side or rear elevation(s), of the building hereby approved, facing Sherwood Court, 134 Friern Park or 6 Torrington Grove.

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).

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

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

- 23 Prior to the first occupation of the development hereby approved the solar PV panels shall be provided in accordance with the details shown on the approved drawings.



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 S1.2 of the London Plan (2021).

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

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

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

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

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

- 26 a) Notwithstanding the details submitted with the application, no development shall take place until details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers for Sherwood Court, together with a satisfactory point of collection have been 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 commencement of the development and maintained 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.

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

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

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

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

- 3 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

- 4 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email [highwayscorrespondence@barnet.gov.uk](mailto:highwayscorrespondence@barnet.gov.uk).
- 5 The applicant is advised that if the development is carried out, only low level planting or landscaping (Below 0.6m in height) shall be provided at the entrance to the development to ensure that the visibility splays on either side of the access for the vehicles emerging from the development are kept clear of any obstruction which is likely to have a detrimental impact on highway and pedestrian safety.
- 6 Refuse collection points should be located within 10 metres of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 7 The submitted Construction Method Statement shall include as a minimum details of:
  - o Site hoarding
  - o Wheel washing
  - o Dust suppression methods and kit to be used
  - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
  - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
  - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
  - o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.
- 8 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
  - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
  - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
  - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;

- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

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

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

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

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

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

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

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

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

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

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

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

- 11 The applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Highway Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Highway Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site relates to a set of 3no. attached garages which is part of Sherwood Court (132 Friern Park, N12 9LX). The site is an unkept plot located on the eastern side of Torrington Grove, close to the junction of Friern Park, within the Woodhouse ward.

The surrounding area is characterised as residential ranging from flatted development to the single family dwellinghouses of detached and semi-detached typologies.

The site is not located within a Conservation Area or any other area of special control. There are no TPO's on site.

### **2. Relevant Site History**

Reference: 21/8114/QCF

Address: Sherwood Court, Friern Park, London, N12 9LX

Decision: Pre-application advice issued

Decision Date: 21 June 2021

Description: Proposed new dwelling by demolition of existing unused garages adjacent to Sherwood Court, 131 Friern Park, North Finchley, N12 9LX

Reference: C09292

Address: Land At Rear Of Sherwood Court 132 Friern Park London N12

Decision: Withdrawn

Decision date: 20/02/87

Description: Two storey detached house with integral garage, vehicular access & driveway.

### **3. Proposal**

This application seeks approval for the 'Demolition of existing garages. Erection of a two storey detached dwelling with off street parking and amenity space.'

Overall, the proposed dwelling would measure a maximum depth of 7 metres, width of 9.8 metres and maximum height of 6.3 metres from the right flank wall.

The main bulk of the property would form a two storey massing with a single storey front projection, measuring a height of 2.7 metres, accommodating the front porch and front living room space. This would create a stepped front elevational appearance.

Fenestration is included to all elevations.

The overall footprint of the site is 197.34m<sup>3</sup> and the proposed dwelling would consist of 64.06m<sup>3</sup>, which is 32.4% of the site footprint.

The dwelling would provide 3 bedrooms for 4 persons and would benefit from approximately 62m<sup>2</sup> of private rear amenity space and front amenity space to include accommodation for 2no. car parking spaces.

The application was deferred from the 8th February 2023 Committee A due to insufficient information related to details for the refuse provision at Sherwood Court. Amendments were received and neighbours reconsulted. The provision will include five refuse bins and five recycling bins stored in a timber enclosure. All ten bins will be 240 ltr bins and the enclosure would measure 0.8 metres deep and 1.2 metres high. This addition to the scheme would not affect the refuse/recycling provision at the proposed site, which includes one refuse, one mixed recycling and one garden waste bin in timber enclosure. Officers view that the details are acceptable and resolve the concerns previously raised at Committee A held on 8th February 2023.

### **4. Public Consultation**

Consultation letters were sent to 84 neighbouring properties

8no objections was received. The comments may be summarised as follows:

- Overdevelopment and overcrowded nature of the plot

- The intersection of the Friern Park / Torrington Grove is already overbuilt / overpopulated
- Architectural style would harm the character of the area
- Restricted parking spaces for residents at Sherwood Court
- Increased congestion
- Overlooking
- Loss of privacy
- Loss of light
- Disruption from the construction process along Friern Park
- Detrimental impact on the environment.
- A tree has been removed near the boundary with No.6 Torrington Grove. Evidence of this tree is available on Google Street View
- Incorrect information in the submitted document
- Noise pollution
- Need to reposition existing bins
- Loss of trees
- Proposal conflicts with lease agreement for residents at Sherwood Court

Following receipt of amendments, a 14 day reconsultation was issued to residents on the 16th May 2022. 4no additional objections were received in this period and may be summarised as follows:

- Amended drawings fail to address concerns of residents, namely relating to the conflicting nature of the existing residents leases and the proposed use of the site.
- Loss of outdoor amenity space.
- No relocation for the bins that serve Sherwood Court
- Proposed extension of existing crossover reduces on-street parking capacity
- Air pollution
- Increased parking pressure

Following receipt of amendments relating to refuse/recycling details for Sherwood Court, a 14 day reconsultation was issued to residents on the 5th October 2023. 2no additional objections were received in this period and may be summarised as follows:

- Proposed dwelling situated in Drying Area, as stated in the lease grant
- Impacted parking provision
- Pollution from works
- Environmental impact
- Overdevelopment of the site

#### **.4.1 Internal Consultation**

Environmental Health - no objections subject to details being confirmed and satisfied via condition.

Highways - no objections to amended drawings subject to conditions.

Street Scene - no objection

Metropolitan Police Design Out Crime Officer - "In my opinion, the cycle store needs addressing. In its current position, it is assumed that this will not be protected behind any type of security rated gate - presumably it'll consist of a close board timber gate with one or two points of locking. I would advise that the proposed cycle store is moved to a secure shed (blue rectangle) located within the rear garden. The lockable garden gate can remain either in its proposed position or installed to the opposite side of the building, but this will

be the first secure line to help to protect the more vulnerable sides and rear of the site (against burglary) and any items within the garden. By placing a lockable garden shed with either a Sheffield stand incorporated or secure cycle anchors within, the lockable shed then provides a further line of defence and further delays an offender. This shed is also in better view by the future residents, than as currently located out of view at the side of the building."

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021 (updated 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, 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 2041. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM07, DM08, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.



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

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

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

### Supplementary Planning Documents

#### Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. The SPD states that large areas of Barnet are characterised by relatively low-density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity it states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

#### Sustainable Design and Construction SPD (adopted 2016)

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

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Impact on the principle and character and appearance of the area;
- Impact on the amenities of neighbouring occupiers;
- Provision of suitable accommodation for future occupiers;
- Impact on Highways
- Refuse and Recycling

- Accessibility and Sustainability.

### **5.3 Assessment of proposals**

#### Principle and Impact on the character and appearance of the area

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

Paragraph 6.2 of the adopted Residential Design Guide states, "Respecting local character does not necessarily mean replicating it; however, great care should be taken when incorporating contemporary design into the existing urban fabric. New and old buildings can co-exist without negatively influencing the character of the area, but new development should always sit comfortably with its neighbours". Upon assessment of the site and its characteristics, there is no issue with the use of contemporary design and materials however they have to be based on an understanding of local characteristics.

The area is characterised by residential developments and therefore a residential use would be acceptable. The existing garages in question are not used for commercial purposes but were constructed for the residents at the neighbouring flatted development at Sherwood Court. Currently, the garage space does not fall under the ownership of the residents at Sherwood Court, as confirmed by evidence submitted by the applicant.

The pattern of development on this section of the street is predominantly comprised of buildings at the front of the road, albeit of differing designs due to various alterations, and private residential gardens to the rear.

The character and appearance of the proposed dwelling is noted to replace single storey garages which would notably alter the character of this part of Torrington Grove. The proposed dwelling is noted to maintain the front building line of the neighbouring properties along Torrington Grove and would be built to the front of the site, with provision of a private garden to the rear of the property.

The application is noted to include the provision for a family house in a sustainable residential location. However, any redevelopment of the site will need to accord with both national and local planning policies, including supplementary planning guidance.

With regards to the design and layout of the development, it is considered that considerations of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development. Higher densities should not be achieved at the expense of good quality design or the amenity of the surrounding area.

It is considered that the separation maintained between the amended proposed development and the neighbouring sites is consistent with the street and would not harmfully reduce the visual separation and visibility between properties so as to result in harmful impact on character grounds. In addition, the proposed front building line is noted to be consistent with other properties on Torrington Grove with front private amenity space

fronting the public pathway and the front white render of Sherwood Court would harmonise well with the proposed materials on the proposed dwelling whilst introducing brick detailing to provide a suitable level of variation on the front façade. This is considered to be consistent with The London Plan (2021) which advocates a sympathetic blend of contextually similar and contemporary styles. As such, the proposal is considered to reflect the established character of the streetscene and wider area whilst introducing design and materials which are already seen in the wider area.

Also, the proposed development is noted to sympathetically following the building line of the neighbouring properties relative to the declining gradient exhibited at Torrington Grove. It is noted that the proposed dwelling appears approximately 0.3 metres taller than the neighbouring dwelling of No.6 Torrington Grove so it is not considered to appear overly dominant or bulky in the streetscene. Alongside this, the two-storey element of the property would be set back from the ground floor element by approximately 0.8 metres, thus setting back and acceptably mitigating the prominence of the structure to avoid appearing harmfully bulky and dominant in the area. Further to this, the proposed flat roofed element would correspond with Sherwood Court and given its relatively minimal scale would not appear conflicting within the surrounding form of development.

The proposed front landscaping is considered to introduce a soft boundary to separate public and private realms and is considered to introduce an attractive and verdant feature within the character of the streetscene and wider area. It is noted the small boundary hedges are also seen at Nos 6, 11, and 15 Torrington Grove so this element is considered appropriate.

As such, it is considered that the proposed development would be acceptable in respect of the character and appearance of the host site, street scene and wider locality and complies with the policies and expectations outlined in Policy DM01.

#### Impact on the amenities of neighbouring occupiers

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy D6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

Any development, particularly on a constrained site should ensure that the amenities of neighbouring occupiers are respected. The Residential Design Guidance SPD advocates that there should be a distance of 10.5 metres between a new development and a neighbouring garden; careful consideration should be given to the siting of the building on the plot. In addition, any proposal should retain a distance of 21 metres between habitable windows. The furthestmost rear wall of the proposed dwelling is noted to be positioned 3.4 metres from the rear boundary. Relative to Flats 3 and 4 at 134 Friern Park, the site is separated by an access road of 2.5 metres. This is noted to conflict with the above guidance. However, the first floor rear facing Bedroom 3 would benefit from a narrow window which is suitably distanced from the neighbouring residents to avoid creating a harmful sense of overlooking. Further to this, with the main body of Nos 3 and 4 being distanced 6.6 metres from the closest boundary line the neighbouring residents are not considered to experience a harmful level of enclosure or outlook that would warrant the application for refusal.

With regards to the neighbouring residents at Sherwood Court, the first-floor of the dwelling is located at a distance of 4.45m. This distance is considered to mitigate the

impact on outlook and enclosure for the existing neighbouring residents. Alongside this, no first-floor habitable side windows (which are not obscure glazed) are proposed at the property so no opportunity for overlooking is considered to take place.

With regards to No.6 Torrington Grove, the proposed dwelling would not unacceptably project beyond the neighbouring front and rear walls and the proposal would only exceed the height of No.6 by approximately 0.3 metres so would not appear harmfully dominant relative to the neighbouring residents. The proposal is noted to be distanced 0.6 metres from the adjoining boundary, but No.6 is distanced approximately 2.3 metres from the boundary which is considered acceptable to offset the impact of the overall bulk and massing of the property. Bedroom 3 would be serviced with a first-floor window on the side elevation but would be high level and obscure glazed to avoid overlooking and privacy concerns.

As such, it is considered the proposed development would result in an acceptable impact to the existing residents in the nearby surrounding area and is therefore compliant with policy DM01 of Barnet's Local Plan.

#### Provision of suitable accommodation for future occupiers;

Section 8.4 of Barnet's Local Plan SPD: residential design guidance 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".

In addition to this, section 2.4 of the SPD for sustainable design and construction states that "the impact of development on the availability of daylight / sunlight and privacy to the occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The Mayor's Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight".

#### Space standards:

The proposed development involves the creation of a single family dwellinghouse containing 3no. bedrooms.

In accordance with policy D6 of the London Plan (2021) the proposed development should be of a high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose. Housing developments are required to meet the minimum standards of the London Plan.

The proposed development provides 96.59sqm of internal floor space. With the requirement being 93sqm the proposal meets this expectation.

The proposed 1x double and 2x single bedrooms would exceed the GIA requirement and satisfy the required width as mentioned above.

#### Floor to Ceiling Height:

The London Plan 2021 states that a minimum ceiling height of 2.5 metres is required for at least 75% of the gross internal area of a dwelling. The proposed internal height from floor level to ceiling would be 2.5 metres at both ground and first floor levels, thus satisfying the above requirement.

#### Outdoor Amenity Space:

The Sustainable Design Construction SPD highlighted the importance of good quality amenity space. Section 2.31 highlights that 'outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough. Residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers.

Barnet's Residential Design Guidance (2016) states that a habitable room is defined as the following:

"A room within a dwelling, the primary purpose of which is for living, sleeping or dining, including kitchens where the total area is more than 13m<sup>2</sup> (including fittings), or the dining space if it is divided from the working area by a moveable partition. Rooms exceeding 20m<sup>2</sup> will be counted as two."

According to this definition, the living area (27.8sqm) is the only habitable room which exceeds the minimum floor area as stated above. As such, the proposed dwelling benefits from 5 habitable rooms. According to the outdoor amenity space standard as laid out in Table 2.3 of Barnet's Sustainable Design and Construction SPD the dwelling must provide 55m<sup>2</sup> of space. Excluding the narrow garden space to the right flank the application proposes 58.23sqm which meets the above requirement.

It is noted the Police Design Out Crime officer advised the relocation of the cycle store to the rear portion of the rear amenity space to be placed in a secure shed. This is to protect the residents from burglary from the sides and rear of the proposed property. The officer continues to state that: 'By placing a lockable garden shed with either a Sheffield stand incorporated or secure cycle anchors within, the lockable shed then provides a further line of defence and further delays an offender. This shed is also in better view by the future residents, than as currently located out of view at the side of the building.

Notwithstanding the requirement to install the cycle storage within a secure unit, the relocation of the unit to the rear garden would in this instance not be suitable as it would reduce the amount of outdoor amenity space at the site. As such, its existing location is considered appropriate. Details of the design can be secured by condition.

#### Lighting:

Barnet Councils Sustainable Design and Construction SPD under section 2.4 'Daylight, Privacy (minimum distance), Outlook and Light Pollution' highlights the need for development proposals to ensure that the availability of daylight/sunlight for new developments is adequate and contributes significantly to the quality of life of future occupiers.

Within the design principles section, the SPD highlights that all glazing to habitable rooms should normally not be less than 20% of the internal floor area of the room.

Overall, it is considered the proposed lighting would be acceptable, positively contributing to the amenity of future occupiers.

Outlook:

The London Plan Housing Supplementary Planning Guidance notes that units should demonstrate that all habitable rooms and the kitchens are provided with adequate privacy and daylight and that the orientation enhances amenity, including views. Furthermore, the Mayors Housing Supplementary Planning Guidance outlines that units must demonstrate that adequate privacy, daylight and orientation including views are adequate for habitable rooms.

The proposed outlook is considered acceptable.

Overall, the proposed development is considered to provide an acceptable standard of accommodation for the future residents.

#### Traffic, parking, cycle parking and refuse/recycling

The Highways department finds the proposed development to be acceptable, subject to conditions and informatives.

#### Accessibility and Sustainability

Conditions would be attached to any permission to ensure the integration of water saving and efficiency measures insofar as a maximum of 105 litres of water consumption per person per day to comply with Policy S1 5 of the London Plan (2021) and a reduction of CO2 emissions in accordance with the requirements of Policy SI 2 of the London Plan (2021).

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

Consultation letters were sent to 84 neighbouring properties

8no objections was received. The comments may be summarised as follows:

- Overdevelopment and overcrowded nature of the plot
- The intersection of the Friern Park / Torrington Grove is already overbuilt / overpopulated
- Architectural style would harm the character of the area

The scheme has been amended to create an acceptable character impact. The flat roofed nature of the roof is noted to be similar to Sherwood Court and is considered sympathetic. Please see the main body of the report for further detail.

- Restricted parking spaces for residents at Sherwood Court
- Increased congestion

The Highways department finds the impact to be acceptable, subject to further information being submitted by condition.

- Overlooking
- Loss of privacy
- Loss of light

The impact to the neighbouring residents is considered acceptable, as addressed in the report.

- Disruption from the construction process along Friern Park
- Noise pollution

This is not a material consideration to be assessed under this planning application.

- Detrimental impact on the environment.
- A tree has been removed near the boundary with No.6 Torrington Grove. Evidence of this tree is available on Google Street View
- Incorrect information in the submitted document
- Loss of trees

The LPA acknowledges this and notes that this was completed prior to the submission of the application. Landscaping improvement measures are a condition of the approval of the scheme.

- Need to reposition existing bins

Sherwood Court is noted to benefit from sufficient space to accommodate for the existing bins.

- Proposal conflicts with lease agreement for residents at Sherwood Court

The LPA acknowledges this. However, details relating to the new ownership of the site in question was submitted and there is no planning reason to withhold consent in relation to land ownership issues.

Following receipt of amendments, a 14 day reconsultation was issued to residents on the 16th May. 4no additional objections were received in this period and may be summarised as follows:

- Amended drawings fail to address concerns of residents, namely relating to the conflicting nature of the existing residents leases and the proposed use of the site.
- Loss of outdoor amenity space.

The LPA acknowledges this concern. However, details relating to the new ownership of the site in question was submitted and there is no planning reason to withhold consent in relation to land ownership issues.

- No relocation for the bins that serve Sherwood Court

Sufficient space is noted to be available on site to accommodate for the bins as shown in amended plans.

- Proposed extension of existing crossover reduces on-street parking capacity
- Increased parking pressure

The Highways department finds the scheme to be acceptable.

- Air pollution

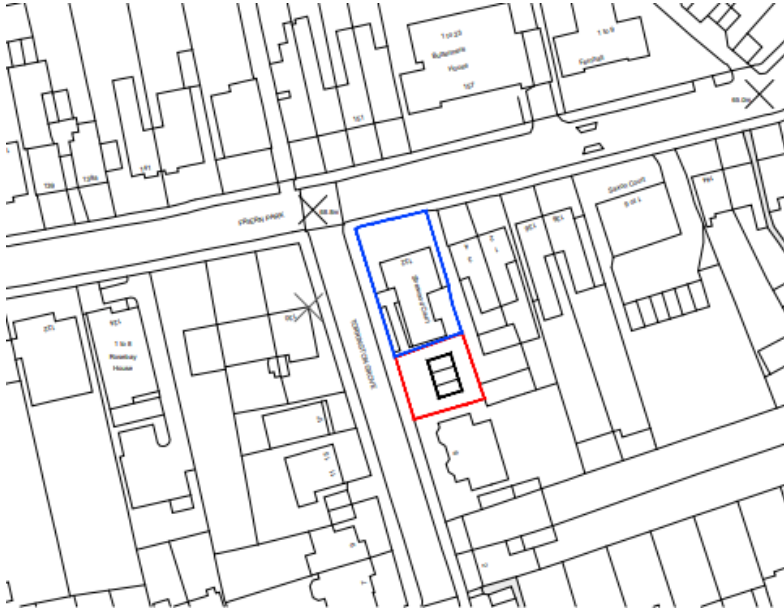
Environmental Health have raised no objections to the application subject to further information being submitted by way of condition.

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

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

## 7. Conclusion

Having taken all material considerations into account, the proposed development is acceptable and is hereby APPROVED, subject to conditions.





**Location** **Yew Tree Court Bridge Lane London NW11 0RA**

**Reference:** **23/3530/S73** Received: 14th August 2023  
Accepted: 14th August 2023

Ward: Golders Green Expiry 9th October 2023

AGENDA ITEM 7

**Case Officer:** **Olivia Becci**

Applicant: Mr Jeffrey Stein

Proposal: Variation of condition 1 (Approved Plans) and 13 (Schedule 1 to the Building Regulations 2010) of planning permission reference 21/5116/OUT dated 28/03/2022 for 'Construction of an additional mansard storey to the existing building to provide 9no. self-contained flats and installation of new lifts.' Variation to include removal of lifts and change the wording of condition 13 to read '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(1) 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.'

### **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:

E-101  
E-100 Rev. A  
E-103  
E-102  
E-201  
E-200  
P-101 Rev. A  
P-100 Rev. C  
P-104 Rev. A  
P-102 Rev. A  
P-200 Rev. A  
P-201 Rev. A  
P-103 Rev. A  
LOC-01 Site Location Plan  
Design and Access Statement Rev. A May 2023  
Planning Statement May 2023  
Viability Report April 2023

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

- 2 Application for the approval of the reserved matters must be made before the expiration of three years from the date of the original permission 21/51116/OUT dated 28/03/2022.

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

- 3 The development to which this permission relates must be begun not later than two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

- 4 Details of the landscaping shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out in accordance with those details as approved.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality, the flow of traffic and conditions of general safety on the adjacent highway or the enjoyment of neighbouring occupiers of their properties, in accordance with Policies DM01 and DM17 of the Development Management Policies DPD (adopted September 2012).

- 5 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved

in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

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

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

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

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

6 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.

- 7 The level of noise emitted from the ASHPs 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 7.15 of the London Plan 2015.

- 8 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.

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

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

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

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

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

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

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

11 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).

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

The development shall be maintained as such in perpetuity thereafter.

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

13 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(1) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and

adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

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

- 14 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2012 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

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

- 16 a) 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.

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

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

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

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.
  
- 3 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

#### Relief or Exemption from CIL:

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

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

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

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

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

Please visit

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

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

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

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

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

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site is located on the north-eastern side of Bridge Lane and lies on the outskirts of the Temple Fortune Town Centre. The existing building is a large 'U' shaped, three storey building which comprises of 33 self-contained residential units. There is a communal landscaped area within the front court.

Bridge Lane is mixed in character as the south-eastern end of the street is sited within the town centre and comprises a mix of residential and commercial units. Further, north-west, the street is residential in character, consisting of two storey, detached and semi-detached properties.

The site is not within a conservation area, nor is it a listed building. The site is located in a Controlled Parking Zone.

### **2. Site History**

Reference: 21/5116/OUT

Address: Yew Tree Court, Bridge Lane, London, NW11 0RA

Decision: Approved subject to conditions

Decision Date: 28 March 2022

Description: Construction of an additional mansard storey to the existing building to

provide 9no. self-contained flats and installation of new lifts

Reference: F/00654/09

Address: Yew Tree Court, Bridge Lane, London, NW11 0RA

Decision: Approved subject to conditions

Decision Date: 20 April 2009

Description: Alterations to block of flats entrances to provide ramped access for disabled use.

### **3. Proposal**

Variation of condition 1 (Approved Plans) and 13 (Schedule 1 to the Building Regulations 2010) of planning permission reference 21/5116/OUT dated 28/03/2022 for 'Construction of an additional mansard storey to the existing building to provide 9no. self-contained flats and installation of new lifts.' Variation to include removal of lifts and change the wording of condition 13 to read '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(1) 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.'

### **4. Public Consultation**

A total of 188 local residents have been consulted with and 6 objection comments have been received. The objection comments can be summarised as follows:

- Concerns an additional floor will restrict day/sunlight
- Concerns regarding lack of parking availability
- Concerns regarding privacy
- Concerns the development will impact property values
- Concerns that the development will not enhance the character of the area
- Concerns the development will contribute to noise and pollution levels
- Concerns that the development will increase congestion

### **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 updated on the 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 March 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 2031. 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.

Policy D7 states that 'To provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that:

1) at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings'

2) all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

#### 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.

Policy CS NPPF seeks to ensure that planning decisions are carried out in line with the main focus of the NPPF, namely sustainable economic development and collaborative working.

Policy CS1 sets out Barnet Council's strategy to concentrate and consolidate housing and economic growth in well located areas that provide opportunities for development, creating a quality environment that will have positive economic impacts on the deprived neighbourhoods that surround them.

Policy CS5 seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Policy DM01 seeks to protect character and amenity by ensuring that development meets a high standard of design reflecting local distinctiveness. The policy further seeks to ensure that proposals are designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers. Policy DM02 seeks to ensure that where appropriate development will be expected to demonstrate compliance with the following

national and Londonwide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents. Policy DM03 states that design should be inclusive for all, regardless of disability, age, gender, ethnicity, or economic circumstances.

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 (RDG) SPD (adopted 2016)

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

#### Sustainable Design and Construction SPD (adopted 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 only issues for consideration in this case are:

- Whether the requirements of the Building Regulations M4(2) are achievable / viable,
- Whether the variation of the condition would be contrary to national and local plan policy objectives for providing accessible housing.

## 5.3 Assessment of proposal

On 28th March 2022 planning permission was granted, subject to conditions for the construction of an additional mansard storey to the existing building to provide 9no. self-contained flats and installation of new lifts.

Condition 13 was imposed to ensure accessible housing:

"Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all

the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

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

The condition was imposed to accord with the aims and objectives of planning policy seeking to achieve accessible housing, in particular London plan policy D7, which states:

"A To provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that:

1) at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings'

2) all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'."

There are however several exceptions to this policy requirement. Paragraph 3.7.6 of the policy states:

'In exceptional circumstances the provision of a lift to dwelling entrances may not be achievable. In the following circumstances - and only in blocks of four storeys or less - it may be necessary to apply some flexibility in the application of this policy:

- Specific small-scale infill developments (see Policy H2 Small sites)
- Flats above existing shops or garages
- Stacked maisonettes where the potential for decked access to lifts is restricted"

Planning Practice Guidance (Paragraph 008 of the Housing: optional technical standards document) sets out a number of explanatory notes and exceptions- It explains that where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) of the optional requirements in the Building Regulations and should not impose any additional information requirements or seek to determine compliance with these requirements, which is the role of the Building Control Body. It is also stated that Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied.

The case for the applicant is summarised below:

- Following the receipt of planning approval, and further investigations, it was shown that due the expense of removing the existing stairs and installing 5no new passenger lifts for the gain of 9no new flats the proposal would be financially unviable. It is intended that subject to the acceptance of an amended Condition 13, the proposals for the development

be amended to show the retention of the rear secondary staircases. All other aspects of M4(2) will be retained including access within the new dwellings, adaptability of the new dwellings, and level access to the main entrances and within the gardens.

The LPA's viability officer has reviewed the submitted Financial Viability Assessment and has confirmed that the additional cost attributed to the lift provision would have had a negative impact on the viability making the scheme unviable. It is therefore accepted by officers that the inclusion of passenger lifts to all flats to meet M4(2) would render the proposal unviable.

With Part M volume 1 compliance being met through Building Regulations approval, Officers raise no objection to the variation of Condition 1 and Condition 13 in this particular case.

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

- Concerns an additional floor will restrict day/sunlight
- Concerns regarding lack of parking availability
- Concerns regarding privacy
- Concerns the development will impact property values
- Concerns that the development will not enhance the character of the area
- Concerns the development will contribute to noise and pollution levels
- Concerns that the development will increase congestion

The objection comments received relate to the original planning application Reference: 21/5116/OUT which has already been granted approval subject to conditions. The objection comments received are therefore not relevant to the changes proposed under this application.

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

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

#### **7. Conclusion**

This Section 73 application seeking the variation of condition 1 and condition 13 pursuant to planning application 21/5116/OUT is therefore recommended for APPROVAL.





**Location** 93 High Road London N2 8AG

**Reference:** 23/1660/FUL

Received: 17th April 2023

Accepted: 17th April 2023

**Ward:** East Finchley

Expiry 12th June 2023

AGENDA ITEM 8

**Case Officer:** Alissa Fawcett

**Applicant:** Ian Woodhouse

**Proposal:**

Conversion into 5no. self-contained flats including, lower ground and ground floor rear extension following demolition of existing rear storage building and rear access staircase, first and second floor rear extensions. Alterations and extension to roof to create an additional storey at third floor level. Retention of existing ground floor shop and basement storage. (Amended Description)

### **OFFICER'S RECOMMENDATION**

Approve subject to s106

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

### **RECOMMENDATION I:**

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

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

3. 3. Highways (traffic order) £2,392.01

"A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development."

#### 4. Monitoring of the Agreement £119.60

"Contribution towards the Council's costs in monitoring the obligations of the agreement."

### **RECOMMENDATION II:**

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

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

93FHR/PL/001 - Site Location Plan and Block Plan  
93FHR/PL/002 - Existing Floor Plans Basement and Ground  
93FHR/PL/003 - Existing Floor Plan First, Second and Roof  
93FHR/PL/004 - Existing Elevations  
93FHR/PL/005 Rev D - Proposed Floor Plans Lower Ground and Roof  
93FHR/PL/006 Rev A - Proposed Floor Plans First, Second, Third and Roof  
93FHR/PL/007 - Proposed Front and Rear Elevations  
93FHR/PL/008 - Proposed Side Elevation / Section  
Orb Property Planning - Planning and SPD Statement  
The Daylight Lab - Daylight and Sunlight Report (June 2023)

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

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

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

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

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

Strategy (adopted September 2012).

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

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

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

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

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

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

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

- 6 a) 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.

- 7 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 neighbouring commercial premises; 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 (adopted October 2016), and D13 and D14 of the London Plan 2021.

- 8 Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NO<sub>x</sub> emissions not exceeding 40 mg/kWh (0%), and shall be installed in full accordance with the details approved.

Reason: To reduce and limit NO<sub>x</sub> emissions to improve air quality and reduce

greenhouse gases in accordance with Policies GG3, SI1 and SI2 of the Mayor's London Plan 2021.

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

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

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

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

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

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

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

- 11 Notwithstanding the details shown on the hereby approved plans, details of cycle parking including the type of stands proposed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, before the development hereby permitted is occupied, the cycle parking spaces shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

12 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.

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

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

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

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

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

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

16 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).

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

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

- 18 Before the building hereby permitted is first occupied the proposed window(s) serving the ground floor ensuite and screen to rear courtyard as shown on plan 93FHR/PL/005 D shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

### **RECOMMENDATION III:**

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 01/04/2024, 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 provision of affordable housing; highways; sustainable travel; carbon reductions; and local economic development mitigation. The proposal would therefore not address the impacts of the development, contrary to Policies CS5 and CS9 of the

Local Plan Core Strategy (adopted September 2012), policies DM01 and DM17 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

**Informative(s):**

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

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

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

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



Crossrail, London's highest infrastructure priority.

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

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

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

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

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

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

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

- 4 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
  - o Wheel washing
  - o Dust suppression methods and kit to be used
  - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
  - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.

- o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
- o Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.
- o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

- 5 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.

- 6 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.

- 7 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 8 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email [highwayscorrespondence@barnet.gov.uk](mailto:highwayscorrespondence@barnet.gov.uk).
- 9 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 10 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this

work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW

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

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

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

- 12 The applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning and Highway Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and approved by thereafter submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.

## **OFFICER'S ASSESSMENT**

This application was called into Committee by Councillor Mitra in order to "determine the

impact on neighbours".

## **1. Site Description**

The application site is addressed as 93 High Road, located on the western side of High Road, in the ward of East Finchley. The site is opposite Leicester Road (to the east) and close to the junction with Beresford Road to the south, which runs to the rear (east) of the parade.

The site forms part of a three-storey parade, which is characterised by commercial uses at ground floor and (predominantly) residential on the upper floors.

The site falls within the Primary Retail Frontage of the East Finchley town centre (as defined by the Appendix 5 of Barnet's Development Management Policies Document DPD, 2012).

The site is not within a SINC or SSI, nor within a designated conservation area and does not include statutory or locally listed buildings.  
It is not in an Area of Special Archaeological Interest.

There are no trees on site, including any Tree Preservation Order's on site.

The property currently comprises a commercial unit at ground floor level, and two self-contained flats on the first and second storey.

## **2. Site History**

Reference: C12978A/02

Address: 93 High Road, London, N2 8AG

Decision: Approved subject to conditions

Decision Date: 8 July 2002

Description: Change of use from ground floor shop to ground floor shop and self-contained flat.

Relevant site history for neighbouring sites;

Reference: 17/4376/FUL

Address: 105 High Road, London, N2 8AG

Decision: Approved subject to conditions

Decision Date: 4 September 2017

Description: Creation of 4 no self-contained residential units to replace the existing 2 no self-contained residential units. Alterations/extensions to existing roof to create a new mansard roof extension with 3 no dormer windows to the front elevation and 2 no rooflights to the rear elevation with new parapet wall to the front. Three-storey rear extension following removal of rear terrace/steps to extension

## **3. Proposal**

This application seeks consent for the conversion into 5no. self-contained flats including,

lower ground and ground floor rear extension following demolition of existing rear storage building and rear access staircase, first and second floor rear extensions. Alterations and extension to roof to create an additional storey at third floor level. Retention of existing ground floor shop and basement storage.

The scheme has been amended since the original submission to show a reduction in the number of units from 6 to 5, removing the basement unit to create a duplex with the proposed ground floor unit.

At basement level it is proposed to extend beneath the full footprint of the extended building above.

The extensions to the rear of the property follow the removal of existing storage buildings and both ground floor and lower ground floor additions.

The new built form at ground floor shows a new extension of 2.7m adjacent to the shared boundary with 91 High Road and 9.5m adjacent to the shared boundary with 95 High Road, whose property projects further by over 1m.

The ground floor rear extension is set back from the rear boundary by 3m, which allows a courtyard for the lower ground and ground floor duplex unit, beyond which is a rear alley of approximately 1.7m, which provides a further gap to the rear boundary of the property to the rear.

At first floor level the extensions project the same depth as the ground floor additions along the shared boundary with 91 High Road. The development is set away from the shared boundary with 95 High Road with a gap of almost 2.5m, the same as is found on the existing arrangement. At second floor the development shows a lesser projection, set back from the new ground and first floor rear building line by over 2.5m. A new storey is proposed at third floor in the form of mansard roof set back from the High Road frontage by 2.8m.

The development would be car free and future occupiers would be restricted from obtaining parking permits.

The redeveloped building has been amended to include 5 residential units in stead of the originally sought 6.

The proposed mix comprises:

Lower Ground and Ground Floor -  
Flat A (Duplex): 2 bed, 4person unit: 106.8sqm

First Floor -  
Flat B: 1bed, 1person unit: 37.6sqm  
Flat C: 1bed, 1person unit: 37.2sqm

Second Floor  
Flat D: 1bed, 2person unit: 65.5sqm (duplex with accommodation at third floor)  
Flat E: 1bed, 1person unit: 43sqm

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

A site notice was posted 27th April 2023

Consultation letters were sent to 138 neighbouring properties.  
3 objection responses were received including 1 from the Finchley Society.

The comments received can be summarised below;

- This is an overdevelopment of the building leading to inadequate residential accommodation that contravenes standards set by both the Borough and the London Plan for residential accommodation. There is no amenity space for the flats other than a small basement courtyard for the basement studio flat.
- The daylight to that basement flat is likely to fall short of standards and it is single aspect thus poorly ventilated - and unlikely to meet Building regulations.
- Flats B and C are single aspect. Space standards are below minimum.
- Additionally to meet energy performance standards the walls will need to be upgraded and insulated which may well result in the areas being reduced in size in reality.
- Flats which do not have external amenity space are only allowed, in exceptional circumstances and then if their floor area is increased accordingly. Again this means that these flats are undersized. All these point to the fact that there are too many units being squeezed into this building.
- There is no section through the converted roof space to show whether there is adequate headroom in the room in the loft.
- There is no indication of where refuse bins are to be located, nor how they will be collected.
- I am the sitting tenant (Tenant In Situ). It has been my home for 52 years. Over the years I have had to make necessary repairs, at substantial cost to me, when the landlord refused to. The plans mean that my flat will be split into two. The landlord has offered me one of the smaller self contained flats. I am obviously not happy about this. I am currently seeking legal advice and I am not sure I will get this before the cut-off
- over-intensification of development on the site leading to poor standards of accommodation.
- inadequate storage space especially for 'dirty storage' and as such will adversely impact on the amenities of local residents and High Road users contrary to existing Development Management Policies DM01 and DM02 and emerging Local plan review policies.

Internal consultees-

Environmental Health department: Acceptable subject to conditions.

Highways: Highways would raise no objection to the proposal subject to s106 CPZ permit restriction, as well as the planning conditions and informatives.

Waste and Recycling - confirm that no more bins are required in this location and that future residents will be part of the residential sack scheme.

## **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 5th September 2023. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, 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 2031. 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 from 2019 up to 2041 was adopted in March 2021, replacing the London Plan 2016.

London Plan Policies 2021;

London Plan 2021:

- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D6 Housing quality and standards
- Policy D7 Accessible housing
- Policy D10 Basement Development
- Policy D14 Noise
- Policy H10 Housing size mix
- Policy E1 Offices
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy SI 1 Improving air quality
- Policy SI 2 Minimising greenhouse gas emissions
- Policy SI 5 Water infrastructure
- Policy SI 13 Sustainable drainage
- Policy T5 Cycling
- Policy T6 Car Parking
- Policy T6.1 Residential Parking
- Policy T6.2 Office Parking
- Policy T7 Deliveries, servicing and construction

### Barnet's Local Plan 2012

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local



Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

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

- Relevant Core Strategy Policies: CS1, CS4, CS5, CS8, CS9

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

ul Supplementary Planning Documents

Residential Design Guidance SPD (2016)

Sustainable Design and Construction SPD (2016)

## **5. Main issues for consideration**

The main issues for consideration in this case are:

- Principle of development;
- Impact on character and appearance;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the living conditions of future occupiers;
- Whether harm would be caused to highways and parking;
- Environmental Health matters

### Principle of development:

The site is currently occupied by a three-storey building with commercial use at ground floor with basement storage and residential use at first and second floor.

The existing building is not a statutory or locally listed building and is not located within a designated conservation area. As such, there is no objection to the redevelopment of the existing building.

Considering the context of the application site, the proposed conversion and extensions are deemed acceptable and similar to other nearby developments, in particular that at 105 High Road, along the same terrace, detailed above.

A significant proportion of the ground floor commercial space has been maintained, and as some of the rear part of the building has been assigned to the residential, this has been mitigated through the refurbishment of the basement area which will serve as a new storage area for the A1 unit. The development does not therefore result in the loss of any A1 floorspace.

For the reasons set out above the principle of the proposed development is considered to be acceptable.

#### Impact on character and appearance

Paragraph 126 of the National Planning Policy Framework (2023) states:

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

Policy D3 Optimising site capacity through the design-led approach of London Plan 2021 sets out policies in respect of the design-led approach; form and layout; experience and quality and character.

Policy D5 Inclusive design of London Plan 2021 sets out policies for achieving standards of accessible and inclusive design.

Policy CS5 of Barnet's Core Strategy DPD (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

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

It is considered that the design, form, scale, height and bulk of the converted building is reflective of recent developments along this part of High Road, in particular at 105-107 High Road (planning consent reference 17/4376/FUL) which shows a multi-level flatted development with new mansard roof with commercial floorspace provided at ground floor level. As such the proposed development is considered to be in accordance with the established character and appearance of the existing street scene, providing a positive contribution to the locality.

The removal of the storage building and rear steps and existing extension creates a more uniform rear, with neater appearance than the existing situation.

The proposed brick clad elevations use materials in keeping with the surrounding architectural treatment found in the local area and appropriate conditions have been recommended to ensure that the materials used for the new building are of an appropriate quality. Subject to the conditions recommended, the proposal is found to be acceptable and compliant with the development plan policies that relate to design, character and appearance.

#### Impact on amenity of neighbouring occupiers

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states in point e: "Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users."

It is not considered that any harm will arise to neighbouring occupiers from the proposed development along the High Road frontage. The new mansard roof extension at third floor level is significantly set back from the front building line ensuring that there is limited visibility of this addition at roof level, except from longer views. Whilst a similar development exists further along this terrace, at 105 High Road, thereby creating an acceptable precedent, there are few others, thereby reducing the potential for any loss of privacy or overlooking between occupiers at this level.

At the rear it is considered that the new extensions will not result in any loss of amenity to the neighbouring occupiers. There are no rear facing windows except at roof level.

Along the shared boundary with 91 High Road the proposed extensions do project beyond their building line. However, they are considered to be modest in size, subordinate to the building overall. The positioning is such that the proposed development will not result in any loss of privacy or overlooking to these occupiers.

Along the shared boundary with 95 High Road it is not expected that there will any loss of amenity above what is already expected. This is due to the separation between the new built form and the boundary which is set at a similar width to the existing gap. Whilst it is recognised that there is greater depth of extensions, they are not sufficient to be harmful to the occupiers of this neighbouring property.

The vegetation along the passageway between the application terrace and rear of properties along Beresford Road helps to screen the proposed development from these occupiers and therefore helps to ensure no loss of amenity above what is already experienced in this densely populated part of the East Finchley Town Centre.

For the reasons set out in detail above, it is not considered that the proposed development would give detrimentally harm the amenities and living conditions of neighbouring occupiers.

#### Impact on amenity of future occupiers:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states in point e: "Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users."

Policy DM02 of Barnet's Development Management Policies Document DPD (2012) states that where appropriate, development will be expected to demonstrate compliance with national and Londonwide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents including minimum floor space, London Plan Policy and outdoor amenity space, the Sustainable Design and Construction SPD.

All new residential development should ensure a minimum distance of 21 m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 m to a neighbouring garden. These requirements are met.

The application proposes to sub-divide the existing two flats into four self-contained unit and provision an additional duplex unit at lower ground and ground floor level. Each unit would meet London Plan space standards and receive an adequate level of light, outlook and privacy, as well as appropriate widths.

Whilst it is noted that Flat B at first floor level is a single aspect unit, the fact does not face

north allows for acceptable levels of daylight and sunlight for future occupiers.

As noted above the scheme has been amended since the initial submission to show the removal of the basement unit and its replacement with duplex unit across lower ground and ground floor levels. This ensures that the future occupiers of this unit are afforded with sufficient internal amenity, especially in terms of light and outlook. This basement duplex benefits from a small external amenity space area of 17.6sqm. The upper duplex unit, Flat D on the second and third floors also benefits from a small area of private amenity space at roof level facing the High Road.

Although the other units would not be served by outdoor amenity space, the units are acceptable in size, and taking into consideration the application site has a PTAL rating of 4 and is close to public transport, local services, and public parks, on balance this is considered acceptable. Furthermore, the existing flats do not have any private amenity space.

Flat D, the duplex at second and third floor levels,

A 'Daylight and Sunlight Report' produced by The Daylight Lab (dated June 2023) has been submitted. The report notes in the Conclusion that all of the proposed lower ground and upper ground floor flats at No.93 High Road shall enjoy acceptable levels of daylight and sunlight, with test results exceeding relevant BRE guidelines.

For the above reasons, it is considered that future occupiers would have acceptable living conditions, in accordance with Policy DM01 and DM02 of Barnet's Development Management Policies Document DPD (2012) and Policy D6 of the London Plan 2021.

#### Highways and parking:

Policy DM17 of Barnet's Development Management Policies Document DPD (2012) sets out the Council's parking standards.

It states:

"1. 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).

2. Residential development may be acceptable:

- i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.

- ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ."

A highways officer has assessed the application and commented:

The site fronts onto High Road (A1000) and it is in a town centre location. It is in a CPZ that operates Mon-Sat but adjoining side roads are covered by CPZ restrictions that

operate between and there are pay by phone parking bays in front of the site. The site has a public transport accessibility level (PTAL) rating of 4 (good) on a scale of 1-6 where 1=poor and 6=excellent accessibility. Three bus routes (234, 102, 263) can be accessed from stops within 2 minutes walking distance from the site and East Finchley tube station is within 5 minutes walking distance of the site.

The proposed alterations and conversion will produce 6 self-contained flats (2x studio and 4x1bed units) and retain the existing ground floor shop and basement storage on site. The parking requirement for the site based on policy DM17 is between 0- 6 spaces as it is acceptable to provide no parking for the commercial element given the site's location. Based on a PTAL of 4, Highways would accept the provision of 2 spaces. However, no parking is proposed and Highways would accept a car free scheme subject to imposing CPZ permit restrictions on occupants of the new units.

A minimum of 7 long stay cycle parking spaces needs to be provided for the new dwelling. No cycle parking spaces are shown on the proposed plan. Details of cycle parking are requested and this can be secured by way of a planning condition.

Refuse storage and collection arrangements are expected to remain unchanged. However there are no refuse storage locations on the proposed plans and this is to be secured by way of a planning condition.

The proposed development will involve building works so a construction logistics plan is requested by way of a planning condition.

There are no changes to existing pedestrian access arrangements and no off-site highway works are envisaged.

Highways would raise no objection subject imposing s106 CPZ permit restrictions and the following conditions/informative:

#### Sustainability/accessibility:

Table 2.8 of Barnet's Sustainable Design and Construction SPD (2016) states that for minor development scale, development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the London Plan energy hierarchy.

Section 4 of the Planning Statement "Sustainability Statement - How the development accords with SPD" gives details on the proposed sustainability measures adopted with this development.

Policy ECC01 - Mitigating Climate Change in Barnet's Draft Local Plan publication states in point d ii) that ii) For minor development efforts should be made to make the fullest contribution to minimising carbon emissions and meet a carbon reduction target of at least 6% beyond the latest Building Regulations and demonstrate how the Mayor's Energy Hierarchy has been used to achieve this. A condition will be attached accordingly in the event of an approval.

Table 2.11 of Barnet's Sustainable Design and Construction SPD (2016) states new dwellings should be designed to ensure that a maximum of 105 litres of water is consumed per person per day. This is reiterated in Policy SI 5 Water infrastructure of the London Plan 2021. A condition will be attached accordingly in the event of an approval.

### Environmental health matters:

An environmental health officer has reviewed the application and initially raised some concerns as follows;

"This is a very intense usage of the space on a busy high road. The amenities of all flats will be impacted by a busy noisy environment. There may not be adequate space for all the waste - this should be discussed with waste as this often results in bins blocking the alleyways at the rear and the resultant issues with overfilling and rats.

#### Noise and air

The proposed flats are on a busy main road (A1000) so there will be some noise and air quality impacts from traffic. Since this is next door to a busy pub, Gertie Browns, which has opening hours of 11am till 12 midnight every day of the week, there is also likely to be a noise impact from this (on any flat adjacent or above) due to shared party walls. The pub can also hold music events also which would cause particular issues for the future occupants of the flats whereas they might reasonably expect a high level of amenity given the "newness" of the development. So, I would advise on the precautionary principle being applied here to protect the continued usage of the pub and expect a high level of insulation/ design to prevent noise transmission through the buildings and from all usages of the pub. This can largely be conditioned.

#### Odour

The pub is likely to have cooking facilities with a commercial flue with an outlet below the proposed roof extension (adjacent to pub). This would result in people at the rear potentially suffering from (noise and ) odour from the pub flue; our standard restaurants' informative stipulates that there should be non-openable at the same level or above and within 20m from a restaurant flue. This cannot be conditioned - it is better to resolve this before approval. "

The agent was able to provide evidence of the flues in the surrounding area and the updated comments from Environmental Health were as follows;

"The flue for the café at Casa Pepe's does not appear to be separated/ blocked by another building as the agent states and this is because this building appears to be lower than the proposed units and the flue terminus. This may cause issues for the new residents because the flue is within 20m and lower than the second floor windows (which has been derived from case studies) again potentially affecting the flats at the rear (odour). However, the flue points away from the proposed development. As such the impact from odour is likely to be reduced. In my opinion this cannot rule out the approval of the development but indicates that the occupants may wish to have alternative means of ventilation in the rear top floor rooms.

The plant that is shown on the rear roof of the pub will likely cause annoyance to the residents in the rear units of the proposed development when they open their windows to ventilate or cool their rooms. The plant is likely air con units and fridge condensers. The condenser will operate 24/7.

Therefore, I would advise a noise condition to provide mitigation in the windows at the rear as well as the front which faces onto a busy road. This could be acoustic ventilators so windows can be opened for ventilation but not result in unacceptable noise levels in the

flats. Due to the Agent of Change principle it is better to design in mitigation to enable the pub to continue operation. Either that or mechanical ventilation and cooling should be provided to the future residents. Therefore, conditions should be imposed for mitigation at the front and rear of the flats due to traffic and commercial noise and internal noise transmission from the pub.

The air quality is not likely to be good at the front of the site due to road traffic pollution but due to the height of the units they are less impacted, so an air pollution mitigation is not necessary.

The London Plan will necessitate the condition for low emission boilers."

## **6 Response to Public Consultation**

- Comments made that this is an overdevelopment of the building leading to inadequate residential accommodation that contravenes standards set by both the Borough and the London Plan for residential accommodation. There is no amenity space for the flats other than a small basement courtyard for the basement studio flat are noted. This is a town centre location where higher density development is encouraged by both local and national planning policy, there are other examples of approved developments in the same parade. Amenity space has been provided where possible and there are good quality parks in the local area within a short walk such as Cherry Tree Wood.

- The concerns raised in regard to the level of daylight to that basement flat is noted. The scheme has now been amended to incorporate the basement flat into a duplex unit with the ground floor unit.

- Concerns raised that some of the units do not meet the required standards are noted. However, the amended scheme has been reviewed and all units are above the required space standards, future occupiers are considered to have acceptable levels of residential amenity.

- Concerns raised that to meet energy performance standards the walls will need to be upgraded and insulated which may well result in the areas being reduced in size in reality are noted. However, any reduction in flat size as a result of insulation requirements would be very minimal and all of the flats are above the required standards.

- In regard to the comments made that the flats which do not have external amenity space are only allowed, in exceptional circumstances. It should be noted that the flats all meet the required standards. The scheme has been amended to reduce the number of units from 6 to 5 by incorporating the basement unit into the ground floor to create a larger duplex unit.

- The comment made that no section through the converted roof space to show whether there is adequate headroom in the room in the loft, is noted. Section 008 shows sufficient headspace in the upper floor flat

- Issues with sitting tenant are not material planning considerations and must be dealt with privately.

- The comments made that the proposed development results over-intensification of development on the site leading to poor standards of accommodation is noted. However, all flats pass London Plan standards and the town centre location is highly appropriate for

a flatted scheme.

- Concerns raised that inadequate storage space especially for 'dirty storage' / refuse bins and as such will adversely impact on the amenities of local residents and High Road users contrary to existing Development Management Policies DM01 and DM02 and emerging Local plan review policies is noted. However, the Council's waste and recycling officer has reviewed the scheme and confirm that no more bins are required in this location and that future residents will be part of the residential sack scheme.

## 7. 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.

## 8. Conclusion

Having taken all material considerations into account, it is considered that the 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 considered to have an acceptable impact on the amenities of both future and neighbouring occupiers. This application is therefore recommended for APPROVAL.





<b>Location</b>	<b>Fortune House Moxon Street Barnet EN5 5TS</b>	
<b>Reference:</b>	<b>23/2741/FUL</b>	Received: 22nd June 2023
		Accepted: 26th June 2023
<b>Ward:</b>	High Barnet	Expiry: 25th September 2023
<b>Case Officer:</b>	<b>Josh Mclean</b>	
<b>Applicant:</b>	Fortune Moxon Limited	
<b>Proposal:</b>	Demolition of existing building and construction of detached building up to 6-storeys in height including lower ground floor level to provide 41no. self-contained residential units and 279sqm of Class E floorspace with associated access, basement parking, hard and soft landscaping, amenity space including communal roof terrace/garden, refuse storage and cycle parking	

AGENDA ITEM 9

**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. **Off-site Affordable Housing contribution**  
A contribution of £50,000 towards affordable housing

Early and late stage review mechanisms

4. **Carbon Offset**  
Contribution of £27,032 towards the Council's carbon offset fund.
5. **Skills and Employment**  
On-site or Off-site contribution towards skills and employment.  
Financial contribution towards loss of employment space.
6. **Restriction of Parking Permits**  
Contribution towards the amendment of the Traffic Management Order to restrict future occupiers from obtaining residential parking permits for the adjoining CPZs. Inform new residents that they are not entitled to a parking permit for any current CPZ.
7. **Car Club Provision**  
Provision of three year membership and £50 free drive time for the future occupiers of the 41 new residential dwellings.
8. **Pedestrian and cycle improvements in the area**  
Contributions to pedestrian and cycle improvements in the area.
9. **S278 Works**  
Complete the Highways Works in accordance with the relevant Section 278 Agreement before occupation.
10. **Be Seen Energy Monitoring Guidance**  
Requires monitoring and reporting of the actual operational energy performance of major developments for at least five years via the Mayor's 'be seen' monitoring portal.
11. **Children's Play Space**  
A financial contribution to play provision within the vicinity of the development.
12. **Loss of Street Trees**  
Compensation for the loss of street trees removed to accommodate the development.
13. **S106 Monitoring**  
A contribution towards the monitoring of the S106.

## **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:

00001	SITE LOCATION PLAN
00002	EXISTING SITE PLAN

00003	PROPOSED SITE PLAN
00004	LANDSCAPE MASTERPLAN
01001	EXISTING LOWER GROUND FLOOR PLAN
01002	EXISTING UPPER GROUND FLOOR PLAN
15001	EXISTING EAST ELEVATION
15002	EXISTING NORTH ELEVATION
15003	EXISTING WEST ELEVATION
15004	EXISTING SOUTH ELEVATION
03001	DEMOLITION LOWER GROUND FLOOR PLAN
03002	DEMOLITION UPPER GROUND FLOOR PLAN
04001	REV 1 PROPOSED LOWER GROUND FLOOR PLAN
04002	REV 1 PROPOSED GROUND FLOOR PLAN
04003	PROPOSED FIRST FLOOR PLAN
04004	PROPOSED SECOND FLOOR PLAN
04005	PROPOSED THIRD FLOOR PLAN
04006	PROPOSED FOURTH FLOOR PLAN
04007	PROPOSED ROOF PLAN
04028	PROPOSED GROUND FLOOR PLAN
05001	PROPOSED EAST ELEVATION
05002	PROPOSED NORTH ELEVATION
05003	PROPOSED WEST ELEVATION
06001	PROPOSED EAST COURTYARD SECTION
06002	PROPOSED SOUTH COURTYARD SECTION
06003	PROPOSED WEST COURTYARD SECTION
06004	PROPOSED NORTH COURTYARD SECTION
TP/FHMSB/01 A	TREE PLAN
TTP/FHMSB/010 A	TREE PROTECTION PLAN

AIR QUALITY ASSESSMENT  
 ARBORICULTURAL IMPACT ASSESSMENT AND ARBORICULTURAL METHOD  
 STATEMENT  
 ARBORICULTURAL SURVEY  
 ARCHAEOLOGICAL DESK-BASED ASSESSMENT  
 DAYLIGHT & SUNLIGHT REPORT  
 DESIGN AND ACCESS STATEMENT  
 ECONOMIC AND INDUSTRIAL ASSESSMENT  
 ENERGY & SUSTAINABILITY ASSESSMENT  
 FIRE SAFETY STATEMENT  
 FLOOD RISK ASSESSMENT AND SUSTAINABLE DRAINAGE STRATEGY  
 HERITAGE, TOWNSCAPE AND VISUAL ASSESSMENT  
 NOISE IMPACT ASSESSMENT  
 PHASE 1 CONTAMINATED LAND ASSESSMENT  
 PLANNING STATEMENT  
 PRE-DEVELOPMENT UTILITIES APPRAISAL  
 PRELIMINARY ECOLOGICAL APPRAISAL  
 RESIDENTIAL TRAVEL PLAN  
 STAGE 1 ROAD SAFETY AUDIT

## TRANSPORT ASSESSMENT

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

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

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

- 3 a) Before the relevant part of the works are begun, details of the materials to be used for the external surfaces of the building(s), 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).

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

with the development.

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

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

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

## 5 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).

- 6 a) No development (other than demolition and site clearance works) 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 Commercial Class E usage and plant rooms ; 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.

- 7 a) No development (other than demolition and site clearance 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 associated with the commercial Class E usage 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.

- 8 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 Air Source Heat Pumps and generator 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 October 2016) and Policy D14 of the London Plan 2021.

- 9 The approved mitigation scheme as set out in the approved Air Quality Assessment, Ref 23-10665 by Syntegra Consulting Ltd dated October 2023 shall be implemented in its entirety before any of the development is first occupied and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy SI 1 of the London Plan (2021).

- 10 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.

- 11 The level of noise emitted from any installed ventilation, extraction, air source heat pumps or generator plant hereby approved within the approved commercial or residential use shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

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

- 12 Before any units are occupied, all details of the emergency generator shall be submitted to and approved by the local authority. Where emergency generation plant is installed and requires testing, the noise emitted from this plant should not increase the minimum assessed background noise levels by more than 10 dB for the purpose of testing. This testing period is for up to one hour per month between 09.00 and 17.00 Monday to Friday only and not on public holidays.

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

- 13 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. A-04001 REV 1 (Proposed Lower Ground Floor Plan) shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

- 14 Prior to occupation of the development, the electric vehicle charging points shall be installed as shown on Drawing No. A-04001 REV 1 (Proposed Lower Ground Floor Plan). For the avoidance of doubt, this should include the provision of 3 active and



14 passive electric vehicle charging points.

The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

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

- 15 Prior to occupation of the development, details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority.

Thereafter, before the development hereby permitted is occupied, a minimum of 75 cycle parking spaces (72 long stay and 3 short stay) Cycle parking spaces will seek to accord with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 16 a) Before the permitted development is first occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.

b) The development shall be carried out in accordance with the approved plan.

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

- 17 Prior to first occupation of the residential units, a Residential Car Parking Management Scheme (RCPMS) shall be submitted to and agreed in writing for each Phase by the Local Planning Authority. The RCPMS shall include a plan identifying the disabled parking spaces to be delivered clearly marked with a British Standard disabled symbol and disabled parking shall be retained for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure that parking is provided and managed in line with Barnet Council standards in the interests of highway and pedestrian safety and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012. To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development

Management Policies (Adopted) September 2012.

- 18
- 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 G5 and G7 of the London Plan 2021.

- 19
- 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 G5, G6 and G7 of the London Plan 2021.

- 20
- a) No development (other than demolition and site clearance works) shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.
  - b) The development shall thereafter be implemented in accordance with details approved under this condition.

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

- 21 a) The development hereby approved shall be implemented in accordance with the dimensioned tree protection plan dwg no. TPP/FHMSB/010 A and the method statement contained from Section 8 of the approved Arboricultural Impact Assessment & Arboricultural Method Statement, by David Clarke Chartered Landscape Architect and Consultant Arboriculturist Limited in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations).

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

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G6 of the London Plan 2021.

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

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

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

- 23 No development (including Demolition, Ground Works, and Site Preparation Works) shall commence within a phase until a Construction Environmental Management Plan (CEMP), setting out the construction and environmental management measures associated with that Development Phase, has been submitted to and approved in writing by the Local Planning Authority. Details within the CEMP shall include the precautionary mitigation measures to sufficiently protect those that habitats, species, and statutory and non-statutory designated site of nature

conservation outlined within the Preliminary Ecological Appraisal (Syntegra Consulting, June 2022) in accordance with Legislation and policy. As part of the CEMP an Ecology Toolbox Talk will be included to be delivered by the project ecologist prior, and Construction Exclusion Zone plan within the CEMP.

The CEMP shall include:

- a. Site information (including ecological features)
- b. Description of works, equipment and storage
- c. Programme of works
- d. Temporary hoarding and fencing
- e. Temporary works
- f. Ecological avoidance and mitigation measures.
- g. Construction Exclusion Plan

Reason: To ensure that nature conservation interests are not prejudiced during construction in accordance with Section 197 of the Town and Country Planning Act 1990 in accordance with 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)

- 24 Prior to occupancy all details (specification, orientation and location) relating ecological enhancement of the site including integrated bat roost boxes, house sparrow terrace, swift boxes, bee bricks, and hedgehog houses shall be submitted to and approved by the local planning authority.

The development hereby permitted shall not be occupied until all ecological enhancement features are installed/constructed in accordance with details shown on the thereafter approved plans and in accordance with guidance of 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA).

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

- 25 Prior to commencement, a detailed bat sensitive lighting strategy for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along routes used to access key areas of their territory.
  - b) show how and where external lighting will be installed (through the provision of appropriate a baseline and post-development lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All artificial lighting shall be designed in accordance with the lighting specification,

avoidance and mitigation measures outlined with the Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series (Institution of Lighting Professionals, 2018)

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

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

- 26 Prior to the commencement of works, a detailed Precautionary Method Statement for Reptile, Stag Beetle, and mammals (Hedgehog and badgers) is required to be submitted and approved by the Local Planning Authority. The document will need to outline the potential risk of encountering the species present, the required work methods, and what to do in the event that any of these species are encountered during the proposed works as outlined with the submitted and approved Preliminary Ecological Appraisal (Syngerta Consultancy, May 2023).

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

- 27 Prior to the commencement of works details of an Invasive Species Management Plan shall be submitted and approved by the planning authority. A detailed plan showing the location of Japanese knotweed (Schedule 9 listed species Wildlife and Countryside Act 1980 (as amended)). In accordance with best practice and as directed by Construction and Environment Management Plan, such invasive non-native plants species shall treated, removed, or prevented from spreading out with the site.

Any such treatment or removal of Japanese knotweed must be undertaken a trustworthy third-party invasive plant removal specialist who belong to a trade body such as the Property Care Association (PCA) or the Invasive Non-Native Specialist Association View Our Members – INNSA. Any removal/treatment, transposition and disposing of “controlled waste” under the Environment Protection Act 1990 (EPA 1990) must be undertaken by a licenced waste carrier.

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

- 28 Prior to the occupation of the development hereby approved a 'Secured by Design' accreditation shall be obtained for the building.

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

Reason: To protect the amenity of the area in accordance with Policies DM01 and

DM04 of the Barnet Development Management Policies (adopted) September 2012.

- 29 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 30 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.
- b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 31 a) The non-residential development is required to meet the BREEAM Very Good level.
- b) Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016).

- 32 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).

- 33 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 D7 of the London Plan 2021.

- 34 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 73% in carbon dioxide emissions of the domestic element and 42% of the non-domestic element when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

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

- 36 No development (other than site demolition and site preparation works) shall take place until a Surface Water Drainage Strategy for the development have been submitted to and approved in writing by London Borough of Barnet planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

Reasons: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan.

- 37 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part the roof of the building(s) hereby approved, including any structures or development otherwise permitted under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any equivalent Order revoking and re-enacting that Order.

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with Policies DM01 and DM18 of the Development Management Policies DPD (adopted September 2012).

- 38 The employment floorspace shall be used for Use Class E (c) or (g) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

- 39 The development must be carried out in accordance with the provisions of the Fire Safety Statement Rev 01 prepared by Hoare Lea dated 09/06/2023.

Reason: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.

### **RECOMMENDATION III:**

- 1 That if the above agreement has not been completed has not been submitted by 28 April 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 of provision of affordable housing, carbon off-set, loss of trees and highways mitigation. The proposal would therefore not address the impacts of the development, contrary to Policies CS5 and CS9 of the Local Plan Core Strategy (adopted September 2012), policies DM01, DM04 and DM17 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

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

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

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

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

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

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

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

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

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

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

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

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

- 5 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 6 The submitted Construction Method Statement shall include as a minimum details of:
  - Site hoarding
  - Wheel washing
  - Dust suppression methods and kit to be used
  - Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.

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

7 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.

8 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.

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

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

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

- 10 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."

- 11 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Councils refuse collection department is consulted to agree a refuse collection arrangement.
- 12 For works on the public highway, the applicant will be required to submit a Street Works Licence application to the Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW at least 4-6 weeks before the start of works on the public highway.
13. The LPA advises that the soft landscaping for the amenity lawn consist of species rich seed mix or turf. This mix should consist of a ratio of 70/30 native grass to flowering plants as such flowering plant species and grasses provide high value to pollinating insects including bees, butterflies. An example of a potential species rich meadow seeding mix includes Boston Seed Dual Purposed Wildflower Meadow Seed Mix BSXM 70/30 and for the amenity lawn Emorsate Seed Strong Lawn Grass Mixture EG22.

Any proposed tree and shrub planting should incorporate native species rich plantings and consist of native berry producing shrub species such as hawthorn, blackthorn, spindle, field maple, hazel, and hornbeam. A best practice approach would be to apply a '10-20-30' formula to develop a diverse tree/hedge population - no more than 10% of any species, 20% of any genus or 30% of any family. These species will provide ideal foraging and sheltering habitats for a variety of species including nesting birds, invertebrates, and foraging mammals. Night scented plants should also be incorporated into a detailed planting schedule where feasible. An extensive list of suitable plant species can be found on the RHS advice page <https://www.rhs.org.uk/advice/pdfs/plants-for-bats.pdf>. The provision of

bat friendly planting is in Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

The LPA advises that the proposed sedum roof should be altered to biodiverse green roofs in line with Buglife's Creating Green Roofs for Invertebrates A best practice guide (Gedge et al. 2019). The inclusion of equal ratio of composite flower such as ox-eye daisy (*Leucanthemum vulgare*), hawkbit (*Leontodon* sp.) and yarrow (*Achillea millefolium*) benefit pollinating fly and beetle species while tube shaped flowers such as viper's bugloss (*Echium vulgare*), white dead nettle (*Lamium album*) and birds foot trefoil (*Lotus corniculatus*) would benefit bumblebees, butterflies and moths.

14. Avoid all demolition, removal of trees, shrubs or vegetation clearance between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The proposal site comprises of circa 0.178 hectares and consists of a concrete framed, light industrial warehouse and office building. The building is two-storeys in height and is situated on a slope, with a level change of about 2.5m from the west down to the east side.

The site is situated within a Locally Significant Industrial Site (LSIS) known as Hadley Manor Trading Estate. To the immediate north is Intec House (No.49), a part-three storey and warehouse building. The site has received a resolution to grant (ref: 22/4526/FUL) for a mixed-use redevelopment, consisting of part-3 to 7 storeys. On the south side of Moxon Street within the trading estate is also 50 Moxon Street which is under construction as a Special Education Needs School and Hadley Wood Hospital lies immediately to the west.

To the immediate east lies St George's Fields, which is a Site of Importance for Nature Conservation (SINC), designated Green Belt and a Registered Historic Battlefield. 350m to the west is Chipping Barnet High Street and 250m is Wood Street Conservation Area which starts just beyond Tapster Street and extending westwards across the High Street. Whilst the western end of Moxon Street adjacent to the town centre is a mix of residential and business use, the central section of Moxon Street is predominantly residential. In addition Hornbeam Court and Blackthorn Court are four storey apartment buildings located to the south and accessed from Laburnum Close. Also to the immediate south are the 3 storey residential terraces located on Snowberry Close.

### **2. Site History**

Reference: B/02633/12

Address: Fortune House, Moxon Street, Barnet, Herts, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 15/11/2012

Description: Change of use from Class B1 (c) Light Industrial Workshop to Class B8 Storage and Distribution with ancillary trade counter. External alterations including new roller shutter doors and new vehicle service ramps.

Reference: B/03989/12

Address: Fortune House, Moxon Street, Barnet, Herts, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 08/11/2012

Description: Installation of 2no. non-illuminated fascia signs and 1no. non-illuminated freestanding sign at car park area.

Reference: B/04755/12

Address: Fortune House, Moxon Street, Barnet, Herts, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 09/01/2013

Description: Non material amendment to condition No.5 pursuant to planning permission Ref: B/02633/12 dated: 14/11/2012 for "Change of use from Class B1 (c) Light Industrial Workshop to Class B8 Storage and Distribution with ancillary trade counter. External alterations including new roller shutter doors and new vehicle service ramps." Variation to condition No.5 to read "the use hereby permitted shall be carried out only by Howden Joinery Ltd."

Other relevant planning history:

Reference: 22/4526/FUL

Address: Intec House, 49 Moxon Street, Barnet, EN5 5TS

Decision: Pending Decision

Decision Date: N/A

Description: Demolition of the existing building and redevelopment of the site with the erection of a part-3 to part-7 storey building (including lower ground floor and mezzanine floor), to provide of 92no. residential units (Use Class C3), reprovision of 728sqm of employment space (flexible workshop units) (Use Class E) with associated access, parking and cycle parking spaces, refuse storage, landscaping and amenity spaces and supporting infrastructure

Reference: 21/6488/FUL

Address: 50 Moxon Street, Barnet, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 30 May 2022

Description: Part demolition, alterations and extensions and change of use of the existing building from Class B8 to Class F1 to provide a 90 pupil 5-18 years SEN School including rooftop recreation addition (MUGA and Sensory Garden), landscaping, access and visitor, disabled and school mini-bus drop-off / pick-up arrangements.

### **3. Proposal**

The proposal comprises of the demolition of the existing building and redevelopment of the site to a mixed-use development, consisting of 279sqm of employment space (Use Class E) and 41no. residential units (Use Class C3)

Due to the sloping topography of the site, the proposal would read as a part-3, part-4 and part-5 storey building. The proposal comprises of a basement, ground floor, 1st - 2nd floors and recessed 4th and 5th floors. The proposed employment space would be located at ground level.

Pedestrian access into the site would be from Moxon Street with vehicular access along the southern boundary leading to a basement level, providing 17 parking spaces.

#### Additional Information

During the lifetime of the application, in response to LBB internal comments, the applicant has submitted:

- Updated lower and ground floor plans to clarify parking and servicing arrangements and pedestrian movements; and
- An updated Air Quality Assessment

### **4. Public Consultation**

Consultation letters were sent to 176 neighbouring properties.

34 responses have been received, comprising 34 letters of objection.

The objections received can be summarised as follows:

- Adverse impact on character;
- Cumulative impact of approved development at Intec House;



- Height not in keeping;
- Overdevelopment ;
- Proposal is excessive;
- Layout and density of building is too dense;
- No provision of affordable housing;
- Impact on conservation area;
- Impact on Green Belt and adjacent Registered Historic Battlefield;
- Loss of Privacy;
- Overlooking;
- Obstruction of light;
- Overshadowing;
- Increase in noise;
- Increased strain on High Street;
- Increased traffic along Moxon Street;
- Insufficient off-street parking;
- Inadequacy of parking / loading / turning on Moxon Street;
- Incorrect PTAL;
- Impacted on protected wildlife and trees.

#### Internal Consultee Response

##### **Commercial Services Street Scene**

The waste plan for this application is acceptable to the Street Scene collections team.

##### **Ecology**

No objections to the proposed works on ecological grounds as the findings of the Preliminary Ecological Appraisal (Syntegra Consulting, May 2023) did not reveal any damage to species, habitats or the adjacent King George's Field SINC that could not be sufficiently mitigated against.

##### **Environmental Health**

No objections subject to conditions.

##### **Traffic and Development**

Highways would raise no objection subject to a S106 legal agreement, conditions and informatives.

##### **Trees**

No objection subject to compensatory tree planting on and off the site.

#### External Consultee Response

##### **Metropolitan Police: Secure by Design**

If planning approval is granted then due to levels of crime and burglary within the borough and to also help enhance community safety through the implementation of proven crime prevention products and measures (via SBD compliance), I would respectfully request that any approval contains a relevant planning condition 'whereby the development must achieve SBD accreditation, prior to occupation'

##### **Thames Water**

With regard to waste water network and sewage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection

### **Transport for London (TfL)**

Subject to the conditions being met, TfL would not object to the proposed development.

### Neighbouring / Residents Associations and Local Amenity Groups

#### **Barnet Residents' Association**

First, we would have liked to see this application considered at the same time as the neighbouring Intec House development (22/4526). The two developments together will have adverse implications for the surrounding area and we believe do not conform with the Barnet's Local Plan principle of "responding to the distinctive local building forms and pattern of development by respecting the scale, massing and height of surrounding buildings".

We have spent a considerable time studying the documents and have to say in many respects the plans are not at all clear. We also believe the Visual Assessment view from Snowberry Close is disingenuous as it is taken too far away to give a clear idea of what the development will look like from Snowberry Close.

We cannot be certain because the plans are not clear enough, but the balconies facing east could overlook the back gardens of the even-numbered houses in Snowberry Close. If they do, then full length screens should be put on the southern side of the balconies, not the half-length screens as shown in the CGI images.

Again, we cannot be certain but it is possible that the proposed eastern and western ends of the southern courtyard section will overlook the gardens in Snowberry Close. If this is the case, then the southern facing balconies need full-length screens.

Policy DM01 in Barnet's Local Plan states all developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

The outlook in all directions from the proposed Fortune House is severely constrained because on one side there will be Intec House, on two sides high trees and on the other side the Hadley Wood Hospital.

Finally, the PTAL 4 rating is incorrect (as verified by TfL for the Intec House development) and all the corresponding calculations should be recalculated.

#### **Barnet Society**

The Barnet Society is neutral about this application but has a number of comments:

- The development would rely totally on Moxon Street for pedestrian, cycle and vehicle movement. It is long and steep, and far from a bus service or visitor parking.
- Combined with the other existing and new developments in Moxon Street, traffic would increase to unacceptable levels at peak times.
- Construction traffic would adversely affect the High Street and Tapster Street.
- Vehicle pick-up and drop-off space would be minimal for the building's occupants, deliveries and collections, and there is no concierge to supervise access and prevent accidents.
- The residential provision lacks diversity. Only five of the 41 dwellings have more than two

bedrooms.

- The development would effectively discriminate against those with less than perfect health or mobility.
- The existing woodland would suffer unless stringent conditions are set for scaffolding, control of pollution and pruning of trees outside the site boundary with their landowner's agreement

### **Hendon and District Archaeological Society**

This site is in an Archaeological Priority Area and is to be cleared for a rebuild. A full archaeological desk-based assessment has, properly, been submitted with the application. Historic England will wish to consider following the assessment up with some form of an archaeological condition.

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

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS6, CS7, CS8, CS9, CS13, CS14, CS15.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM10, DM11, DM14, DM15, DM16, DM17.

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

Barnet's Draft Local Plan has been subject to an examination in public with interim findings issued by the appointed inspectors. They are satisfied that there is sufficient prospect that any existing legal compliance and/or soundness deficiencies relating to the Plan as submitted can be overcome. The Council are working through the identified main modifications identified by the Inspectors .

### Supplementary Planning Documents

- Affordable Housing (February 2007 with updates in August 2010)
- Delivery Skills, Employment, Enterprise and Training from Development through S106 (October 2014)
- Green Infrastructure (October 2017)
- Planning Obligations (April 2013)
- Residential Design Guidance (April 2016)
- Sustainable Design and Construction (April 2016)

## **5.3 Assessment of proposals**

### **Principle of Development**

#### Employment Provision

The site is located within the Hadley Manor Trading Estate, which is a Locally Significant Industrial Site (LSIS) under Barnet DM14. The building is currently being utilised by Howdens.

Barnet Policy DM14 states under a: i) "Proposals which result in a redevelopment or change of use of a Locally Significant Industrial Site, Industrial Business Park or Business Location as shown on the Proposals Map to a non-B Class use will not be permitted." Normally these sites would be associated with a B2 or B8 use class.

The application is supported by an Economic and Industrial Assessment which advises that the building currently comprises approx. 932sqm of useable employment space. Its summary is that equivalent replacement of the amount of existing floorspace is likely to be ambitious in terms of local demand. The Assessment advises that there is demand for smaller units at 1,000sqft or below and it is reasonable to expect that a number of units of this scale can be supported at the site.

The proposal provides 279sqm of employment space which is supported on the basis that a wholesale replacement of an industrial or office use would be unlikely to be appropriate or successful. Furthermore, the provision of a series of small scale commercial or industrial units would meet existing needs. The proposal follows the same principle in the neighbouring application at Intec House (ref: 22/4526/FUL) which the Council's Planning Policy Team accepted subject to the loss of employment floorspace being mitigated through a contribution to employment training in accordance with Barnet's Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD.

Looking at the wider LSIS, Hadley Manor Trading Estate extends to 0.5ha and represents

one of the smaller LSIS designated industrial estates in the Borough. There are four existing buildings comprising the estate, one of them being the application site (Fortune House), the adjacent Intec House (with resolution to grant to redevelop the site), Hadley Wood Hospital and 50 Moxon Street (being converted to a SEN school. As the proposal still retains a meaningful level of employment floor space at the site, it is considered overall to be acceptable in regards to this element and compliant with Barnet Policy DM14.

### Residential

Policy H1 of the London Plan has set a 10-year target of 23,640 homes for Barnet for the period 2019/20 - 2028/29. In addition, Policy H1 (Increasing housing supply) of the London Plan (2021), seeks to ensure that development plans and planning decisions optimise potential for housing delivery on all suitable and available brownfield sites, particularly where they are within an area with existing public transport access levels (PTALs) 3-6 or within 800m of a town centre (which would include this site).

Barnet Local Plan documents also recognise the need to increase housing supply. Policies CS1 and CS3 of the Barnet Core Strategy expect developments proposing new housing to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

The application site is located circa. 300m from the boundary of New Barnet District Town Centre by Barnet's adopted Development Management Policies DPD (2012), making it sustainably located in terms of access to shops and services.

Overall, the redevelopment of the site would accord with the objectives of abovementioned policies.

### Agent of Change

As a mixed-use development site located within an LSIS, the application needs to demonstrate that the introduction of residential uses in this location will not harm the ongoing operation of existing employment uses. This would include the existing operations at Intec House and the proposed new employments units within this proposal and adjacent ref: 22/4526/FUL.

The application has submitted air quality and noise impact assessments which demonstrates that the residential units will meet the relevant standards and the Environmental Health service have not raised any objection with these assessments following further clarification.

If Intec House was not redeveloped, the proposal has been designed that it could co-exist with the existing operations due to the proposed design such as orientation of units, stepped massing and placement of windows and balconies. Access to the Fortune House site which is located at the southernmost boundary edge would not cause conflict with Intec House operations.

Due to the size of proposed units proposed and the proposed restriction of employment uses within the proposal and neighbouring Intec scheme, it is considered that the uses could satisfactorily exist alongside each other.

## Housing Quality

A high-quality built environment, including high quality housing in support of the needs of occupiers and the community is part of the 'sustainable development' imperative of the NPPF. It is also implicit in London Plan (2021) Chapter 1 'Planning London's Future - Good Growth', Chapter 3 'Design' and Chapter 4 'Housing', and explicit in Policies GG4 (Delivering the homes Londoners need), D3 (Optimising site capacity through the design-led approach), D5 (Inclusive design), and D6 (Housing quality and standards). It is also a relevant consideration in Barnet Core Strategy Policies CSNPPF, CS1, CS4, and CS5 Development Management DPD policies DM01, DM02 and DM03 as well as the Barnet Sustainable Design and Construction SPD, and Residential Design Guidance SPD.

### Unit Mix

Development plan policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different groups to address housing need (London Plan (2021) Policy H10; Barnet Development Management Policies DPD policy DM08; and emerging Barnet Local Plan Policy HOU02). The Council's Local Plan documents (Core Strategy and Development Management Policies DPD) identify 3- and 4-bedroom units as the highest priority types of market housing for the borough. This should not be interpreted as implying that there is not a need for a full range of unit sizes.

The application development proposes the following unit mix across the application site:

<b>Unit Type</b>	<b>No. of units</b>
1 bedroom	18 (44%)
2 bedrooms	18 (44%)
3 bedrooms	5 (12%)
Total	41

Within the policy preamble, there is recognition that financial viability is a factor and whilst the aspiration is for family-sized homes at intermediate level, products such as shared ownership / low-cost home ownership may be unaffordable. Therefore, smaller 1 and 2-bedroom intermediate tenure homes will also be supported. Affordability is also an important factor for market level housing, with one and two bedrooms being a more affordable option for allowing younger, first-time buyers and young couples to get on the housing ladder in areas that may not have otherwise been possible.

The scheme predominantly provides one and two properties. As established in previous precedents set in the Borough, the Council's policy does not dictate the delivery of only three and four bedrooms uses. A decision needs to be made on a case-by-case basis. In this instance, the application site is located circa 300m from a District Town Centre and has access to good public transport services. London Plan Policy H1 (Increasing housing supply), seeks to ensure that development plans and planning decisions optimise potential for housing delivery on all suitable and available brownfield sites, particularly where they are within an area with existing public transport access levels (PTALs) 3-6 or within 800m of a town centre (which would include this site). As such, this is a location where the density of the scheme should be optimised and where low car ownership, flatted development is encouraged by the London Plan.

Taking into account the reasons set out above, the proposed dwelling mix is considered to be in accordance with Barnet policy DM08.

## Affordable Housing

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

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

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

The affordable housing provision proposed is 35% using the habitable room calculation required by the London Plan. It also delivers more than 60% of its units as social or affordable rent. The scheme therefore qualifies for the Fast Track Route under the London Plan, which essentially establishes 35% as the policy compliant position for affordable housing provision on sites such as this.

The applicant has submitted a Financial Viability Assessment undertaken by Quod which sets out that the scheme cannot viably support the delivery of any affordable housing. The Council instructed Urba to undertake a viability review of the applicant's submitted assessment. The purpose of this report is to review the Quod statement and to assess whether their assumptions and appraisal inputs used are reasonable and whether the conclusions formed are appropriate and justified.

Based on Urba's assessment, they have found the scheme to be more viable than the applicant is demonstrating, but not to the extent to generate a surplus to fund affordable housing. Both reports have been assessed by the Council's Viability Officer and they are satisfied that a robust assessment has been undertaken by Urba. The conclusions that the proposed development cannot contribute towards affordable housing is accepted. Notwithstanding this position, the applicant has offered an in-kind payment of £50,000 in recognition of the importance of affordable housing. An obligation within the legal agreement will secure the inclusion of this contribution, along with early and late stage review mechanisms.

## Standard of Accommodation

Housing standards are set out within Policy D6 (Housing quality and standards) of the Mayor's London Plan (2021); and Barnet's adopted Sustainable Design and Construction SPD (2016). Table 3.1 in the London Plan provides a minimum gross internal floor area for different types of dwelling.

All of the units proposed comply with the Gross Internal floor areas prescribed in Policy.

The development would comply with the standards set out within Policy D6 (Housing Quality and Standards) of the Mayor's London Plan (2021) and Barnet's adopted Sustainable Design and Construction SPD (2016).

## Daylight and Sunlight

London Plan Policy D6 states that new development should provide sufficient daylight and sunlight to new and surrounding housing. Policy DM01 of Barnet's adopted Development Management Policies DPD (2012) states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

With regards to daylight and sunlight access, the applicant has provided a Daylight & Sunlight report which assesses the development against the BRE's site layout planning for daylight and sunlight guidelines (BR 209, 2022).

In respect of daylight, the results indicate that 93 (85%) of the 109 habitable rooms tested met or exceeded the BRE target. Of the 17 rooms that do not meet the criteria, 11 of these are LKDs and 6 are bedrooms. Of the 11 LKDs that fall below the targets, 2 of these only experience minor deviations from the 50% illuminance target to 45% and 46% respectively. All of the rooms that fall below the target have windows that are positioned beneath or behind balconies which act as an obstruction.

In respect of direct sunlight, the scheme delivers 68% of units meeting or exceeding the BRE target. Of the 28 units that meet the sunlight targets, 22 of these have a main living room which meet the target of 1.5 hours of sunlight on March 21. The remaining 6 units have at least one habitable room meeting the sunlight requirement which is deemed as compliant with the BRE guidance. There are 13 units that do not comply with the BRE targets due to the orientation and the fact that they have windows positioned beneath or behind external balconies which restrict access to sunlight.

It is noted that BRE Guidance is not a mandatory standard and is accepted as an indicator of performance. As a whole, Officers are satisfied that the proposal will deliver good levels of daylight and sunlight for proposed occupiers within the scheme.

## Wheelchair Accessible Housing

The application scheme is required by Policy DM03 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and Policy D7 (Accessible Housing) of the Mayor's London Plan (2021) to meet Building Regulation requirement M4(2) and for 10% of all units to be wheelchair home compliant (i.e. compliant with Building Regulation requirement M4(3)). The applicant has confirmed that the proposed development would meet this requirement, and a condition will be attached to ensure compliance with these policies.

## Amenity Space

London Plan Policy D6 states that where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sqm. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.

Barnet's Sustainable Design and Construction SPD Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments. For both houses and flats, kitchens over 13sq.m are counted as a habitable room and habitable rooms over 20sq.m are counted as two habitable rooms for the purposes of calculating amenity space requirements. Barnet's requirement is for 5sqm of space per habitable room.



The emerging Barnet Local Plan seeks to follow the London Plan requirements as set out in the first paragraph above.

The development delivers amenity space through the provision of private balconies and a shared landscaped terrace, providing a total of 535sq m. It is considered that the proposal would provide a satisfactory level of outdoor amenity space in accordance with Barnet's adopted Sustainable Design and Construction SPD (2016) standards, and Policy D6 of the Mayor's London Plan (2021).

### Children's Play Space

Policy S4 of the London Plan seeks to ensure that development proposals incorporate good quality, accessible play provision for all ages. At least 10m<sup>2</sup> of suitable playspace should be provided per child.

Barnet's DPD refers to the Mayor's SPG 'Providing for Children and Young People's Play and Recreation for the accessibility benchmarks for children. Aligning with this, Policy CS7 of Barnet's adopted Core Strategy (2012) requires improved access to children's play space from all developments that increase demand, and Policy DM02 requires development to demonstrate compliance with the London Plan. In addition, Barnet's emerging Local Plan (regulation 22 submission) Policy CDH07 states that development proposals should provide play spaces in accordance with the London Plan and Mayor's SPG.

Using the GLA's population yield calculator, the applicant has estimated that the total number of children expected to occupy the development will be 8. The GLA Shaping Neighbourhoods: Play and Informal Recreation SPD states that all developments with an estimated child occupancy of 10 children or more should seek to make appropriate play provision to meet the needs arising from the development. For developments with an expected child occupancy of fewer than 10, an appropriate financial contribution to play provision within the vicinity of the development should be made. An obligation within the legal agreement will seek to secure an appropriate financial contribution.

### Secure by Design

Pursuant to London Plan Policy D11 (Safety, security and resilience to emergency), Barnet Core Strategy Policy CS12 and Barnet Development Management Plan Policy DM01. All areas of public open space will be clearly overlooked, and the indicative landscaping scheme is designed to avoid hidden spaces. The Metropolitan Police's Design Out Crime Unit have considered the scheme and advised that they have no objection subject to a condition requiring that the development obtain the Secure by Design accreditation. It is therefore considered that subject to such a condition the scheme would be acceptable from a safety and security perspective.

### Fire Safety

The application is accompanied by a Fire Statement produced in line with the requirements of London Plan (2021) Policy D12 (Fire Safety). A planning condition will be recommended to ensure that the development is constructed in accordance with the mitigation and safety measures prescribed by the fire statement.

## Design

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

### Design Concept

The submitted Design and Access Statement begins through an analysis of the surrounding urban grain, building heights, local character and also historic context of the site itself. The document then outlines the evolution of the design, identifying the opportunities and constraints.

### Layout, massing and scale

The proposed footprint occupies the majority of the ground coverage with a stepped form along the northern and southern boundaries to integrate with the proposed Intec House redevelopment and reduce the impact on Snowberry Close. Whilst the proposed development occupies the majority of the site, this in itself is not necessarily seen as an issue and a similar approach was accepted within the Intec House scheme. Within this LSIS, the building footprints are larger than the surrounding neighbouring streets. Even the newer constructed flatted developments in Laburnham Close have large footprints compared to their respective plots. Therefore, in terms of footprint, the proposed development is seen to be acceptable.

The proposal would be of a varied height (part-3 to part-5 storeys) and with a steep sloping topography across the site (west - east). As such the proposed taller massing / bulk of the proposal is positioned within the central spine of the scheme and to the rear. As demonstrated through the submitted Design and Access Statement, the transition of height / massing in relation to neighbouring properties has been carefully considered. On the southern boundary, the proposal would closely match the existing height of Snowberry Close, before stepping up in height. There would be a separation distance of 10.5m between the taller massing and the Snowberry Close boundary. The upper storey massing has been further reduced at the corner junction to further reduce its prominence and any sense of overbearing. Overall, this transition of height and massing is considered to be acceptable and comfortable within its setting.

When approaching the site from Moxon Street, the proposal would be largely screened due to sloping topography, its siting behind the Barnet Hospital building and its lower scale.

Within Laburnham Close, a similar design / massing approach has been constructed with the flatted developments of Blackthorn Court, Hornbeam Court and Clementine Court. These buildings are located further up the slope and are part-4, part-5 storeys in height and are taller than the adjacent 2/3 storeys residential properties. Their height is considered proportionate as being up the hill, they are more visible than the application site. The application site being at a lower topography and at the bottom of the slope is considered to have the capacity to accommodate a larger massing and scale. The existing Court buildings are also more exposed with no tree screening and therefore more visible from within St George's Fields.

In terms of massing, the proposed building is considered to be very well articulated in

terms of height transition, stepped variation, balcony projections and recessions and material variation. These elements are considered to successfully articulate the external elevations, adding visual interest and breaks up the facades into clear low, middle and upper sections. It is considered that all these elements successfully reduce the visual massing and bulk of the proposed building.

The submitted Townscape Assessment considers the impact from a variety of short and long range views and these demonstrate that the scheme would not have an overbearing impact on surrounding dwellings and would not break the existing roofscape of the surrounding area.

The proposal sees to implement the same design principles that were accepted and approved within the Intec House application. Should both sites be constructed, this would allow for a comprehensive redevelopment of the two bottom buildings in this part of Moxon Street. Whilst it is sought that the two proposals complement each other, in the event that the Intec House scheme is not built, it is considered that the proposal is individually acceptable and that its scale, massing and height would remain appropriate.

### Appearance and materials

In terms of appearance and materiality, the proposal seeks to replicate the same principles as within the Intec House scheme but also seeks to address the context of Snowberry Close. A single light-toned brick is predominately proposed with architectural interest incorporated through variation of brick tones, expression and recessed window reveals. In views terminating around Snowberry Close, tall double vertical emphasised windows are proposed to reflect the bay window typology of the Snowberry Close houses.

### **Impact on Green Belt**

Whilst the site is not located within the Green Belt designation, the adjacent area of King George's Field falls within this designation.

Barnet Policy DM15 states that 'development adjacent to Green Belt/MOL should not have a detrimental impact on visual amenity and respect the character of its surroundings.

A Heritage, Townscape and Visual Assessment has been prepared and submitted in support of this application. In agreement with Officers, a series of shorter and longer viewpoints were selected and the impact tested from these locations. These demonstrate that the scheme would not have an overbearing impact on surrounding dwellings and would not break the existing roofscape of the surrounding area.

Officers are satisfied that the smaller and stepped design approach will not appear prominent or dominate within this skyline and would maintain the openness of this part of the Green Belt.

The conclusions of this visual assessment are that the proposed development does not impact the openness, character and tranquillity of the Green Belt. Officers are in agreement with the report's findings and consider that the proposed development successfully responds and integrates within the immediate site context. Officers are satisfied that it has been demonstrated that the proposed development does not have a detrimental impact on the visual amenity of the Green Belt and is in accordance with Barnet policy DM15.

## Heritage

The preservation and enhancement of heritage assets is promoted within Section 16 of the NPPF, recognising that such assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. It is also statutory obligation of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the special architectural and historical interest as well as the setting of listed buildings as well as the character and appearance of conservation areas. Saved PPS5 'Planning and the Historic Environment' provides guidance regarding consideration of designated and non-designated heritage assets. In addition, London Plan policy HC1 and Barnet's 2012 Core Strategy Policy CS5 and Development Management Policy DM06 all require the consideration of the impact to heritage assets including listed buildings, conservation areas and archaeology.

The Site is not within or does not contain any designated or locally listed heritage assets. However, the Site is located within the vicinity of the Monken Hadley Conservation Area, Wood Street Conservation Area, a Registered Battlefield and several locally listed buildings. The submitted Heritage Statement sets out the significance of each asset and concludes a judgement of no harm to the significance or setting of any of the assets identified and assessed in the report. Officers are in agreement with this assessment and also come to the conclusion that the proposed development would result in no harm to the settings of the conservation area, Registered Battlefield or other heritage assets.

## Amenity of Impact on Neighbouring Properties

Part of the NPPF's (2021) objective of achieving well-designed, high quality, beautiful and sustainable buildings and places is ensuring that planning decisions result in safe, inclusive and accessible development that promotes health and well-being, with a high standard of amenity for existing and future users. Amenity is a consideration of several policies within the London Plan (2021) and Barnet Development Management Policies DPD (2012) DM01.

### Privacy, overlooking and outlook

The Barnet Residential Design Guidance SPD states that there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications. There are neighbouring residential properties surrounding the site in all directions.

The most immediate neighbouring properties are Snowberry Close to the south and Blackthorn Court to the west. In terms of the southern elevations, only windows within the central element face towards the road within Snowberry Close. The rear building lines of the closest elements do not project beyond the rear building lines of the Snowberry Close properties on either side and there are no windows on these elements which face towards the adjacent properties. It is proposed to install privacy screens along the boundaries of any external balconies and this is considered to be acceptable.

Blackthorn Court is not directly sited opposite to the proposal but further south and therefore its distance away from the site and oblique views are considered not to raise any harmful privacy impacts.

Overall, it is considered that the proposal has carefully considered the relationship to neighbouring properties, in terms of massing, scale and window positioning so as to avoid any adverse impacts in terms of privacy, overlooking and outlook.

#### Impact on daylight, sunlight and overshadowing

A detailed daylight and sunlight analysis has been undertaken in accordance with BRE guidelines and a report submitted in support of the application. When assessing any potential effects on the surrounding properties, the BRE guidelines suggest that only those windows that have a reasonable expectation of daylight or sunlight need to be assessed. The BRE guidelines provide two principal measures of daylight for neighbours - Vertical Sky Component (VSC) and No-Skyline (NSL).

The amount of direct sunlight a window can enjoy is dependent on its orientation and the extent of any external obstructions. Annual Probable Sunlight Hours (APSH) is used to consider any sunlight effect to surrounding properties. The report conducted an analysis on the following immediate and adjacent properties:

1 - 2 South Close;  
19 - 21 South Close;  
1-24 Blackthorn Court;  
16 & 18 Snowberry Close and  
Intec House.

The report findings demonstrate that for daylight, that 173 (94%) of 185 neighbouring habitable windows will retain good levels of daylight. The properties at 1 & 2 South Close and Blackthorn Court will retain high levels of daylight.

In term of 19 & 21 Snowberry Close, the tests demonstrate all but two windows across both properties will retain good levels of daylight, in excess of BRE targets. Two windows serving a conservatory extension (W5/W6) in No.21 will receive reductions beyond BRE targets. BRE guidance states that if a room has two or more windows of equal size, their mean VSC can be taken. In this case, the mean VSC for the room is 20.7% (0.86 times the former value) and therefore should be considered acceptable. The further NSL assessment has shown that all rooms will retain good levels of daylight distribution, in excess of BRE targets. For sunlight, the results of the APSH assessment have shown that all main living rooms will retain good levels of sunlight with the proposal in place, in excess of BRE targets (i.e. 25% APSH/5% WPSH or 0.8 times the former value).

In response to the objection raised by no.21 Snowberry Close, the 45-degree rule of thumb / assessment is intended for extensions to existing domestic properties. The submitted DLSL report uses the more detailed VSC, NSC and APSH assessments recommended by the BRE guidance.

In terms of 16 and 18 Snowberry Close, the results of the VSC assessment have shown that all windows will remain largely unaffected by the proposal and will retain good levels of daylight, in excess of BRE targets (i.e. above 27% VSC or 0.8 times the former value). The further NSL assessment has shown that all rooms will retain good levels of daylight distribution, in excess of BRE targets. For sunlight, the results of the APSH assessment have shown that all main living rooms will retain good levels of sunlight with the proposal in place, in excess of BRE targets (i.e. 25% APSH/5% WPSH or 0.8 times the former value).

In relation to the proposed Intec House proposal, the results of the VSC assessment have

shown that 75 (88%) of 85 habitable windows will retain good levels of daylight, entirely consistent with the numerical targets outlined in the BRE guidance. There are 10 windows serving LKDs between the lower ground and second floor which will receive reductions beyond BRE targets. These windows are set very close to the site boundary, whilst the main windows serving each of these rooms face east and west with a more open aspect. All of the main windows serving these 5 LKDs will retain good levels of daylight, in excess of BRE targets. The further NSL assessment has shown that all habitable rooms will retain good levels of daylight distribution, entirely consistent with BRE targets. With this in mind and considering that the BRE advises flexibility in interpreting its numerical guidelines, the lower VSC levels to a small number of secondary windows should be considered acceptable and consistent with BRE guidance. For sunlight, the results of the APSH assessment have shown that all main living rooms will retain good levels of sunlight with the proposal in place, in excess of BRE targets (i.e. 25% APSH/5% WPSH or 0.8 times the former value).

## **Environmental Considerations**

Policy DM04 of Barnet's adopted Development Management Policies DPD (2012) seeks to reduce and mitigate against the impacts (i.e. noise, air pollution, and land contamination) of development which have an adverse effect on the health of the surrounding environment and the amenities of residents and businesses alike. This is consistent with the objectives of Section 15 of the National Planning Policy Framework (2021), which seeks to ensure that planning decisions conserve and enhance natural environment and avoid significant adverse impacts on health and quality of life.

### Contaminated Land

The application is accompanied by a Desk Study Report. This states that given the Site's previous and current use within an commercial/industrial capacity, there is potential for contaminants to be present at the site. There is also potential for contaminants to migrate onto the Site from the neighbouring industrial estate and previous nearby photo printing works. Given the nature of the historical land use and therefore the potential for contamination to be present at the Site, it is recommended that a proportionate programme of site investigation and monitoring works be undertaken in order to establish the presence or absence of contamination and to enable a quantitative assessment of the associated environmental risks. The Council's Environmental Health team have reviewed the contents of both documents and are satisfied with the recommendations and conclusions set out.

### Air Quality

Policy SI1 (Improving air quality) of the Mayor's London Plan (2021) aligns with the principles of DM04 of Barnet's adopted Development Management Policies DPD (2012), in that it seeks to ensure emission risks associated with development - i.e. air pollution, both existing and as a consequence of the proposed development - are identified, and that a suitable scheme of mitigation is established to mitigate the impacts for the existing environment and receptors (residents/public) as well as future receptors (residents of the development); and, that all new development meet the GLA's Air Quality Neutral benchmarks.

The application is accompanied by an Air Quality Assessment report produced by Syntegra. This has been updated during the application process in order to address comments from the Environmental Health Officer. Air quality impacts from both the

construction and operational phases are considered not to be significant.

### Noise and General Disturbance

Policies D13 (Agent of Change) and D14 (Noise) of the Mayor's London Plan (2021) recognise that the management of noise is important to promote good health and quality of life, within the wider context of achieving sustainable development, and that the burden of mitigation should not be exclusively placed on established neighbouring businesses and occupiers (i.e. who may operate / be responsible for existing noise-generating activities or uses). The policies stipulate that mitigation should be a part of the design through the use of distance, screening, layout, orientation, uses and materials. This was explored in the earlier Agent of Change section.

The application is supported by a Noise Impact Assessment which has been reviewed by the Council's Environmental Health service. They are accepting of the general conclusions of the report for the external impact of noise from traffic and commercial on the proposed development. Conditions are attached to seek updated reports when the equipment options have been finalised.

The Environmental Health Officer is also accepting of the internal noise levels results as the Class E use will be restricted to certain uses and the Officer is satisfied that that this will not have a significant noise impact.

In considering the potential impact to neighbours, conditions are recommended to ensure that any plant or machinery associated with the development achieves required noise levels for residential environment. The Council's Environmental Health team have also recommended conditions to ensure adequate sound levels within the proposed plant and to avoid noise disturbance from plant or machinery. It should be noted that any excessive or unreasonable noise is also covered by the Environmental Protection Act 1990.

Overall, the development is not expected to give rise to any undue noise or disturbance to the existing neighbouring environment, thereby satisfying Policies DM04 of Barnet's adopted Development Management Policies DPD (2012) and Policy D13 of the Mayor's London Plan (2021).

### **Transport, Highways and Parking**

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments. Other sections of Policies CS9 and DM17 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

### Residential Car Parking

London Barnet Local Plan Policy recognises that its residential parking standards will be applied flexibly based on different locations and issues related to public transport accessibility, parking stress and controls, ease of access by cycling and walking, and

population densities. Appropriate parking for disabled people should always be provided. Car parking standards for residential development are also set out in the Barnet Local Plan and recommend a range of parking provision for new dwellings based on the site's Public Transport Accessibility Level (PTAL) and the type of unit proposed. Policy DM17 of the Local Plan sets out the parking requirements for different types of units.

The scheme will provide 15no. residential off-street car parking spaces at a ratio of approx. 0.37 spaces per dwelling. Provision of a minimum of 10% Blue Badge residential parking spaces on-site will be accommodated.

The site lies within a No Waiting Zone, residential CPZ and Payment Parking (Mon-Sat 8am-6.30pm). This extends up Moxon Street and to the surrounding streets. The site lies in an area of PTAL 3 according to the TfL WebCAT tool, however, the applicant has undertaken a manually verified PTAL rating which produces a level of 4. This was confirmed by TfL and is set out in the appendices of the submitted Transport Statement.

The applicant has carried out an overnight parking survey on roads within a 200m distance of the site and the results show that there a parking stress of 56% within the study area.

Based on the above factors, the Council's Highways Officer accept the proposed parking provision subject to the following measures to reduce car ownership and encourage sustainable travel:

- Restriction of future residents from obtaining parking permits;
- A Contribution towards pedestrian and cycle improvements in the area; and
- Provision of an informal crossing point to be provided at the end of Moxon Street.

TfL have commented that the proposed car parking level is considered acceptable in light of the site's PTAL and recommend that legal restrictions should be imposed to prevent future residents' right for local on-street permit.

Numerous objections have raised issues with the applicant applying a PTAL of 4, resulting in a lower provision of required on-site parking provision. They state a PTAL level of 3 should be assumed according to TfL's webCAT tool. In any event, if you applied this assumption, the shortfall of parking spaces and potential overspill can be suitably mitigated by the restriction of parking permits. This is already being secured by legal agreement.

### Commercial Car Parking

It is proposed to provide 2no. parking spaces for the commercial occupiers, with 1 of the spaces being designated as a disabled space. This would satisfy the Council's Highways request.

### Cycle Parking

In terms of cycle parking, a minimum of 72no. secure and covered long-stay cycle spaces are provided at proposed Ground Floor Level, plus 3no. short-stay spaces for visitors. The Council's Highways Officer is accepting of the proposed residential cycle provision.

For the commercial space, the development proposes 2no. secure and covered long-stay cycle parking spaces, plus 1no. short-stay cycle parking spaces for visitors.



## Waste and Recycling

In terms of refuse collections, bin stores for the residential and commercial aspects of the proposed development will be provided in separate stores at Upper Ground Floor Level. The submitted Outline Delivery & Servicing Plan states that it will be the responsibility of the site's management company to ensure that the bins are presented at the front of the building adjacent to the 'service zone' on the day of collection.

In terms of the residential refuse and recycling collection, it is expected that this will be collected by the Council as part of the existing established domestic collection arrangements locally. The servicing arrangements for the commercial element of the development are proposed to be carried out via a privately contracted arrangement, in-keeping with the existing arrangements for the occupiers of the existing premises.

The waste strategy has been reviewed by the Council's Street Scene collections team and considered to be acceptable.

## Trip Generation

The submitted Transport Assessment states that the existing industrial building can be expected to generate in the order of 45 total two-way vehicle trips over the course of a typical weekday comprising of 32 total two-way car/taxi trips, 7 total two-way LGV trips and 6 total two-way OGV trips.

In terms of the residential aspect of the proposed development, it is expected that to generate in the order of 37 total two-way vehicle trips over the course of a typical weekday comprising of 29 total two-way car/taxi trips, 6 total two-way LGV trips and 2 total two-way OGV trips.

For the non-residential element, it is expected that to generate in the order of 4 total two-way vehicle trips over the course of a typical weekday comprising of 4 total two-way car/taxi trips and 0 LGV/OGV trips.

Therefore, the proposed development can be expected to generate in the order of 2 fewer total two-way vehicle trips over the course of a typical weekday comprising of 2 fewer total two-way car/taxi trips and 4 fewer total two-way OGV trips.

As such, the proposal would have a positive impact in reducing traffic congestion.

The approved redevelopment of the neighbouring site, Intec House (planning reference 22/4526/FUL), has been predicted to generate in the order of 28 fewer total two-way vehicle trips over the course of a typical weekday comprising of 11 fewer total two-way car/taxi trips, five fewer total two-way LGV trips, and 12 fewer total two-way OGV trips. The redevelopment of both sites is therefore expected to result in a noticeable net decrease in vehicular activity to and from the site over the course of a typical day/week.

TfL have commented that the proposal's nature, quantum and locations measure it is unlikely to cause a significant highway and traffic impact to the TLRN.

## Highways Summary

Taking into account of the matters set out above, the Council's Highways Officer would

raise no objection to the proposed development subject to a s106 agreement denying occupants of the development the right to purchase permits within the existing CPZ, as well as contributions to pedestrian and cycle improvements in the area.

As part of the neighbouring Intec House application, the S106 agreement secured the provision of a new informal crossing point at the end of Moxon Street as well as the provision of a car club vehicle space.

## **Landscaping, Trees and Biodiversity**

### Landscape

The submitted DAS sets out the proposed landscape strategy which provides a variety of external amenity spaces across the entirety of the scheme.

External amenity is provided in the form of a landscaped courtyard at third floor level.

The Council's Tree and Ecology Officers has confirmed that the outline landscape proposal is broadly acceptable for the built spaces. Further recommendations include enhancing the eastern boundary of the site (adjacent to the King George's Field SINC) with variety of native species with high biodiversity value include fruit/nut producing trees and shrubs e.g. hazel, blackthorn, field maples, pedunculate oak, small leaved lime, and hornbeam.

### Trees

The application is accompanied by an Arboricultural Impact Assessment and Arboricultural Method Statement. Trees within the site are located to the boundaries and comprise of 6no. individual trees and 5no. groups of trees. The report advises that tree species are generally of low quality and predominately non-native species.

The Council's Tree Officer has reviewed the submitted report and comments that the impacts on the woodland were considered in great depth during the neighbouring site application (Intec House). In this instance there are a number of large established trees growing along the boundary that are very close to the footprint of the building and shown as G1, G2, T1, T2, T3 and T4. The arboricultural report recommends that T2, T3 and G1 are removed for arboricultural reasons, and this is accepted, subject to agreement from Barnet Council Green Spaces.

To accommodate the development T5, G3 and G4 (low value trees) will be removed and this is acceptable subject to replacement tree planting.

The arboricultural report states that the remaining trees on the boundary G1, T1 and T4 will not pose significant post development pressure for removal, however the Tree Officer suggests that these poor-quality trees are perhaps better off to be removed under this planning application with secured replacement planting contributions.

### Ecology

The application is supported by a Preliminary Ecological Appraisal (PEA) which has been reviewed by the Council's ecologist. No objections to the application on ecological grounds are raised following the findings of the PEA and Bat Activity Report.

The PEA report revealed that the King George's Field Site of Importance for Nature Conservation (SINC) was located immediately east of the red line boundary. Subsequently it has been recommended that "the proximity and connectivity to a number of SINCS, in line with local policies, a CEMP with robust mitigation measures will be required during and post construction to prevent any potential indirect impacts from the proposals. Pollution prevention measures will be required to ensure no spills, debris, or materials enter the nearby area. It is considered that the proposals with avoidance and mitigation measures in place will have not have a significant impact on local SINCS."

Broadleaved Deciduous Woodland is immediately adjacent to the site was recorded as consisting of broadleaved deciduous woodland, with further deciduous woodland and wood pasture and parkland, traditional orchard and good semi-improved grassland (non-priority) within 1km of the site. To safeguard the Priority Habitat of Principal Importance (Natural Environment and Rural Communities Act 2006) the PEA report advised "that to minimise effects on the adjacent s41 deciduous woodland that the RPAs outlined in the arboriculture impact assessment report by DCCLA (2022) are adhered to as well as the inclusion of a woodland grassland buffer zone."

The PEA report revealed the presence of suitable vegetation and buildings which could support nesting birds. The PEA subsequently advised that "any works to the on-site habitats, including buildings take place outside of nesting bird season (February to August inclusive), unless a nesting bird search by a suitably qualified ecologist takes place prior to the works commencing. The avoidance of works during this time period will prevent the disturbance or damage to any nesting birds that may be presence.

The PEA report revealed the presence of numerous refuge piles and coniferous woodland undergrowth on the boundary of the site which have the potential to support sheltering and foraging reptile and amphibian species, great crested newts were deemed unlikely to be present within the site. We welcome the provision of precautionary measures which are "advised when undertaking works. Works to suitable areas such as rubble piles within the woodland to be done under ECoW supervision." Furthermore, the PEA report recommended that "Landscaping scheme should seek to enhance the site for reptiles (e.g. inclusion of refugia and gaps in fence."

Although the PEA report did not find direct evidence of badger or hedgehogs present on site e.g. hairs, droppings, footprints or dens it did determine that "there is a moderate chance for badgers to be present on site due to there being suitable habitat on site with connectivity to further woodland. Precautionary measures are advised for the works" these precautionary measures would include that "any holes, trenches, and/or ditches be supplied with an inclined mammal ladder to provide a means of escape. Future fencing on the site must ensure use of mammal gates/gravel boards to allow for connectivity across the site and seek to enhance hedgehog populations."

The PEA report deemed that the woodland on site had the potential to support notable invertebrates such as stag beetle and thus advise precautionary measures will be required in the event of removal of dead wood such as log piles on site. Stag beetles are protected by UK and European law and are active above ground from mid-May to July. Works are advised not to take place during this time.

The Councils' Ecologist welcomes the provision of extensive biodiverse green roof on the 3rd and 4th floors and these will provide ideal foraging habitat for a variety of pollinating insects including bees, butterflies, moths and beetles. The provision of biodiverse green

roofs will greatly enhance the site for biodiversity in comparison to its current developed/hardstanding artificial nature.

### Urban Greening

London Plan policy requires new developments to contribute to the greening of London by including urban greening as a fundamental element of site and building design. The proposal achieves a score of 0.39 which marginally falls below the target of 0.4 set by Policy G5 (Urban Greening) of the London Plan. Whilst this is marginally below the target value, Officers are satisfied that it has been considered as a fundamental element of site and building design, acknowledging that space within the roof is also required for plant installation. In any event, a proposed soft and landscaping condition will be attached and final confirmation of the UGF sought when the proposed landscaping has been further considered. At this stage, it is not considered that the marginal is materially in conflict with the London Plan policy G5.

### **Energy, Sustainability and Drainage**

#### Energy

London Plan (2021) policy SI2 states that major development should be net zero-carbon. The hierarchical principles of be lean, be clean, be green, and be seen should be implemented in order to reduce greenhouse gas emissions and minimise energy demands.

An Energy Strategy Report has been submitted in support of the application. The energy statement outlines a series of measures which will be incorporated into the proposal to improve sustainability and reduce carbon emissions. The Strategy follows the London Plan Energy Hierarchy: Be Lean, Be Clean and Be Green. The overriding objective in the formulation of the strategy is to maximise the reductions in total CO<sub>2</sub> emissions through the application of the hierarchy with a technically appropriate and cost-effective approach, and to minimise the emission of other pollutants. The development will be constructed to comply with Part L of the Building Regulations and in line with the London Plan to achieve a minimum of 73% CO<sub>2</sub> reduction for the domestic elements and 24% for the non-domestic elements.

In order to achieve zero carbon, the developer will need to make a carbon offset contribution to bridge this gap. A financial contribution will be required to be secured via planning obligation.

#### Water Consumption

In terms of water consumption, a condition would be recommended in the event planning permission is granted to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 110 litres of water is consumed per person per day, to ensure the proposal accords with Barnet's Core Strategy (2012) Policy CS13 and Policy SI5 of the London Plan (2021).

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

#### Flood Risk / SuDS

Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does no cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels".

The application is accompanied by a Flood Risk Assessment and Drainage Strategy. If permission were granted, a condition securing the submission of a further details of the surface water drainage scheme would be attached.

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

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

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

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

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

The site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site.

A minimum of 10% of units will be wheelchair adaptable.

The development includes level, step-free pedestrian approaches to the main entrances to the building to ensure that all occupiers and visitors of the development can move freely in and around the public and private communal spaces. Dedicated parking spaces for people with a disability will be provided in locations convenient to the entrances to the parking area.

The proposals are considered to be in accordance with national, regional and local policy

by establishing an inclusive design, providing an environment which is accessible to all.

## **7. Conclusion**

In conclusion, Officer consider that the development is acceptable having regard to the relevant local, regional and national policies.

Having weighed the material planning considerations, the scheme would deliver many benefits including the following;

- A comprehensive redevelopment of a vacant brownfield site
- Optimise housing delivery and make a contribution to the Council's annual housing delivery targets;
- Reprovision of improved flexible employment floorspace

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development overall accords with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 Agreement, APPROVAL is recommended subject to conditions as set out above.



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**Location** **Ground Floor Flat 67 Church Lane London N2 8DR**

**Reference:** **23/1805/FUL** Received: 25th April 2023  
Accepted: 27th April 2023

Ward: East Finchley Expiry 22nd June 2023

**Case Officer:** **Rish Mehan**

Applicant: Mr Osman Ismail

Proposal: Single storey rear extension

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:

Site Location Plan

67CL-001: Front elevation

67CL-002: Existing rear elevation

67CL-003: Proposed rear elevation

67CL-004: Existing west elevation

67CL-005: Proposed west elevation

67CL-006: Existing ground floor plan

67CL-007: Proposed ground floor plan

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

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

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

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

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

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

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

- 5 Before the development hereby permitted is first occupied, the amenity area(s) shall be sub-divided in accordance with the details shown on approved drawing 67CL-007: Proposed ground floor plan and shall be permanently retained and maintained as such thereafter.

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

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

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

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site is located at Ground Floor Flat, 67 Church Lane, London, N2 8DR. Consisting of an end of terrace property where the original commercial premises at ground floor level has been converted to provide a flat and the upper floors together provide a further unit. This application deals with the ground floor flat.

The site is not within a conservation area (designated as Article 2(3) land in The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended) and is not within an area covered by an Article 4 direction

## **2. Site History**

Reference: 16/0400/PNR

Address: Ground Floor, 67 Church Lane London N2 8DR

Decision: Prior Approval Required and Approved

Decision Date: 03 March 2016

Description: Change of use from Financial/Professional Services (Class A2 ) to Residential (Class C3) to provide 1no. unit

Reference: 17/2327/FUL

Address: Ground Floor Flat, 67 Church Lane, London, N2 8DR

Decision: Withdrawn

Decision Date: 12 June 2017

Description: Installation of new shop front

Reference: 17/3723/FUL

Address: Ground Floor Flat, 67 Church Lane, London, N2 8DR

Decision: Refused

Decision Date: 13 October 2017

Description: Conversion of ground floor shop to 1no residential unit following installation of new front facade

Reference: 18/2950/RCU

Address: Ground Floor Flat, 67 Church Lane, London, N2 8DR

Decision: Approved subject to conditions

Decision Date: 26 July 2018

Description: Creation of new door opening and alterations to window positions (Retrospective Application)

## **3. Proposal**

Single storey rear extension.

The proposed extension will measure 3.50m in depth along the boundary with No 65, 4.00m in width and 3.40m in height. The rear extension will have a flat roof. An area of the garden will be excavated to allow access steps to be built leading into the garden.

## **4. Public Consultation**

Consultation letters were sent to 33 neighbouring properties. 24 replies have been received, of which 24 of these replies were objections to the proposal.

The comments are summarised below:

- o Not in keeping within the character of the area
- o Lack of garden amenity space available for ground and first floor flats
- o garden area is currently subject to a 6 year legal dispute & a previous injunction

- which prevented the landlord from building or carrying out works to said space
- o impact to access for first floor flat
  - o unlawfully remove access, & reduce use of, the garden space
  - o garden is part of a protected tenancy and so cannot be built on
  - o £2m for the cost of an extension seems very high
  - o Unfair on the long-term existing tenants to take away their garden
  - o No good reason to build on green space other than greed
  - o Disruption to the neighbourhood caused by builders vans
  - o Dust
  - o Reduced parking availability for residents and shoppers due to builders vans

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

The revised National Planning Policy Framework (NPPF) was published in 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.

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

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

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

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

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

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

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

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

#### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene, and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

### 5.3 Assessment of proposals

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), D3 (of the London Plan, 2021).

The applicant seeks permission for a single storey rear extension measuring 3.50m in depth along the boundary with No 65 Church Lane. Paragraph 14.21 of the Residential Design Guidance SPD which states that a depth of 3.00 metres is usually considered acceptable on terraced properties. Although the proposed depth exceeds that of 3.00m, it is noted that the rear building line of the proposed extension at the host site, would be the same line as the existing rear extension at No 65, and therefore, as both rear building lines will be the same, the extension is considered to reflect the established proportions and rear building line and therefore be acceptable. The proposal would be in materials to match the host property, further safeguarding its integration.

More broadly, there are several examples of other rear extensions within the near vicinity and a variety of architectural detailing. As such, it is considered to be in keeping with the character of the property and street scene and surrounding area. The proposal is therefore in accordance with Policy DM01 of the Development Management Policies DPD.

#### Impact on neighbouring Amenity

It will be important that any scheme addresses the relevant development plan policies including DM01 (of the Barnet Local Plan) and the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance.' In respect of the protection of the amenities of neighbouring occupiers, this will include taking a full account of all neighbouring sites.

#### No. 65 Church Lane

No 65 Church Lane benefits from a single storey rear extension of a similar depth to the proposal. Therefore, the proposed extension at the host site would not give rise to any undue loss of light, outlook or privacy to the adjoining occupiers. In addition, it is noted that there is an existing fence and brick wall along the boundary which will further aid to mitigate any issues regarding amenity.

#### First Floor Flat at No 67 Church Lane:

Being at ground floor level, the extension would not result in any undue loss of light, privacy, outlook or increased sense of enclosure.

It should be noted that the amenity space remaining due to the development for both flats would continue to meet the policy expectation set out in the Sustainable Design and Construction SPD pursuant to Policy DM02. In addition there will be a close boarded fence around the private garden area for the ground floor flat, which would improve the privacy of the remaining garden area for the occupiers of the upper floor flat and would not lead to an undue sense of enclosure.

## **5.4 Response to Public Consultation**

Not in keeping within the character of the area - Addressed in the report

Lack of garden amenity space available for ground and first floor flats - The amenity space remaining for both flats is in accordance with the guidance

Garden area is currently subject to a 6 year legal dispute & a previous injunction which prevented the landlord from building or carrying out works to said space - Not a planning matter

Impact to access for first floor flat - Access is not considered to be unduly impacted as there is a gate in which the occupants of the first floor flat can enter.

Unlawfully remove access & reduce use of the garden space - Discussed above.

Garden is part of a protected tenancy and so cannot be built on - Not a planning issue.

£2m for the cost of an extension seems very high - smallest estimate option is up to £2m, project can cost anywhere from £0 up to £2m

Unfair on the long-term existing tenants to take away their garden - Not a planning issue given that a policy compliant residual amenity space would continue to be provided

No good reason to build on green space other than greed - Not a planning issue.

Disruption to the neighbourhood caused by builder's vans - Management of the construction phase is not a matter relevant to the decision.

Dust - Management of the construction phase is not a matter relevant to the decision.

Reduced parking availability for residents and shoppers due to builders' vans - Management of the construction phase is not a matter relevant to the decision.

## **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 wider locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.

