

MEETING

PLANNING COMMITTEE A

DATE AND TIME

MONDAY 8TH APRIL, 2024

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF PLANNING COMMITTEE A (Quorum 4)

Chair: Councillor Tim Roberts
Vice Chair: Councillor Richard Barnes

Councillors

Anne Hutton
Danny Rich

Joshua Conway
Eva Greenspan

Substitute Members

Elliot Simberg
Jennifer Grocock

Claire Farrier

Gill Sargeant

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

Andrew Charlwood – Head of Governance

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

Media Relations Contact: Tristan Garrick 020 8359 2454

ASSURANCE GROUP

Please consider the environment before printing.

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.	Dispensations Granted by the Monitoring Officer (if any)	
5.	Addendum (if applicable)	
6.	55 Woodstock Road London NW11 8QD - 22/2364/FUL (Childs Hill)	9 - 34
7.	16 Hillside Gardens Edgware HA8 8HE - 24/0414/HSE (Edgware)	35 - 44
8.	66 Addison Way London NW11 6QS - 23/4520/HSE (Garden Suburb)	45 - 54
9.	O/s 9 - 10 Varley Parade The Hyde London NW9 6RR - 23/3829/FUL (Colindale South)	55 - 62
10.	O/s 13 And 14 Varley Parade The Hyde London NW9 6RR - 23/3784/FUL (Colindale South)	63 - 70
11.	O/s 17 -18 Varley Parade The Hyde London NW9 6RR - 23/3831/FUL (Colindale South)	71 - 78
12.	Norfolk Court 31 - 32 Manor Road Barnet EN5 2JT - 23/4187/FUL (Underhill)	79 - 94
13.	Units 2 - 3 Halliwick Court Parade, Woodhouse Road, London, N12 0NB - 23/4400/FUL (Friern Barnet)	95 - 106
14.	Intec House 49 Moxon Street Barnet EN5 5TS - 23/5219/FUL (High Barnet)	107 - 164
15.	Any item(s) that the Chairman decides are urgent	

FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone planning.committees@barnet.gov.uk. People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

FIRE/EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by uniformed custodians. It is vital you follow their instructions.

You should proceed calmly; do not run and do not use the lifts.

Do not stop to collect personal belongings

Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions.

Do not re-enter the building until told to do so.

This page is intentionally left blank

Decisions of the Planning Committee A

5 February 2024

Members Present: -

AGENDA ITEM 1

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

Councillor Danny Rich
Councillor Joshua Conway
Councillor Eva Greenspan
Councillor Claire Farrier (Substituted for Councillor Anne Hutton)

Also In Attendance

Councillor Rishikesh Chakraborty

Apologies for Absence

Councillor Anne Hutton

1. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 4 December 2023 be agreed as a correct record.

2. ABSENCE OF MEMBERS

Apologies were received from Councillor Anne Hutton who was substituted by Councillor Claire Farrier.

The Chair advised that Councillor Eva Greenspan had replaced Councillor David Longstaff on the Planning Committee A and welcomed her to the Committee.

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

Councillor Eva Greenspan declared a non-pecuniary interest in regard to Item 9 101 Watford Way London NW4 4RS and Item 10 78 High Road London N2 9PN by virtue of her knowing the Planning Agent for both of the Applications.

4. REPORT OF THE MONITORING OFFICE (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

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

6. RAYMOND COURT PEMBROKE ROAD LONDON N10 2HS - 23/5050/FUL

(FRIERN BARNET)

The Planning Officer presented the report and addendum.

Margaret Fisher addressed the committee and spoke in objection to the application.

Harold Taylor addressed the committee and spoke in objection to 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) 5

Against: (approval) 0

Abstained: 1

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

7. LAND ADJACENT TO 19-20 WARWICK CLOSE BARNET EN4 9SF - 23/2564/OUT (EAST BARNET)

The Planning Officer presented the report.

Shylla-Marie Aniemena-Guebhard addressed the committee and spoke in objection to the application.

Claire Docherty addressed the committee and spoke in objection to the application.

Joe Henry representative on behalf of the applicant addressed the committee

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

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

The votes were recorded as follows:

For: (approval) 6

Against: (approval) 0

Abstained: 0

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

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

8. 101 WATFORD WAY LONDON NW4 4RS - 23/3602/FUL (WEST HENDON)

The Planning Officer presented the report and addendum.

Kerry Darton addressed the committee and spoke in objection to the application.

Councillor Rishikesh Chakraborty addressed the committee in his capacity as West Hendon Ward Councillor and spoke in objection to the application.

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

9. 78 HIGH ROAD LONDON N2 9PN - 23/5021/FUL (EAST FINCHLEY)

The Planning Officer presented the report.

Emily Benedek the agent for the application, addressed the Committee.

The Committee then had the opportunity to ask questions of the speaker 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 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. 60 HERVEY CLOSE LONDON N3 2HJ - 23/2274/FUL (WEST FINCHLEY)

The Planning Officer presented the report.

Sina Jeddi the agent for the application, addressed the Committee.

The Committee then had the opportunity to ask questions of the speaker 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) 4

Against: (approval) 1

Abstained: 1

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

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

None.

The meeting finished at 8.50 pm

Location **55 Woodstock Road London NW11 8QD**

Reference: **22/2364/FUL** Received: 3rd May 2022 **AGENDA ITEM 6**
Accepted: 3rd May 2022

Ward: Childs Hill Expiry 28th June 2022

Case Officer: **Emily Bell**

Applicant: Tang

Proposal: Partial demolition of existing family house and conversion into a three storey building comprising 6no self-contained flats with a two-storey rear extension and alterations and extension to roof including dormer windows to all elevations. Associated refuse/recycling store, cycle store, amenity space and provision of off street parking

OFFICER'S RECOMMENDATION

Approve subject to s106

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

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Contribution of £2,738.94 is required towards the amendment of the Traffic Management Order.

Contribution of £119.60 towards meeting the Council's costs of monitoring the planning obligation.

RECOMMENDATION II:

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

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

F651-A-203 EXISTING EAST ELEVATION
F651-A-102 EXISTING FIRST FLOOR PLAN
F651-A-101 EXISTING GROUND FLOOR PLAN
F651-A-103 EXISTING LOFT PLAN
F651-A-200 EXISTING NORTH ELEVATION
F651-A-104 EXISTING ROOF
F651-A-300 EXISTING SECTION AA
F651-A-201 EXISTING SOUTH ELEVATION
F651-A-202 EXISTING WEST ELEVATION
LOCATION PLAN
F651-A-106 A PROPOSED FIRST FLOOR
F651-A-107 A PROPOSED LOFT PLAN
F651-A-108 A PROPOSED ROOF
F651-A-301 A PROPOSED SECTION AA
F651-A-109 A PROPOSED PARKING LAYOUT
F651-A-105 B PROPOSED GROUND FLOOR PLAN
F651-A-100 C EXISTING AND PROPOSED SITE PLAN
F651-A-204 B PROPOSED NORTH ELEVATION
F651-A-107A rev A PROPOSED LOFT PLAN
F651-A-205 B PROPOSED SOUTH ELEVATION
F651-A-206 B PROPOSED EAST ELEVATION
F651-A-207 B PROPOSED WEST ELEVATION
Design and Access Statement
Arboricultural Impact Assessment (APIII) HWA10788_APIII 2.0 08/04/2022
Daytime Bat Potential Roost Assessment PRA Ref: WEC_NW11 dated Sept 2022

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

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

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

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

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

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

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

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

properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;

v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;

vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;

vii. noise mitigation measures for all plant and processors;

viii. details of contractors compound and car parking arrangements;

ix. details of interim car parking management arrangements for the duration of construction;

x. details of a community liaison contact for the duration of all works associated with the development.

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

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

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

- 6 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).

- 7 a) Before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 8 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).

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

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

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

- 11 a) 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).

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

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

- 13 a) 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.

- 14 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, in the interests of promoting cycling as a mode of transport and to safeguard the visual amenities of the building and surrounding area, in accordance with Policy T5 and Table 10.2 of The London Plan (2021), Barnet's Local Plan Policies CS NPPF, CS1 and CS9 of Core Strategy (Adopted) September 2012, and Policies DM01 and DM17 of Development Management Policies (Adopted) September 2012.

- 15 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on the approved plans 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 6.1, 6.2 and 6.3 of the London Plan 2015.

- 16 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.

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

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

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

- 18 Prior to commencement of the development the details the specification, location, including height, orientation, of the recommended ecological enhancement features including 1 x Schwegler bat roost box, 2 x bat access tiles, 1 x insect hotel and 1 x hedgehog home (as appropriate) shall be submitted and approved by the local planning authority. Prior to first occupancy of the property biodiversity enhancement features shall be installed in accordance with the thereafter approved enhancement plan.

Reason: To enhance the biodiversity value of the site beyond its current baseline, 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.

- 19 The development shall be implemented in strict accordance with the requirements, recommendations, and mitigation measures, including the timing of development works and special techniques, in line within the outlined in sections 4.4 - 4.10 of the Bat Emergence Survey (Wychwood Environment Ltd, June 2023).

In the event of any bats being discovered all works must stop and the project ecologist and/or Natural England must be contacted immediately as an appropriate licence will be required before the works can continue.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016), and the relevant statutory wildlife protection legislation.

- 20 Prior to the commencement of works details of a Low Impact Lighting shall be submitted and approved by the local planning authority. Any artificial lighting scheme designed for development include off street lighting, shall be in accordance with Bats Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016), and the relevant statutory wildlife protection legislation.

- 21 Before the building hereby permitted is first occupied the proposed window(s) at first floor level in both side facing elevations, except for the window serving bedroom 2 of flat 3, 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).

- 22 Before the building hereby permitted is first occupied the proposed side facing dormer windows shown as such on drawings F651-A-107A rev A, shall F651- A-206B and F651-A-207B 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 in accordance with.

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).

- 23 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.

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31 July 2024 , unless otherwise agreed in writing, the Service Director - Planning and Building Control or Head of Strategic Planning REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and associated monitoring costs, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

Informative(s):

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

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

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

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

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

available from the Planning Portal website.

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

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

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

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

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

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

- 4 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 5 The submitted Construction Method Statement shall include as a minimum details of:
 - o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable

means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

- o 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.

- 6 Nesting birds and their active birds' nests are protected from damage of disturbance under the Wildlife and Countryside Act 1981, as amended (section 1). Avoid all vegetation clearance during the active nesting bird season. If this cannot be reasonable avoided and any tree / vegetation clearance required to be removed during the active nesting bird season and cannot reasonable be avoided, then a nesting bird check must be conducted prior to commencement of clearance by a suitably qualified ecologist. Any active birds' nest that are discovered are to have an appropriate 5m protective buffer is to be place around the nest and the nest is to be retained until such time that the chicks have fledged.

There is a risk that nesting birds maybe negatively impact by the proposed clearance works should the works commence during the active nesting bird season. Generally, trees, buildings and scrub may contain nesting birds between 1st March and 31st August inclusive. It is considered that nesting birds are likely to be present between the above dates. You are advised to seek the advice of a competent ecologist prior to undertaking any works which could affect nesting birds during the period outlined above.

- 7 Soft landscaping should be designed where feasible with areas of planting consisting of 70/30 native grass to flowering plants to provide high quality habitat for pollinating insects including bees, butterflies. An example of a potential species rich meadow seeding mix includes Boston Seed Dual Purposed Wildflower Meadow Seed Mix BSXM 70/30 and for the amenity lawn Emorsate Seed Strong Lawn Grass Mixture EG22.

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.

A purpose-built wildlife friendly pond is recommended to be created for the benefit of amphibians. Such a pond should ideally be shallow along the margins, planted with a variety of wetland emergent and submerged plant species and free of fish to encourage the presence of a diverse array of invertebrates and amphibians. For further details on the construction of wildlife ponds refer to Wildlife ponds / RHS Gardening website.

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

- 8 If a concrete pump lorry is operated from the public highway, then the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein
- 9 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

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

Please Note: A maximum width of a crossover allowed from a public highway is 4.2 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.

OFFICER'S ASSESSMENT

1. Site Description

The subject property no. 55 Woodstock Road is situated within a suburban area, a short distance from shops, a tube station, bus stops and other services on Golders Green Road. The surrounding area comprise 2 - 3 storey dwellings, often Edwardian in style. On the opposite side of Woodstock Road is Golders Court, a complex of 3 storey flats.

The property itself is a 2-storey detached dwelling, with bedrooms in a third attic storey. It was built in the 1920s and although not Listed is a good example of Neo Georgian architecture. The property has a good-sized rear garden which is largely enclosed with trees. The rear elevation of the house has a similar alignment to no's 57 and 53, although

there is a modern conservatory which projects part way into the garden.

The site is not located within a conservation area and there are no listed buildings on or adjacent to the host site. There are TPOs on the site.

2. Site History

Reference: 16/2023/PNH

Address: 55 Woodstock Road, London, NW11 8QD

Decision: Prior Approval Required and Refused

Decision Date: 1 April 2016

Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 16/2609/PNH

Address: 55 Woodstock Road, London, NW11 8QD

Decision: Prior Approval Not Required

Decision Date: 20 May 2016

Description: Single storey rear extension with a proposed depth of 8-metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 17/3801/FUL

Address: 55 Woodstock Road, London, NW11 8QD

Decision: Refused

Decision Date: 11 October 2017

Description: Demolition of existing building and erection of a three storey building plus basement level to provide 13no self-contained flats. Associated cycle storage, parking, amenity space, refuse and recycling

Reference: 18/1354/FUL

Address: 55 Woodstock Road, London, NW11 8QD

Decision: Refused

Decision Date: 14 September 2018

Description: Demolition of existing building and erection of a three storey building with basement level and rooms in the roofspace to provide 10no self-contained flats. Associated cycle storage, parking, amenity space, refuse and recycling

Reference: 20/4243/FUL

Address: 55 Woodstock Road, London, NW11 8QD

Decision: Refused

Decision Date: 17 November 2020

Description: Conversion of the existing large family house into 8no Self-contained flats. Two storey rear extension, basement extension and new side dormer windows. Associated refuse/recycling store, cycle store, amenity space and provision of off street parking

Reference: C03504B/01

Address: 55 Woodstock Road, London, NW11 8QD

Decision: Approved subject to conditions

Decision Date: 23 January 2002

Description: Addition of a single storey conservatory to rear of existing house.

3. Proposal

Partial demolition of existing family house and conversion into a three-storey building comprising 6no self-contained flats with a two-storey rear extension and alterations and extension to roof including dormer windows to all elevations. Associated refuse/recycling store, cycle store, amenity space and provision of off-street parking.

The proposal will provide the following units:

Flat 1 is a 2 bed, 4 person unit with GIA of 80sqm over 1 storey
Flat 2 is a 3 bed, 6 person unit with GIA of 110sqm over 1 storey
Flat 3 is a 2 bed, 4 person unit with GIA of 80sqm over 1 storey
Flat 4 is a 3 bed, 5 person unit with GIA of 97sqm over 1 storey
Flat 5 is a 1 bed, 2 person unit with GIA of 56sqm over 1 storey
Flat 6 is a 1 bed, 2 person unit with GIA of 58sqm over 1 storey

3no parking spaces are proposed to the front.

4. Public Consultation

Consultation letters were sent to 71 neighbouring properties. 8 letters of objection have been received, summarised below:

- o Building works will be disruptive
- o Impact on privacy. Overlooked to rear by dormer windows and windows to side
- o Previous applications have been refused
- o Effect on traffic, access and parking
- o Loss of light to neighbouring properties
- o Resulting noise and disturbance
- o Inappropriate use for area. Designed for single family housing
- o Maintenance of the building
- o Unknown whether connecting to main drainage system
- o Concerns regarding waste storage
- o Lack of family housing
- o Overdevelopment of flats in surrounding area
- o No limit to number of applications submitted

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published on 19th December 2023. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates

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

The Mayor's London Plan 2021

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

Relevant policies:

D4 - Good Design

D5 - Inclusive Design

D6 - Housing Quality and Standards

D7 - Accessible Housing

D12 - Fire safety

H2 - Small Sites

H12 - Housing Size mix

SI 2 Minimising Greenhouse Gas Emissions

T6.1 - Residential Car Parking

Barnet's Local Plan (2012)

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

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5,

Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17.

Barnet's New Local Plan (Reg 24)

Barnet's Draft Local Plan - Reg 24: The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24). The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites.

As part of this stage (Reg 24), the Inspector in his Interim Findings and Next Steps letter of August 17th has set out how the Council can through making Main Modifications to the Local Plan address issues of legal compliance and deficiencies in soundness. These interim findings are a clear indication of what the Local Plan and the policies and site proposals within will look like at adoption, subject to making the Inspector's suggested Main Modifications. Whilst the Council moves forward to formal consultation on the Main Modifications (expected to commence in January 2024) the Interim Findings and Next Steps letter of August 17th shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

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

reached.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

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

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

- States that privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of Development
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents
- Provision of adequate accommodation for future occupiers
- Highways and Parking
- Refuse and Recycling

5.3 Assessment of proposals

Principle of Development

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

The proposed conversion and extension of the property is considered acceptable in principle. The surrounding area consists of a variety of different typologies, including but not limited to, semi-detached properties, detached properties, terraced units and purpose-built flats. Given the diverse dwelling typology within the surrounding area, such development would therefore be acceptable subject to its design and character.

There have been a number of applications made at the site where the principle of conversion into flats has been found acceptable. Whilst this scheme makes material alterations in an attempt to address previous concerns, the overall general principle aspect remains unchanged. Subject to compliance with other policy requirements the redevelopment to provide flats can be accepted.

Weight must be given to the Local Plan (Regulation 19) (2021) which through Policies HOU02 and HOU03 identifies that a key housing consideration is to achieve a better housing balance, including protecting family houses from conversions into smaller units, while delivering new converted homes in the right location.

Following the Examination in Public (EIP) Hearing of the Local Plan (Regulation 19) (2021) and in response to the subsequent comments from the Planning Inspector, these policies have been further modified.

Inspector in his Interim Findings and Next Steps letter of August 17th has set out how the Council can through making Main Modifications to the Local Plan address issues of legal compliance and deficiencies in soundness. These interim findings are a clear indication of what the Local Plan and the policies and site proposals within will look like at adoption, subject to making the Inspector's suggested Main Modifications. Whilst the Council moves forward to formal consultation on the Main Modifications (expected to commence in January 2024) the Interim Findings and Next Steps letter of August 17th shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

In regard to flat conversions the emerging local plan policy HOU03 provides the following criteria for acceptable proposals:

- a) Site have existing or planned public transport access levels (PTALs) 3-6 or are located within 800m walking distance of a station or town centre boundary
- b) Proposal provides at least one family sized home with 3 bedrooms that is capable of providing 4 bedspaces with access to a dedicated rear garden
- c) Gross internal floor area of the property (at time of application) should not be less than 135m², where 2 self-contained residential units are proposed. At least 61m² of gross internal floorspace is required for each additional dwelling proposed;
- d) Proposals will be supported, relative to the surrounding character of the area and where there is no unacceptable impact on the amenity of occupiers of neighbouring properties of the area;

- e) A good standard of living conditions and amenity for future occupiers in terms of privacy, daylight and outlook is provided;
- f) Minimum Car and cycle parking provision in accordance with requirements of Policy TRC03; and
- g) Proposals meet London Plan residential space standards (Policy D6 - Housing Quality and Standards) and the criteria set out in Policy CDH01 - Promoting High Quality Design.

Whilst two of the flats would be marginally below this internal floor space at 56 and 58 respectively, the building is considered large enough to convert into the proposed unit mix and further will provide a variety of dwelling types and sizes, including multiple family units. On balance, it is not considered that the application would warrant refusal on this reason alone.

Background History

A planning application 17/3801/FUL was submitted in June 2017 for 'Demolition of existing building and erection of a three-storey building plus basement level to provide 13no self-contained flats. Associated cycle storage, parking, amenity space, refuse and recycling

The application was refused for following reasons:

1. "The proposals do not make any provision towards affordable housing within the Borough, and insufficient information has been provided to justify that the scheme could not viably make provision to affordable housing. The failure to provide any affordable housing provision on site would be to policies 3.8, 3.9, 3.10 and 3.11 of the London Plan (2016) and policy DM10 of the Barnet Development Management Policies Document (2012).
2. The proposal fails to provide an adequate level of light, outlook and privacy for habitable rooms which would result in an unacceptably poor level of amenity for future occupiers of proposed units and would have a detrimental impact to the residential amenities of future occupiers. For these reasons the proposal is contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policies DM01 and DM02 of the Adopted Development Management Policies DPD (2012) and the Council's Sustainable Design and Construction SPD (2016).
3. The proposed development would provide a form of development that would appear obtrusive and detract from the character and appearance of the street scene and general locality, failing to integrate well within the local townscape or achieve a high quality of design, contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016)."

A planning application 18/1354/FUL was submitted April 2020 for the "Demolition of existing building and erection of a three-storey building with basement level and rooms in the roof space to provide no. 10 self-contained flats. Associated cycle storage, parking, amenity space, refuse and recycling"

The application was recommended for approval by the planning officer and overturned at committee on the 04th September 2018 refused for following reasons:

1. The proposed development, by reason of its size, siting, bulk and design and loss of trees associated with the provision of basement parking, would be out of character within

this part of Woodstock Road and would be detrimental to the character and appearance of the street scene and the visual amenities of the wider locality, contrary to policies CS NPPF, CS1 and CS5 of the Adopted Local Plan Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance (2016).

The application was subsequently appealed the decision. The appeal was dismissed by the inspectorate appeal ref: APP/N50-0/W/19/3220193 on the 30th May 2019.

A planning application was submitted in September 2020 for the "Conversion of the existing large family house into 8no Self-contained flats. Two storey rear extension, basement extension and new side dormer windows. Associated refuse/recycling store, cycle store, amenity space and provision of off street parking".

The application was refused for the following reasons:

1. The proposed development would by reason of its excessive depth to the rear and ramp car park access on the front elevation constitute a visually incongruous form of development within its immediate context and would also be contrary to the established pattern and form of development in the surrounding area. The proposal would therefore be contrary to Policy CS5 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted 2016) and the Sustainable Design and Construction SPD (adopted 2016).

2. Insufficient information has been provided to demonstrate that the proposed development would not have a harmful impact on existing trees which provide significant visual amenity to the character and appearance of the area. The development would therefore have an unacceptable impact on the character and appearance of the area and street scene, contrary to policies CS NPPF and CS1 of the Local Plan Core Strategy (2012) and policies DM01 and DM16 of the Local Plan Development Management Policies DPD (2012).

Impact of the proposal on the character and appearance of the area

The NPPF attaches great importance to the design of the built environment, stating that, "good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities" (para.124). Policy DM01 states, 'development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

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

The subject application proposes the partial demolition and conversion of the existing large family house into 6 no self-contained flats with alterations and extension to roof including dormer windows to all elevations.

The subject property was built in the 1920s and although not Listed it is a good example of Neo Georgian architecture.

The existing building makes a positive contribution to the character and appearance of the streetscene in Woodstock Road by virtue of its design and appearance. The area surrounding the host site contains a variety of different typologies and architectural styles. The property is adjoined by no. 57, a 2-storey brick dwelling of more recent construction, and no. 53, a 2 storey plus attic storey Edwardian property. No. 55a appears to be the original garage for the property and now forms part of no. 53, apart from the rear portion which provides a store, accessible from within the garden of no 55 and which is within the subject site. To the rear the property adjoins the rear gardens of housing at The Ridgeway, and to the side the rear gardens of houses on the part of Woodstock Road which turns the corner past no 59.

The proposed scheme seeks to overcome previous reasons for refusal in that it retains many of the existing characteristics of the former building on the site, being only a partial demolition, including the pitched roof and frontage with the front porch on to Woodstock Road. The proposed ridge height follows the existing height and the accommodation to the second floor is subordinate and would match the existing front dormer windows. The scheme has been amended throughout the lifetime of the application to remove a two storey rear extension. As a result, the proposal was amended from 8 to 6 flats being proposed. The removal of the rear extension ensures that the proposed building would not protrude any further than the existing building on site. In fact, as existing the building benefits from a single storey rear conservatory. This will be removed and the proposed building would not project as far into the garden as this existing element.

The proposed roof design featuring two side dormers generally fits the character of the area and reflects the street scene.

Impact on the Amenities of Neighbours

Barnet policy DM01 requires new development to have due regard to the amenity of existing occupiers in neighbouring buildings.

In terms of protecting overlooking, Barnet's Residential Design Guidance SPD states that there should be a minimum distance of 21m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5m to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications. The proposal is approximately 24m from the rear site boundary and as such is not considered to result in unacceptable levels of overlooking to the rear of properties along The Ridgeway.

The existing dwelling house extended beyond the rear elevation of no.53 or no.57 Woodstock Road. At ground floor level the proposed building would not project any deeper than the existing property, however, the property will be infilled at ground level bringing the rear element in line with the existing flank walls of the house. At ground floor, the building would not project past no. 57 Woodstock Road and would project marginally past no. 53. A distance of approximately 7 metres would be retained between the host building and no. 53 and as such there is not considered to be a detrimental impact. At upper floor levels, the host building is proposed to be extended to the rear by approximately 2.8 metres. Due to the detached nature of the building and distances from the common boundaries, it is not considered that the proposal would have a detrimental effect on neighbouring amenity.

There are two side dormers proposed to each flank elevation. One per roofslope will replace an existing dormer with clear glazing which given the existing situation on site would be acceptable. The second dormer to each side elevation would utilise obscure glazing in order to protect privacy of neighbouring occupiers. One rooflight is proposed to each side elevation, however, given the high nature of these there is not considered to be

detrimental overlooking.

Provision of adequate accommodation for future occupiers

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

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The application will therefore be assessed according to the requirement laid out in the London Plan (2021).

The proposal would provide the following dwellings:

Flat 1 is a 2 bed, 4 person unit with GIA of 80sqm over 1 storey
Flat 2 is a 3 bed, 6 person unit with GIA of 110sqm over 1 storey
Flat 3 is a 2 bed, 4 person unit with GIA of 80sqm over 1 storey
Flat 4 is a 3 bed, 5 person unit with GIA of 97sqm over 1 storey
Flat 5 is a 1 bed, 2 person unit with GIA of 56sqm over 1 storey
Flat 6 is a 1 bed, 2 person unit with GIA of 58sqm over 1 storey

The London Plan sets a minimum Gross Internal Floor Area for flats based on a standard set for the number of bedrooms (b) and persons-bedspaces (p). A 2 bed, 4 person unit over 1 storey requires 70sqm. A 3 bed, 6 person unit over 1 storey requires 95sqm. A 3 bed, 5 person unit over 1 storey requires 86sqm. A 1 bed, 2 person unit over 1 storey requires 50 sqm.

Table 3.3: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

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

The proposed units would meet the minimum internal space standards.

Outlook, light and privacy:

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

The proposed flats are considered to benefit from adequate light and outlook.

Stacking:

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

The proposed layout provides reasonable stacking throughout the property. In the event of an approval, a condition should be attached for Pre-Completion Sound Insulation Test

Certificates to be submitted to the LPA.

Outdoor amenity space:

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

Flat 1 has 4 habitable rooms and requires 20m² of amenity space.

Flat 2 has 5 habitable rooms and requires 25m² of amenity space.

Flat 3 has 4 habitable rooms and requires 20m² of amenity space.

Flat 4 has 5 habitable rooms and requires 25m² of amenity space.

Flat 5 has 3 habitable rooms and requires 15sqm of amenity space.

Flat 6 has 3 habitable rooms and requires 15sqm of amenity space.

Flat 1 and 2 are provided with 38sqm and 36sqm of private amenity space respectively. The remaining 4 flats have access to a communal garden of approximately 364sqm. This is significantly greater than the required standard and the provision of on site amenity space is acceptable.

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.

Across the ground and first floors, Flats 1-4 would meet this requirement. Amendments have been received throughout the lifetime of the application to increase the head height of the loft floor flats as much as possible. The two units will achieve 71% of the unit to be at least 2.5 metres floor to ceiling height and on balance, this is considered to be acceptable.

Parking and highways

The site fronts onto Woodstock Road which is mainly residential in character. There are CPZ restrictions on the road (Mon-Sat, 8am-6:30pm & Sun, 09:30-6:30pm). The site lies in an area with a PTAL rating of 5 (very good). 14 bus routes can be accessed from stops within 4-7 minutes walking distance of the site. Golders Green tube station is within 7 minutes walking distance of the site.

The proposed conversion of the property into 6 self-contained flats will attract a maximum of parking provision of 4-8 spaces. However, given the PTAL score of the site is 5, Highways accept the provision of 3 spaces subject to imposing permit restrictions on the development.

A minimum of 13 cycle parking spaces are required based on the London Plan standards. 13 cycle parking spaces are proposed in the rear garden and accessed by a walkway along the side of the building. Details of cycle parking are requested by way of a condition.

Refuse storage location is acceptable on highways grounds, however, details of refuse storage will be requested by way of a condition.

Ecology and Trees

The applicant submitted Daytime Bat Potential Roost Assessment (PRA)(WEc_NW11)

and a further Bat Emergence Survey (Whychwood Environment Ltd, June 2023). The council's ecologist has reviewed the submitted information and confirmed that no further surveys or Natural England Bat Mitigation Licence will be required as no roosting bats were recorded. The precautionary mitigation measures including the provision of two bat access tiles and two bat roost boxes recommended within the report will be subject to a condition. No objections were raised on ecology grounds, subject to conditions.

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

The applicant submitted an Arboricultural Impact Assessment. The Council's tree officer reviewed this document, and following additional information, found that the amendments to the Tree Protection Plan and additional detail provided re: driveway levels that there is likely to be some post-development pressure to the trees at the front given their proximity to parking spaces, however none of these trees would merit making a new TPO. Further detail on build methodology, protection measures and materials used for the driveway renovations can be submitted within a dedicated Arboricultural Method Statement as a pre-commencement condition (as suggested in Section 10.3 of the Arboricultural Impact Assessment). Overall, the proposal is not considered to have a detrimental effect on trees, subject to conditions.

DM16 states that, when considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity.

A Bat Emergence Survey was provided and no further surveys will be required as no roosting bats were recorded. The precautionary mitigation measures including the provision of two bat access tiles and two 1FF Schwegler bat roost box recommended within the report will be conditioned subject to planning approval.

The proposal is acceptable on ecology grounds, subject to conditions.

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 5.15 of the London Plan (2016) and a reduction of CO2 emissions over Part L of the 2013 Building Regulations in accordance with the requirements of Policy 5.2 of the London Plan (2016) and the 2016 Housing SPG's requirements.

5.4 Response to Public Consultation

- o Building works will be disruptive

A Demolition and Construction management plan will be requested by way of a condition. The impact of construction works are not a material planning consideration.

- o Impact on privacy. Overlooked to rear by dormer windows and windows to side

These comments are noted and have been addressed within the main body of the report.

- o Previous applications have been refused

The current application seeks to overcome the previous reasons for refusal as set out in the main body of the report.

- o Effect on traffic, access and parking

Highways officers have reviewed the application and raised no objections on highways grounds.

- o Loss of light to neighbouring properties

These comments are noted and have been addressed within the main body of the report.

- o Resulting noise and disturbance
- o Inappropriate use for area. Designed for single family housing
- o Lack of family housing

Given the presence of several flat conversions in the local area and the site's accessible location, officers would not object to the creation of flats to replace the existing dwelling. 2x 3 bed family sized units have been provided in the scheme. In terms of use of the site as flatted development, it is considered unlikely that general noise and disturbance resulting from 6 additional households would be such that it would disturb adjoining occupiers to an extent that would warrant refusal of the application. It is noted that that the building would be set back from the adjoining dwellings located on account of the large size of the plot.

- o Maintenance of the building

The future maintenance of the building is not a material planning consideration.

- o Unknown whether connecting to main drainage system
- o Concerns regarding waste storage

Bin stores are located to the front of the site. Further details including details of the refuse store can be secured by way of a condition.

- o Overdevelopment of flats in surrounding area

Given the location of the site and mixed nature of surrounding the site is considered a suitable location for flat development.

- o No limit to number of applications submitted

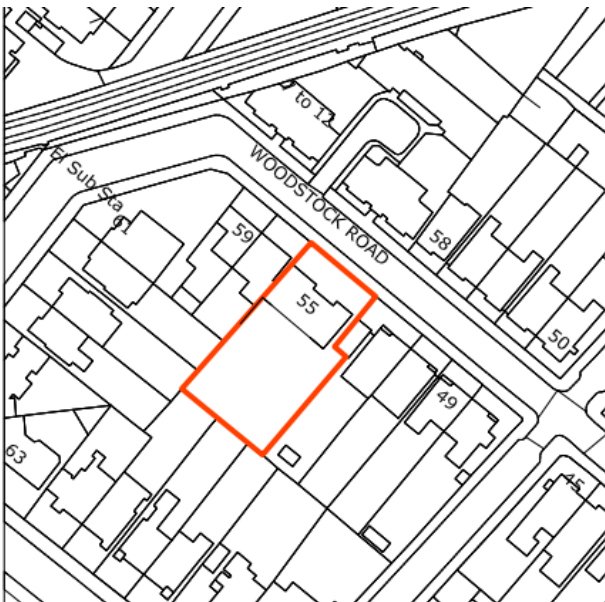
There are no limits to the number of applications that can be submitted.

6. Equality and Diversity Issues

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

7. Conclusion

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



Location 16 Hillside Gardens Edgware HA8 8HE

Reference: 24/0414/HSE

Received: 1st February 2024

Accepted: 1st February 2024

Ward: Edgware

Expiry 28th March 2024

AGENDA ITEM 7

Case Officer: Radhika Bedi

Applicant: Mr & Mrs Joseph

Proposal: Roof extension involving hip to gable, rear dormer window with Juliette balcony and 5no. front facing rooflights.

OFFICER'S RECOMMENDATION

Refuse

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

- 1 The proposed roof extension by reason of its siting, design, size and scale would result in an unduly bulky, visually obtrusive form of development which would result in an incongruous addition which would fail to respect the character and appearance of the host dwelling and character of the surrounding area contrary to policies CS1 and CS5 of Barnet's Core Strategy (2012), policy DM01 of the Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

- 2 The plans accompanying this application are:

Drg No 2022/1585/1 - Existing Plans and Elevations
Drg No 2022/1585/2 - Proposed Plans and Elevations

OFFICER'S ASSESSMENT

This application was called into the committee by Cllr Shuey Gordon on 5th February 2024.

This is for the following reason:

This will not be detrimental to fitting in with the surrounding area.

1. Site Description

The application site is located at 16 Hillside Gardens, consisting of a semi-detached dwellinghouse within the Edgware ward.

The site is not located within a conservation area and is not a listed building. There are no onsite TPOs.

2. Site History

Reference: 23/4895/HSE

Address: 16 Hillside Gardens, Edgware, HA8 8HE

Decision: Refused

Decision Date: 11 January 2024

Description: Roof extension involving hip to gable, rear dormer window with Juliette balcony and 5no. front facing rooflights.

Reason for refusal: The proposed roof extension by reason of its siting, design, size and scale would result in an unduly bulky, visually obtrusive form of development which would result in an incongruous addition which would fails to respect the character and appearance of the host dwelling and character of the surrounding area contrary to policies CS1 and CS5 of Barnet's Core Strategy (2012), policy DM01 of the Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016).

Reference: 23/3257/HSE

Address: 16 Hillside Gardens, Edgware, HA8 8HE

Decision: Refused

Decision Date: 20 September 2023

Description: Roof extension involving hip to gable, rear dormer window with juliette balcony and 5no. front facing rooflights

Reason for refusal: The proposed roof extension by reason of its siting, design, size and scale would result in an unduly bulky, visually obtrusive form of development which would result in an incongruous addition which would fails to respect the character and appearance of the host dwelling and character of the surrounding area contrary to policies CS1 and CS5 of Barnet's Core Strategy (2012), policy DM01 of the Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016).

Reference: 20/5372/HSE

Address: 16 Hillside Gardens, Edgware, HA8 8HE

Decision: Refused

Decision Date: 5 January 2021

Description: Roof extension involving hip to gable, rear dormer windows with Juliet balcony and 5 no front facing rooflights

Reason for refusal: The proposed roof extension by reason of its siting, design, size and scale would result in an unduly bulky, visually obtrusive form of development which would result in an incongruous addition which would fails to respect the character and appearance of the host dwelling and character of the surrounding area contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

Reference: W13360/03

Address: 16 Hillside Gardens, Edgware, HA8 8HE

Decision: Approved subject to conditions

Decision Date: 15 August 2003

Description: First floor side extension

3. Proposal

The planning application seeks permission for:

Roof extension involving hip to gable, rear dormer window with Juliette balcony and 5no. front facing rooflights.

The hip to gable would have a height of 3.0m, width of 6.2m and depth of 9.4m. =29m³

The rear dormer would have a height of 2.8m, width of 9m and depth of 4.8m.= 60m³

4. Public Consultation

Consultation letters were sent to 6 neighbouring properties. No comments received.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was updated on 5 September 2023 and sets out the government's planning policies for England and how these are expected to be applied. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2021

The 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 New Local Plan (Reg 24)

Barnet's Draft Local Plan - Reg 24: The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24). The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites.

As part of this stage (Reg 24), the Inspector in his Interim Findings and Next Steps letter of August 17th has set out how the Council can through making Main Modifications to the Local Plan address issues of legal compliance and deficiencies in soundness. These interim findings are a clear indication of what the Local Plan and the policies and site proposals within will look like at adoption, subject to making the Inspector's suggested Main Modifications. Whilst the Council moves forward to formal consultation on the Main Modifications (expected to commence in January 2024) the Interim Findings and Next Steps letter of August 17th shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

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

Background information

It should be noted that identical proposals of a hip to gable and rear dormer roof extension have previously been refused three times on this site (20/5372/HSE - refused on 05.01.2021, 23/3257/HSE - refused on 20.09.2023 and 23/4895/HSE - refused on 11.01.2024).

It should also be noted that upon review of planning records, the application site has previously received planning permission to build a "First floor side extension" (ref: W13360/03, dated: 15.08.2003). This suggests that the existing side roof of the application property is non-original.

The hip to gable would have a height of 3.0m, width of 6.2m and depth of 9.4m. =29m³
The rear dormer would have a height of 2.8m, width of 9m and depth of 4.8m. = 60m³

It is noted that when calculating from these measurements, the proposed total volume increase to the roof of the dwellinghouse would be 89 cubic meters. As such, this would comfortably exceed the volume of the increase to the roof space under permitted development for a semi-detached house, which is 50 cubic metres. Therefore, a meaningful "fallback" position of permitted development cannot be given to the proposed roof extension.

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

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan).

Paragraph 14.33 of Barnet's Residential Design Guidance states that dormer roof extensions should:

- + reflect style and proportion of windows on the existing house. Dormers may have flat, gabled, hipped or curved roofs and subject to the criteria on position, should normally align with the windows below.
- + have an adequate roof slope above and below for semi-detached and terrace properties.

- + not occupy more than half the width or the half the depth of the roof slope.
- + not be wider than the window below it and the dormer cheeks kept as narrow as possible.

It is noted that the proposed rear dormer would fail to meet all the requirements listed above.

For instance, the proposed rear dormer does not align with the windows below, would have nearly the full width and depth of the roof slope and would be wider than all the windows below and have wide dormer cheeks. There is also little to no space left above and below the proposed rear dormer.

Paragraph 14.35 of Barnet's Residential Design Guidance states that hip to gable roof extensions need to take into account the following criteria:

- + The gable should not unbalance a pair of semi-detached houses or a short terrace
- + The gable should not reduce the degree of visual separation between houses or glimpsed views from the street
- + The gable should not form an overbearing wall facing a street, neighbouring garden or other public place
- + The gable should not appear out of character within the streetscape

Upon site visit, it is noted that the other house of the pair of semis, no. 14 Hillside Gardens, does not currently have a gable roof. Therefore, it is considered that the proposed hip to gable at the application site would unbalance a pair of semi-detached houses.

Although there are similar roof extensions in the surrounding area, such as Nos. 10 and 35 Hillside Gardens, it is important to note that No. 35 does not currently benefit from first floor side extension or two-storey side extension, and the width of the whole main roof after the extension is significantly less than the proposed roof extension at the application site.

While No. 10 has received planning permission for its roof extension, it should be noted that it is a committee decision and upon review of planning records, it is noted that officers did not consider the impact on the character of the roof extension at No. 10 is acceptable as it does not comply with the policies set out in the Residential Design Guidance and have recommended for refusal before going onto the planning committee.

The application property currently benefits from an existing two-storey side extension. This proposal to add a full width rear dormer alongside a hip to gable roof extension is found to fail to respect the established character or the original dwelling as it currently stands. The proposed roof extensions are considered to be disproportionate additions to the host dwelling which are not sympathetic to the original house and are in fact dominant and unduly bulky. The cumulative impact of the existing extensions as well as the proposed roof extensions would therefore constitute as overdevelopment of the site.

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

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

The proposed hip to gable and rear dormer extension is not seen to have any impact on the amenity of neighbouring dwellings.

The proposed rooflight would not give rise to unacceptable loss of amenities due to the location being within the main roof scape of the dwellinghouse.

Due to the siting of the proposed developments, the proposal is not considered to have an adverse impact on the amenity of neighbouring occupiers.

5.4 Response to Public Consultation

N/A

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would NOT have an acceptable impact on the character and appearance of the application site and the locality. This application is therefore recommended for REFUSAL.

8. Site Location Plan



EXISTING LOCATION PLAN 1:1250

This page is intentionally left blank

Location 66 Addison Way London NW11 6QS

Reference: 23/4520/HSE

Received: 20th October 2023

Accepted: 23rd October 2023

Ward: Garden Suburb

Expiry 18th December 2023

AGENDA ITEM 8

Case Officer: Tina Oliveira

Applicant: A & M Mire

Proposal:

Garage conversion with new garage door and windows. Single Storey side link extension to garage. Internal and external alterations to include removal of internal walls and chimney breast. New retaining wall to boundary line. Fenestration changes to the rear to create a new double door and replace existing door with window. New rooflight (Amended description and Plans)

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
- 569 EX00 Existing Site Plan
- 569 EX0S Existing OS Map
- 569 EX01 Existing Ground Floor Plan
- 569 EX02 Existing First Floor Plan
- 569 EX03 Existing Loft Plan
- 569 EX04 Existing Roof Plan
- 569 EX05 Existing Front Elevation

569 EX06 Existing Rear Elevation
569 EX07 Existing RHS Elevation
569 EX14 Existing LHS Elevation of Garage
569 PL01 Rev B Proposed Ground Floor Plan
569 PL02 Proposed First Floor Plan
569 PL03 Proposed Loft Plan
569 PL04 Rev A Proposed Roof Plan
569 PL05 Rev A Proposed Front Elevation
569 PL06 Rev B Proposed Rear Elevation
569 PL07 Rev B Proposed RHS Elevation
569 PL13 Rev A Proposed Section EE
569 PL14 Rev B Proposed LHS Elevation of Garage
Design and Access Statement dated 21/03/24

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) Prior to their installation, details of the materials, design, glazing specifications of the new windows/doors including garage door hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. The double glazing thickness should be 4-6-4 mm.

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

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 permission of the New Hampstead Garden Suburb Trust Ltd may also be necessary and this can be obtained from: The Trust Manager, The New Hampstead Garden Trust Ltd, 862 Finchley Road, London NW11 6AB (Telephone 020 8455 1066). See <http://www.hgstrust.org/> for more information.

OFFICER'S ASSESSMENT

The application is referred to Planning Committee A as the applicant is a councillor.

1. Site Description

The application site is located at 66 Addison Way, London NW11 6QS, consisting of a two-storey linked end terraced dwellinghouse. The application site is within Area 2 of the Hampstead Garden Suburb Conservation Area and is a locally listed property. There is a TPO tree to the front and in the rear garden. The surrounding area consists of a mix of terraced and semi-detached properties.

The adopted Conservation Area Character Appraisal notes;

The group of which 66 Addison Way forms a part is made up of the houses nos. 66 - 88 Addison: it is made up of two linked terraces, each of 6 houses, placed either side of the pedestrian access to Little Wood from Addison Way. The group was designed by George Lister Sutcliffe for Copartnership Tenants Ltd. The property dates from 1912. The property is locally listed and within the Hampstead Garden Suburb Conservation Area.

The HGS Character Appraisal (Artisans Quarter, Area 2, Character Appraisal 7): 'All the buildings are finished in red brick in Flemish bond which gives a great coherence to the road. Continuous rooflines and tall chimneys are persistent features of the road, as are the white casement windows with glazing bars. The different levels of the buildings on either side of road (making use of the slope down to Mutton Brook from Willifield Way) also give the road variety. The cottages are arranged as groups of maisonettes on the northern side and as groups of two-storied cottages on the southern side. Six-paned window casements are typical of the upper floors on the southern side of the road and on both floors of the northern side. All the groupings along the road are by Parker and Unwin, except for Nos. 66-76 and 78-88 at the extreme eastern end, which are by Bunney and Makins and are not included in Area 6, and Oakwood Court, also at the eastern end, which was built much later by F.M. Cashmore (1953). Plots are limited and the scale of the houses mostly small and 'cottagey'. Within these parameters however, the buildings show considerable variation of restrained, high-quality, architectural detail which adds significantly to the character of the road'.

2. Planning History

Reference: C02034E

Address: 66 Addison Way London NW11

Decision: Approved subject to conditions

Decision Date: 13 December 1996

Description: Ground floor side and rear extension, new window and gate.

Reference: C02034D

Address: 66 Addison Way London NW11

Decision: Approved subject to conditions

Decision Date: 12 April 1978

Description: Rear dormer window, and gable end window.

Reference: C02034B

Address: 66 Addison Way NW11

Decision: Refused

Decision Date: 25 May 1977

Description: Conversion of roof space into bedroom

Reference: C02034A

Address: 66 Addison Way NW11

Decision: Refused

Decision Date: 26 May 1976

Description: formation of room in roof space, alterations to roof and new attic windows

Reference: C02034

Address: 66 Addison Way London NW11

Decision: Approved subject to conditions

Decision Date: 30 August 1968

Description: Erection of garage.

The application site has other tree related applications.

3. Proposal

The application seeks planning permission for "Garage conversion with new garage door and windows. Single Storey side link extension to garage. Internal and external alterations to include removal of internal walls and chimney breast. New retaining wall to boundary line. Fenestration changes to the rear to create a new double door and replace existing door with window. New rooflight (Amended description and Plans)".

The existing garage is proposed to be converted into a habitable room connected to the main house which will partly serve as an office/gym and the rear part as a playroom. A new rooflight is proposed to the roof. The front façade of the garage will be altered to replicate the perforated parapet design seen to the front of the neighbouring garage at No.64 Addison Way. The proposed garage conversion will replace the existing garage door with a new part glazed garage door and a new window. In addition, two new side windows are proposed along the garage flank wall adjoining the host dwelling, replacing an existing single large window. The proposed window to the front will be sited to the left-hand side of the garage. The new garage door will be part glazed, in timber to match the adjoining garage at No.64. The proposed garage windows will be casement windows in timber and white, with top upper hung casement.

A side link extension is proposed to the rear of the existing garage to link the converted garage to the main dwelling. The proposed link extension will hold a door to access the side passageway between the main dwelling and the garage and a rear door to access the rear garden. It will hold a single window along the flank wall adjoining No.64 Addison Way. The proposed link extension will have a glazed, flat roof, a height of 2.73 metres, width of 1.50 metres and a depth of 3.90 metres.

A new retaining wall is proposed along the boundary to No. 64 Addison Way. This will wrap around to the existing rear retaining wall holding the higher sited rear garden. The proposed wall will have a height of 0.58 metres, have an extent of 8.70 metres and be 0.30 metres in width. It would be in brick to match existing materials.

Fenestration changes are proposed to the rear elevation replacing an existing door to the existing living room with a new window. An existing part glazed marginally inset door to the existing dining is proposed to be replaced with a new part glazed double door. The new double door would be flush with the adjoining rear wall.

Through the lifespan of this application amendments were sought to change the description of works. The applicant's initial proposal for a new garage to replace the existing was amended to only include a garage conversion with a new door and windows. The extent of the fenestration proposed along the flank wall of the infill extension was reduced to be a single window. In addition, the applicant provided amendments to the rear fenestration at the dwelling and modifications were requested to the proposed rear double door.

4. Consultation

9 consultation letters were sent. No replies received.

Application was advertised on site and in the local press.

Consultation

Heritage: Following amendments received, no objections raised subject to conditions.

HGST: No objections raised to the proposed scheme.

Trees: Following applicant's confirmation to no longer demolish the existing garage, no tree related concerns arise in relation to the proposed garage works.

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 December 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, CS15.

- Relevant Development Management Policies: DM01, DM06

Part of policy CS15 of the Core Strategy states that the Council will: "work with relevant providers and developers to ensure that necessary infrastructure is secured and delivered in time to support Barnet's consolidated growth and development and provide the facilities needed for the borough's communities."

Barnet's New Local Plan (Reg 24)

Barnet's Draft Local Plan - Reg 24: The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24). The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites.

In order to address issues of legal compliance and deficiencies in soundness the Council has produced Main Modifications to the Local Plan. These Main Modifications were approved by Cabinet on March 12th and will now be subject to a period of formal public consultation commencing in May 2024. Whilst the Council moves forward to formal adoption of the Local Plan (subject to the outcome of the public consultation and the Inspectors Report) the Main Modifications shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 2016)

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

Hampstead Garden Suburb Conservation Area Character Appraisal and Design Guide (2010)

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

5.2 Assessment of proposals

The main issues for consideration in this case are:

- Whether harm would be incurred to the character and context of the site and surrounds;
and

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

5.3 Assessment

- Whether harm would be incurred to the character and context of the site and surrounds

The main issue in this case is whether or not the alterations would be visually obtrusive forms of development which would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area and have an adverse and visually obtrusive impact upon the amenity of the occupiers of the neighbouring property.

The supplementary planning guidance for the Suburb is the Hampstead Garden Suburb Design Guidance which has been the subject of public consultation and Local Planning Authority approval. The guidance says:

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an 'Area of Special Character of Metropolitan Importance'. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 ' 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

As existing the dwelling benefits from a relatively wide metal garage door. It is considered that the works to replace the existing garage door with a less wide garage door will not negatively impact the appearance of the property to the streetscape, as it will be similar to the garage door in the neighbouring dwelling at No.64 and be in keeping with garage door designs seen acceptable in the Hampstead Garden Suburb. The new window proposed is seen acceptable as it would match the existing fenestration at the dwelling in design and style. All new fenestration will be conditioned for materials, colour and glazing specifications to respect the character of the dwelling and to ensure coherence with

designs used in the Hampstead Garden Suburb. Following amendments, the alterations to the garage parapet to have a perforated brick design to match that seen at No.64 is seen as an enhancement of the street scene and the existing garage. The new side windows to the garage are seen to be a sympathetic addition to the existing garage. They will have materials, style and colour to match the windows seen at the host site.

As such, the appearance from the front of the site will show the replacement of the existing garage door to have a part glazed door and a new window. The window is not considered to detract from those seen at the host site and the new garage door will be like other dwellings within the suburb and is considered to positively impact the character of the street and the Conservation Area.

The proposed side infill extension will not negatively impact the appearance of the property to the streetscape, as it will not project beyond the height of the existing garage. It is seen to be a subservient addition at the dwelling with materials to match those existing at the host site.

The works proposed to the rear fenestration allows a cohesive appearance to the property with the new replacement french door and window matching in design and appearance to the existing fenestration design, materials and colour of the elements existing at the dwelling. These will be conditioned for specifications. Following amendments the design of the proposed new door with a lower timber panel is seen to reflect the existing door style at the dwelling. The introduction of matching fenestration design, colour and timber material is supported.

The proposed new doors and windows will be double glazed. These will be conditioned for specifications and for the glazing thickness to be 4-6-4 mm with no planter bars, to be in character with fenestration designs adopted in the suburb.

The proposed alterations are considered to ensure that they would not detrimentally impact on the qualities of the locally listed building and would protect the character of this part of the Hampstead Garden Suburb Conservation Area. As conditioned, they would preserve the character and appearance of the individual property, street scene, conservation area and area of special character.

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

The Residential Design Guidance 2016 states that extensions should not be overbearing or obtrusive and should not result in harmful:

- o loss of privacy by overlooking adjoining properties
- o loss of light or overshadowing of adjoining properties
- o loss of outlook from adjoining properties
- o sense of enclosure or overbearing impact on adjoining properties
- o loss of garden, landscaping or open space, which contributes to local amenity
- o loss of parking space that is desirable to retain

It is not considered that the proposed garage conversion with associated changes to the garage door and introduction of a new window will result in a negative impact on neighbouring amenity. The proposed new side windows to the garage will be smaller in width in comparison to an existing larger window and will be contained within the flank wall of the dwelling not visible to adjoining neighbours.

The proposed infill extension is seen as a subservient addition at the dwelling and will link the main house to the habitable space following the garage conversion. Although the new side window within the proposed infill extension will be brought closer to the shared boundary to No.64 with a minimum distance of 0.60 metre and a maximum distance of 0.50 metre from the existing garden fence, this window is not considered to significantly alter the existing amenity relationship between the host site and the adjoining neighbour at No.64. The host site as existing benefits from a side window in a similar location offering the same views as the new window will.

Following the proposed infill extension, the proposed new retaining wall will be set further out than the existing wall, extending along the shared boundary to the dwelling at No.64. This is not seen to impact the existing amenity relationship between the host site and neighbour at No.64 as it will marginally relocate an existing element.

The proposed changes to the existing rear doors will have a new window and door that will offer the same views as existing at the rear windows of the dwelling and are not considered to impact the amenity enjoyed by the adjoining neighbouring occupants.

In light of the above, it is not thought that the proposed developments would harm the living conditions of neighbouring residents.

5.4 Response to Public Consultation

Not applicable

6. Equalities and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the proposed development has been found to have an acceptable impact on the character of the host property and the conservation area. It has also been established that the proposal would have an acceptable impact on the amenity of both neighbouring properties. As such, this application is recommended for APPROVAL subject to conditions.



Location	O/s 9 - 10 Varley Parade The Hyde London NW9 6RR	
Reference:	23/3829/FUL	Received: 6th September 2023
		Accepted: 6th September 2023
Ward:	Colindale South	Expiry: 1st November 2023
Case Officer:	Keshni Patel-Rayani	
Applicant:	John Rainford	
Proposal:	Installation of 1no. electrical vehicle charging point unit with double-sided LCD screen, feeder pillar and associated electrical connection works	

AGENDA ITEM 9

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:

EVA 2.0 - Prelim UK Design Dated 6/10/2022
 JLT.002-Proposed Site Layout Rev B Dated Sept 23
 JLT.001-Exsiting Site Layout Rev B Dated Sept 2023
 Technical Specifications - EVA 2.0 (EVCP + 2x Display Advertising Screens)
 Design and Access Statement PLanning Application ref PP-12435134 Dated 5th September 2023
 RB1000 Cabinet General Arrangement Drawing Number S9171 Sheet 6 Dated 02.06.2020

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

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

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

- 3 The development hereby approved shall be installed with the materials as set out within the approved application drawings and documents.

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

- 4 The EV charging unit shall be in compliance with 'The Electric Vehicles (Smart Charging Points) Regulations 2021' for the lifetime of the unit.

Reason: To ensure that the development is carried out fully in accordance with the regulations as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM03 of the Local Plan Development Management Policies DPD (adopted September 2012).

Informative(s):

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

The application has been referred to planning committee due to the number of objections received. It forms one of three applications for the installation of EV charging points with corresponding ancillary advertisement displays along the stretch of verge to the front of Varley Parade. In and of itself, the proposal in isolation is considered to be acceptable. However, officers are mindful of the potential cumulative impact of the three units being brought forward together - and as such, it is proposed that all three items be heard before voting takes place in order that Members can determine which and how many (without prejudice) of the units may be granted consent.

1. Site Description

The application site is located on the north eastern side of Varley Parade NW9 6RR, on a strip of paved verge between the access road to the front of the commercial premises and the main carriageway. The proposed charging point would be positioned within the property line of 9 and 10 Varley Parade - just north of the mid-point of the verge.

The site is not listed or within a conservation area.

2. Site History

Reference: 23/3830/ADV

Address: O/s 9 - 10 Varley Parade, The Hyde, London, NW9 6RR

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Installation of 1no. double-sided internally illuminated LCD screen with integral electrical vehicle charging point

Reference: 23/3784/FUL

Address: O/s 13 - 14 Varley Parade, The Hyde, London, NW9 6RR

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Installation of 1no. electrical vehicle charging point unit with double-sided LCD screen, feeder pillar and associated electrical connection works

Reference: 23/3785/ADV

Address: O/s 13 - 14 Varley Parade, The Hyde, London, NW9 6RR

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Installation of 1no. double-sided internally illuminated LCD screen with integral electrical vehicle charging point

Reference: 23/3831/FUL

Address: O/s 17 - 18 Varley Parade, The Hyde, London, NW9 6RR

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Installation of 1no. electrical vehicle charging point unit with double-sided LCD screen, feeder pillar and associated electrical connection works

Reference: 23/3832/ADV

Address: O/s 17 - 18 Varley Parade, The Hyde, London, NW9 6RR

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Installation of 1no. double-sided internally illuminated LCD screen with integral electrical vehicle charging point

3. Proposal

Installation of 1no. electrical vehicle charging point unit with double-sided LCD screen, feeder pillar and associated electrical connection works

4. Public Consultation

47no consultee letters were sent to neighbouring properties.

7no objections have been received and have been summarised as below:

- Varley Parade is private parade, where land in the parade is owned by leaseholder and Varley Estate check land registry.
- Loss of parking
- Loss of business
- No benefit for the freeholder or lease holder
- A planning application has been put in for planning permission for a number of large advertising screens / electric charging points and associated reserved parking bays in Varley Parade.
- The council has repeatedly refused to maintain the road or implement any kind of parking control over the years.
- Each time I've put forward a request for parking restrictions I've been told the road is privately owned therefore please provide unequivocal proof of ownership to mitigate any legal action before this scheme goes any further.
- If it turns out that the council does own the road, it is in desperate need of resurfacing and we will happily entertain a discussion on how to prevent long term parking in this area as cars are often parked here for weeks on end. What other commercial district in the borough has no parking restrictions at all?

4.1 Statutory Consultees

Highways: No Objections

TfL: No objections

London Borough of Brent: No comment

5. Planning Considerations

5.1 Policy Context

National Planning Policy Guidance / Statements:

The determination of applications for advertisement consent is made mindful of Central Government advice and the Development 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 the 19th December 2023. The NPPF is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that "poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts".

Barnet's Local Plan (2012)

Relevant Core Strategy Policies: CS NPPF, CS9.

Relevant Development Management Policies: DM01, DM17.

Barnet's Design Guidance

Design Guidance Note 1 (Advertising and Signs) was approved in 1994 following public consultation. It states that advertisements should relate to their surrounding in terms of size, scale and sitting. In addition they should be located to avoid visual clutter and not conflict with traffic signs or signals or be likely to cause confusion or danger to road users. In respect to council policy and guidance it is considered that the proposed signage is acceptable.

5.2 Considerations

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the site, the street scene and the wider locality.
- Whether harm would be caused to the living conditions of neighbouring residents;
- Highway impact;
- Public safety.

5.3 Assessment

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

Development proposals must represent high quality design, preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. This ensures that the development addresses the requirements of Policies DM01, CS05 (Barnet's Local Plan), Policies D3 and D8 of the London Plan and the NPPF.

Varley Parade is a local parade situated in the Colindale South ward. The road predominantly consists of several shops and business with residential dwellings above and is part of the highly commercial A5 corridor.

The site has been selected based upon the need for additional fast electrical vehicle charging points in the area, the high attraction rate of the site and the suitability of the location for an electrical vehicle charge point.

The electrical vehicle charging point unit with double sided LCD screen is 1.2 wide, 0.5m deep, and will be placed 0.09m from the inside kerb edge (away from the main carriageway). The proposal additionally includes a feeder pillar of 1.2m in height, 1m in width and 0.4m in depth, as demonstrated within the RB Single Door Cabinet General Arrangement Plan (dwg no: s9171 sheet 6). It is identified that under Schedule 2, Part 12 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015, a feeder pillar built in association with electric vehicle charging points by or on behalf of Local Authorities, is deemed permitted development. Considering this, the subsequent built form of the feeder pillar would comply with permitted development.

It is noted that the proposed unit has a non-reflective, Monument Grey finish, designed to be sympathetic with a variety of street settings. The unit is certified IP55+ for dust and water resistance, with easy clean, graffiti-resistant coatings, allowing the units to become an attractive, well-maintained part of the local streetscape.

The primary function of the unit is electric vehicle charging, with a secondary function of digital out-of-home advertising. The integral double-sided LCD screen will display paid-for adverts by third party companies, compliant with national and local advertising standards and requirements. The dual functionality of the unit reduces street clutter by combining the electrical vehicle charging point and a double-sided display screen into a single unit. This reduces the number of power connections required and reduces the number of vehicle movements within the London Borough of Barnet as maintenance is carried out on a single visit.

The proposal is considered to be of an appropriate size and scale in relation to the buildings and broad, commercial thoroughfare on which they are set. It is considered that the proposed electrical vehicle charging point unit with double sided LCD screen would be in keeping with the character of the area and is considered acceptable. In that respect, it is noted that a digital advertising display exists as part of a public telephone unit toward the south end of the verge.

Taking into account the siting of the proposed development and existing street furniture, it is considered that the introduction of the proposed installation of 1no. electrical vehicle charging point unit with double-sided LCD screen, feeder pillar and associated electrical connection works would be in keeping with the local character and not lead to the detriment of the streetscene through giving rise to undue visual clutter.

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

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policies D3, D5 and D8 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

While the proposed electrical vehicle charging point unit may result in an increase in the use/turnover of vehicles attending the site by the public through the facilities provided, it is not considered that this would be detrimental to the living conditions or amenity of neighbouring residents relative to the potential use of the existing parking space. The advertisement, by virtue of its size, siting and luminance, would not give rise to undue light pollution to the detriment of nearby occupiers. As such, the proposed development is not found to conflict with Policy DM01 of Barnet's Local Plan in respect of residential amenity.

Highway impact

Policies DM17 and T4 mandate that the council will ensure that the safety of all road users is considered when considering development proposals and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

Officers have received a formal internal response from the Director of Highways and Transportation which acknowledges that the size of the proposed units poses several potential challenges to the public realm, most notably to the width of the footway in certain places. As such, Officers from across the Council, in particular Highways Service, Transportation have reviewed the sites to ensure the effective location and minimisation of conflict with other priorities on the Highway. Following this review, the proposed site has been recommended for the installation of JOLT charge points.

Taking these comments into consideration, the Local Planning Authority therefore considers that the proposed development would have an acceptable impact on the surrounding the pedestrian highway network, in compliance with DM17.

Public safety

Policy DM01 states that development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime.

Design Guidance Note 1 (Advertising and Signs) states that advertisements should relate to their surrounding in terms of size, scale and sitting. In addition, they should be located to avoid visual clutter. Policy D8 of the London Plan (2021) seeks to ensure that street clutter, including street furniture that is poorly located, unsightly, in poor condition or without a clear function is removed, to ensure that pedestrian amenity is improved. The Council's emerging approach to Public Realm improvements and including reducing crime is contained within policy CDH03 Barnet's Draft Local Plan 19 which states Be designed to meet Healthy Street Indicators, promote active travel and discourage car usage, with avoidance of barriers to movement and consideration given to desire lines. The document expands on this by stating Good public realm should be uncluttered so that all pedestrians including those that are mobility impaired can use pavements. Town centre public realm strategies will address in more detail the management of obstacles such as: shops which use pavements for displaying goods; advertisement hoardings; and telephone kiosks.

The proposed charging unit would be placed on the boundary of No 9 and 10 Varley Parade adjacent to the parking bay. The existing footway has a total width of 4.5m. The electrical vehicle charging point unit with double sided LCD screen is 1.2m wide, 0.4m deep, and will be placed 0.09m off the kerb edge. The display screen has multi-layer, laminated, vandal-resistant cover glass with anti-reflective coating to minimise mirror haze and reflection. The LCD screen proposed is not hazardous or overly distracting to the surrounding area. It is considered that the electrical vehicle charging point unit with double sided LCD screen would not be detrimental to public safety and that the application is therefore acceptable on this ground.

5.4 Response to Public Consultation

-The application form demonstrates that the applicant had served Certificate B and the correct owners of the land have subsequently been identified and consulted. Any dispute as to ownership or access rights is a civil matter between the parties concerned. A grant of planning permission would not supersede any other obligation required to be satisfied prior to implementation.

- Highways officers have reviewed the proposal and have raised no objections to the proposed works. The financial benefit from the works is not a relevant planning matter.

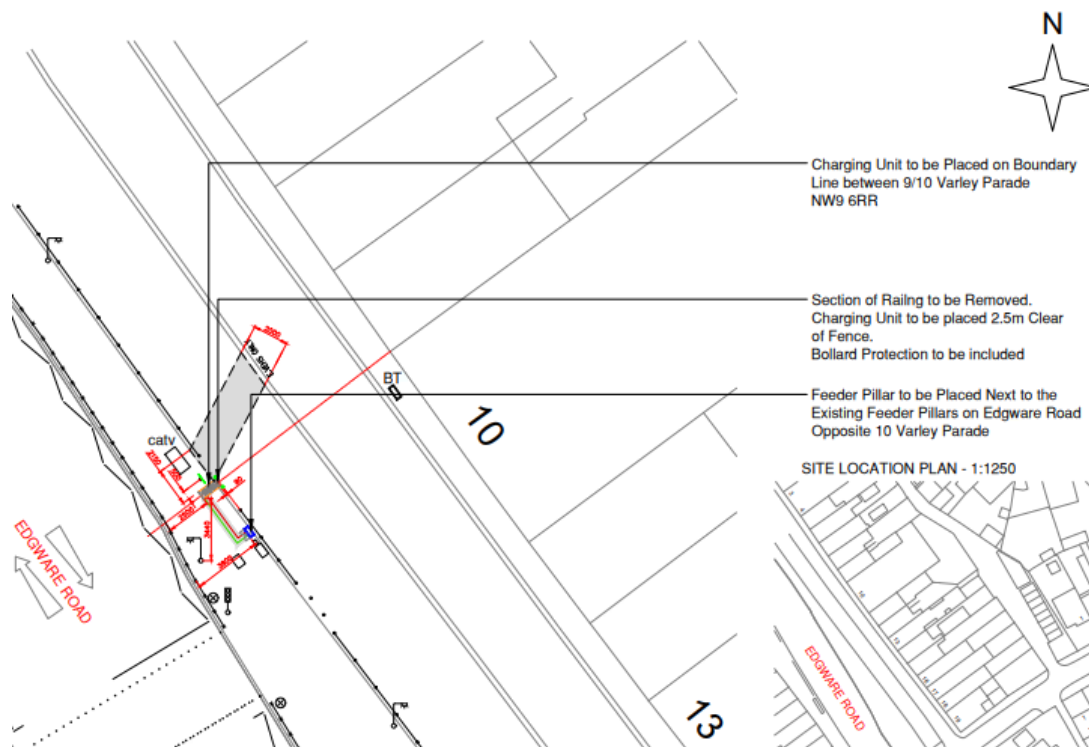
- Similarly, planning does not exist to protect private interests (such as individual businesses) however, it is not considered that the proposal would have an undue detrimental effect on the vitality and viability of the shopping parade

6. Equalities and Diversity Issues

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

7. Conclusion

Within the context of the other two concurrent applications being undetermined, the proposed double-sided internally illuminated LCD screen with integral electrical vehicle charging point will not adversely affect the character, amenity or public safety of the surrounding area or the safe operation of the highway and is therefore considered to accord with the NPPF and the Development Plan. The application is therefore recommended for APPROVAL.



Location	O/s 13 And 14 Varley Parade The Hyde London NW9 6RR	
Reference:	23/3784/FUL	Received: 1st September 2023
		Accepted: 4th September 2023
Ward:	Colindale South	Expiry: 30th October 2023
Case Officer:	Keshni Patel-Rayani	
Applicant:	John Rainford	
Proposal:	Installation of 1no. electrical vehicle charging point unit with double-sided LCD screen, feeder pillar and associated electrical connection works	

AGENDA ITEM 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:

JLT.001-EXISTING LAYOUT Rev B
 JLT.002-PROPOSED LAYOUT Rev B
 EVA 2.0 - Prelim UK Design Rev 1.0
 Design and Access Statement dated 1st September 2023
 Product Specifications (EVCP + 2x Display Advertising Screens)
 RB1000 Cabinet General Arrangement Drawing Number S9171 Sheet 6 Dated 02.06.2020

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

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

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

- 3 The development hereby approved shall be installed in full accordance with the materials and specifications as set out within the approved drawings and documents.

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

- 4 The EV charging unit shall be operated and maintained in compliance with 'The Electric Vehicles (Smart Charging Points) Regulations 2021' for the lifetime of the unit.

Reason: To ensure that the development is carried out fully in accordance with the regulations as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM03 of the Local Plan Development Management Policies DPD (adopted September 2012).

Informative(s):

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

OFFICER'S ASSESSMENT

The application has been referred to planning committee due to the number of objections received. It forms one of three applications for the installation of EV charging points with corresponding ancillary advertisement displays along the stretch of verge to the front of Varley Parade. In and of itself, the proposal in isolation is considered to be acceptable. However, officers are mindful of the potential cumulative impact of the three units being brought forward together - and as such, it is proposed that all three items be heard before voting takes place in order that Members can determine which and how many (without prejudice) of the units may be granted consent.

1. Site Description

The application site is located on the north eastern side of Varley Parade NW9 6RR, on a strip of paved verge between the access road to the front of the commercial premises and the main carriageway. The proposed charging point would be positioned within the property line of 13 and 14 Varley Parade - just south of the mid-point of the verge.

The site is not listed or within a conservation area.

2. Site History

Reference: 23/3829/FUL

Address: O/s 9 - 10 Varley Parade, The Hyde, London, NW9 6RR

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Installation of 1no. electrical vehicle charging point unit with double-sided LCD screen, feeder pillar and associated electrical connection works

Reference: 23/3830/ADV

Address: O/s 9 - 10 Varley Parade, The Hyde, London, NW9 6RR

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Installation of 1no. double-sided internally illuminated LCD screen with integral electrical vehicle charging point

Reference: 23/3831/FUL

Address: O/s 17 - 18 Varley Parade, The Hyde, London, NW9 6RR

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Installation of 1no. electrical vehicle charging point unit with double-sided LCD screen, feeder pillar and associated electrical connection works

Reference: 23/3832/ADV

Address: O/s 17 - 18 Varley Parade, The Hyde, London, NW9 6RR

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Installation of 1no. double-sided internally illuminated LCD screen with integral electrical vehicle charging point

3. Proposal

Installation of 1no. electrical vehicle charging point unit with double-sided LCD screen, feeder pillar and associated electrical connection works

4. Public Consultation

37 consultee letters were sent to neighbouring properties.

13 objections have been received and have been summarised as below:

- All leaseholders have objected due to loss of parking for the leaseholder shop and business. The benefit will go to Jolt Charge Limited.
- The Varley Parade is a private parade and freeholders are Varley Parade Estate and the lease holders are from 10-19 Varley Parade. Objection to have anything placed on this land which is private property.

4.1 Statutory Consultees

London Borough of Brent: No comment

Highways: No Objections

TfL: No objections, subject to the following comments:

- o A full Road Safety Audit should be undertaken and agreed with the Council.
 - o Regarding the Feeder Pillar we would refer to sections 10.5 and 12.7. of our Streetscape Guidance regarding design requirements.
 - o TfL notes that the specification of the units include the collection of anonymized data for pedestrian counts, usage and dwell times, and the use of the units use for air quality monitoring. TfL would support and encourage the use of the units for these purposes if approved.
 - o We note that this is one of 3 similar applications within a 50-60 metre section of the highway. When determining the application consideration must be given to the cumulative impact of all current (and future) applications on the public realm.
 - o Given the revenue generating characteristics of the proposals we would like to see public realm / greening improvements secured and funded by the generated revenue in line with Policy T2 Healthy Streets (D) TfL: No objections
- London Borough of Brent: No comment

5. Planning Considerations

5.1 Policy Context

National Planning Policy Guidance / Statements:

The determination of applications for advertisement consent is made mindful of Central Government advice and the Development 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 the 19th December 2023. The NPPF is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that "poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment.

Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts".

Barnet's Local Plan (2012)

Relevant Core Strategy Policies: CS NPPF, CS9.

Relevant Development Management Policies: DM01, DM17.

Barnet's Design Guidance

Design Guidance Note 1 (Advertising and Signs) was approved in 1994 following public consultation. It states that advertisements should relate to their surrounding in terms of size, scale and siting. In addition they should be located to avoid visual clutter and not conflict with traffic signs or signals or be likely to cause confusion or danger to road users. In respect to council policy and guidance it is considered that the proposed signage is acceptable.

5.2 Considerations

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the site, the street scene and the wider locality.
- Whether harm would be caused to the living conditions of neighbouring residents;
- Highway impact;
- Public safety.

5.3 Assessment

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

Development proposals must represent high quality design, preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. This ensures that the development addresses the requirements of Policies DM01, CS05 (Barnet's Local Plan), Policies D3 and D8 of the London Plan and the NPPF.

Varley Parade is a local parade situated in the Colindale South ward. The road predominantly consists of several shops and business with residential dwellings above and is part of the highly commercial A5 corridor.

The site has been selected based upon the need for additional fast electrical vehicle charging points in the area, the high attraction rate of the site and the suitability of the location for an electrical vehicle charge point.

The electrical vehicle charging point unit with double sided LCD screen is 1.2 wide, 0.5m deep, and will be placed 0.5m from the inside kerb edge (away from the main carriageway). The proposal additionally includes a feeder pillar of 1.2m in height, 1m in width and 0.4m in depth, as demonstrated within the RB Single Door Cabinet General Arrangement Plan (dwg no: s9171 sheet 6). It is identified that under Schedule 2, Part 12

Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015, a feeder pillar built in association with electric vehicle charging points by or on behalf of Local Authorities, is deemed permitted development. Considering this, the subsequent built form of the feeder pillar would comply with permitted development.

It is noted that the proposed unit has a non-reflective, Monument Grey finish, designed to be sympathetic with a variety of street settings. The unit is certified IP55+ for dust and water resistance, with easy clean, graffiti-resistant coatings, allowing the units to become an attractive, well-maintained part of the local streetscape.

The primary function of the unit is electric vehicle charging, with a secondary function of digital out-of-home advertising. The integral double-sided LCD screen will display paid-for adverts by third party companies, compliant with national and local advertising standards and requirements. The dual functionality of the unit reduces street clutter by combining the electrical vehicle charging point and a double-sided display screen into a single unit. This reduces the number of power connections required and reduces the number of vehicle movements within the London Borough of Barnet as maintenance is carried out on a single visit.

The proposal is considered to be of an appropriate size and scale in relation to the buildings and broad, commercial thoroughfare on which they are set. It is considered that the proposed electrical vehicle charging point unit with double sided LCD screen would be in keeping with the character of the area and is considered acceptable. In that respect, it is noted that a digital advertising display exists as part of a public telephone unit toward the south end of the verge.

Taking into account the siting of the proposed development and existing street furniture, it is considered that the introduction of the proposed installation of 1no. electrical vehicle charging point unit with double-sided LCD screen, feeder pillar and associated electrical connection works would be in keeping with the local character and not lead to the detriment of the streetscene through giving rise to undue visual clutter.

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

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policies D3, D5 and D8 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

While the proposed electrical vehicle charging point unit may result in an increase in the use/turnover of vehicles attending the site by the public through the facilities provided, it is not considered that this would be detrimental to the living conditions or amenity of neighbouring residents relative to the potential use of the existing parking space. The advertisement, by virtue of its size, siting and luminence, would not give rise to undue light pollution to the detriment of nearby occupiers. As such, the proposed development is not found to conflict with Policy DM01 of Barnet's Local Plan in respect of residential amenity.

Highway impact

Policies DM17 and T4 mandate that the council will ensure that the safety of all road users is considered when considering development proposals and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

Officers have received a formal internal response from the Director of Highways and Transportation which acknowledges that the size of the proposed units poses several potential challenges to the public realm, most notably to the width of the footway in certain places. As such, Officers from across the Council, in particular Highways Service, Transportation have reviewed the sites to ensure the effective location and minimisation of conflict with other priorities on the Highway. Following this review, the proposed site has been recommended for the installation of JOLT charge points.

Taking these comments into consideration, the Local Planning Authority therefore considers that the proposed development would have an acceptable impact on the surrounding the pedestrian highway network, in compliance with DM17.

Public safety

Policy DM01 states that development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime.

Design Guidance Note 1 (Advertising and Signs) states that advertisements should relate to their surrounding in terms of size, scale and siting. In addition, they should be located to avoid visual clutter. Policy D8 of the London Plan (2021) seeks to ensure that street clutter, including street furniture that is poorly located, unsightly, in poor condition or without a clear function is removed, to ensure that pedestrian amenity is improved. The Council's emerging approach to Public Realm improvements and including reducing crime is contained within policy CDH03 Barnet's Draft Local Plan 19 which states Be designed to meet Healthy Street Indicators, promote active travel and discourage car usage, with avoidance of barriers to movement and consideration given to desire lines. The document expands on this by stating Good public realm should be uncluttered so that all pedestrians including those that are mobility impaired can use pavements. Town centre public realm strategies will address in more detail the management of obstacles such as: shops which use pavements for displaying goods; advertisement hoardings; and telephone kiosks.

The proposed charging unit would be placed on the boundary of No 13 and 14 Varley Parade adjacent to the parking bay. The existing footway has a total width of 6.7m. The electrical vehicle charging point unit with double sided LCD screen is 1.2m wide, 0.4m deep, and will be placed 0.5m off the kerb edge. The display screen has multi-layer, laminated, vandal-resistant cover glass with anti-reflective coating to minimise mirror haze and reflection. The LCD screen proposed is not hazardous or overly distracting to the surrounding area. It is considered that the electrical vehicle charging point unit with double sided LCD screen would not be detrimental to public safety and that the application is therefore acceptable on this ground.

5.4 Response to Public Consultation

-The application form demonstrates that the applicant had served Certificate B and the correct owners of the land have subsequently been identified and consulted. Any dispute as to ownership or access rights is a civil matter between the parties concerned. A grant of planning permission would not supersede any other obligation required to be satisfied prior to implementation.

- Highways officers have reviewed the proposal and have raised no objections to the proposed works. The financial benefit from the works is not a relevant planning matter.

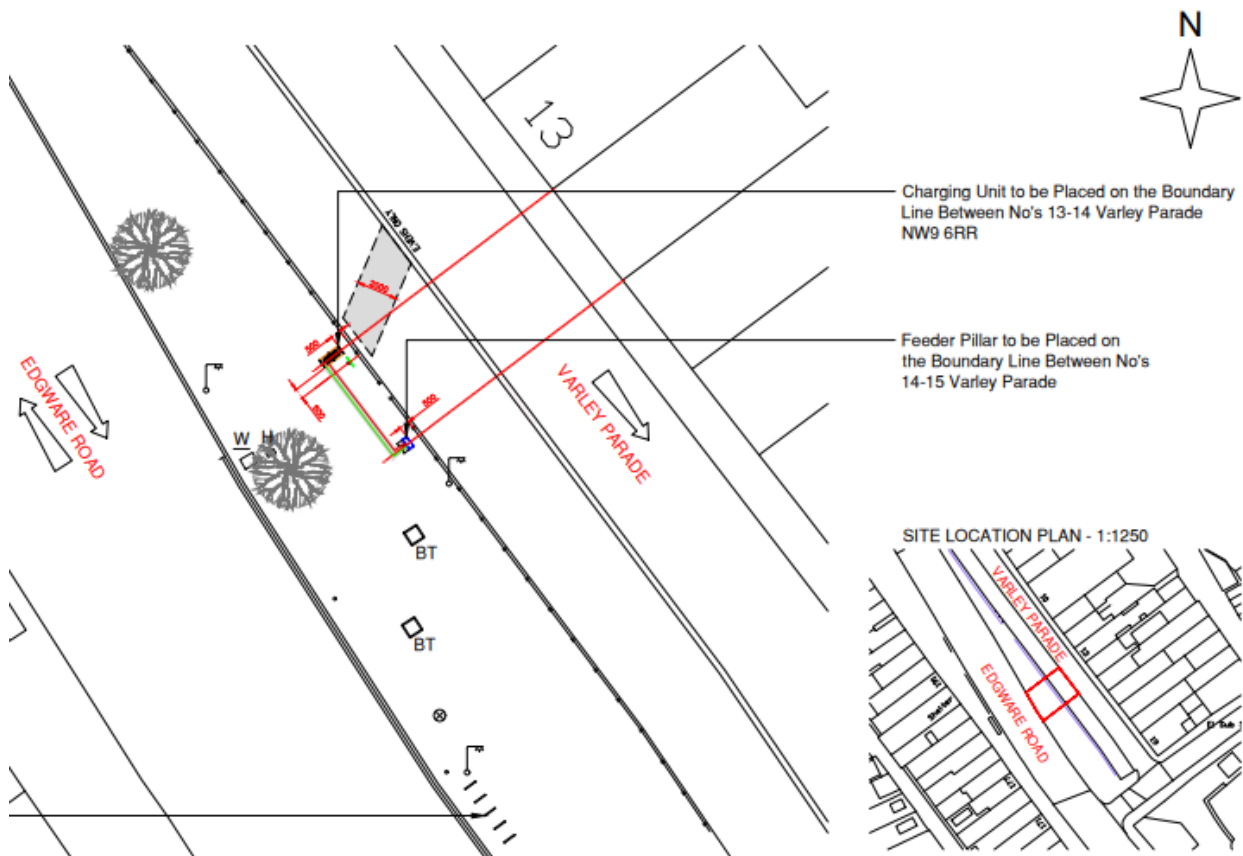
- Similarly, planning does not exist to protect private interests (such as individual businesses) however, it is not considered that the proposal would have an undue detrimental effect on the vitality and viability of the shopping parade

6. Equalities and Diversity Issues

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

7. Conclusion

Within the context of the other two concurrent applications being undetermined, the proposed double-sided internally illuminated LCD screen with integral electrical vehicle charging point will not adversely affect the character, amenity or public safety of the surrounding area or the safe operation of the highway and is therefore considered to accord with the NPPF and the Development Plan. The application is therefore recommended for APPROVAL.



Location	O/s 17 -18 Varley Parade The Hyde London NW9 6RR	
Reference:	23/3831/FUL	Received: 6th September 2023
		Accepted: 6th September 2023
Ward:	Colindale South	Expiry: 1st November 2023
Case Officer:	Keshni Patel-Rayani	
Applicant:	John Rainford	
Proposal:	Installation of 1no. electrical vehicle charging point unit with double-sided LCD screen, feeder pillar and associated electrical connection works	

AGENDA ITEM 11

OFFICER’S RECOMMENDATION

Approve subject to conditions

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

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

JLT.001-EXISTING LAYOUT Rev B
 JLT.002-PROPOSED LAYOUT Rev B
 EVA 2.0 - Prelim UK Design Rev 1.0
 Design and Access Statement dated 1st September 2023
 Product Specifications (EVCP + 2x Display Advertising Screens)
 RB1000 Cabinet General Arrangement Drawing Number S9171 Sheet 6 Dated 02.06.2020

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

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

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

- 3 The development hereby approved shall be installed with the materials as set out within the approved application drawings and documents.

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

- 4 The EV charging unit shall be in compliance with 'The Electric Vehicles (Smart Charging Points) Regulations 2021' for the lifetime of the unit.

Reason: To ensure that the development is carried out fully in accordance with the regulations as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM03 of the Local Plan Development Management Policies DPD (adopted September 2012).

Informative(s):

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

The application has been referred to planning committee due to the number of objections received. It forms one of three applications for the installation of EV charging points with corresponding ancillary advertisement displays along the stretch of verge to the front of Varley Parade. In and of itself, the proposal in isolation is considered to be acceptable. However, officers are mindful of the potential cumulative impact of the three units being brought forward together - and as such, it is proposed that all three items be heard before voting takes place in order that Members can determine which and how many (without prejudice) of the units may be granted consent.

1. Site Description

The application site is located on the north eastern side of Varley Parade NW9 6RR, on a strip of paved verge between the access road to the front of the commercial premises and the main carriageway. The proposed charging point would be positioned within the property line of 17 and 18 Varley Parade - at the southern end of the verge.

The site is not listed or within a conservation area.

2. Site History

Reference: 23/3829/FUL

Address: O/s 9 - 10 Varley Parade, The Hyde, London, NW9 6RR

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Installation of 1no. electrical vehicle charging point unit with double-sided LCD screen, feeder pillar and associated electrical connection works

Reference: 23/3830/ADV

Address: O/s 9 - 10 Varley Parade, The Hyde, London, NW9 6RR

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Installation of 1no. double-sided internally illuminated LCD screen with integral electrical vehicle charging point

Reference: 23/3784/FUL

Address: O/s 13 - 14 Varley Parade, The Hyde, London, NW9 6RR

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Installation of 1no. electrical vehicle charging point unit with double-sided LCD screen, feeder pillar and associated electrical connection works

Reference: 23/3785/ADV

Address: O/s 13 - 14 Varley Parade, The Hyde, London, NW9 6RR

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Installation of 1no. double-sided internally illuminated LCD screen with integral electrical vehicle charging point

3. Proposal

Installation of 1no. electrical vehicle charging point unit with double-sided LCD screen, feeder pillar and associated electrical connection works

4. Public Consultation

30 consultee letters were sent to neighbouring properties.

8 objections have been received and have been summarised as below:

- The Varley Parade is a private parade and freeholders are Varley Parade Estate and all lease holder from 10 -19 Varley parade
- Ease of parking is crucial to our businesses in area.
- The road is privately owned therefore please provide unequivocal proof of ownership to mitigate any legal action before this scheme goes any further.

4.1 Statutory Consultees

London Borough of Brent: No comment

Highways: No Objections

TfL: No objections, subject to the following comments:

- o A full Road Safety Audit should be undertaken and agreed with the Council.
- o Regarding the Feeder Pillar we would refer to sections 10.5 and 12.7. of our Streetscape Guidance regarding design requirements.
- o TfL notes that the specification of the units include the collection of anonymized data for pedestrian counts, usage and dwell times, and the use of the units use for air quality monitoring. TfL would support and encourage the use of the units for these purposes if approved.
- o We note that this is one of 3 similar applications within a 50-60 metre section of the highway. When determining the application consideration must be given to the cumulative impact of all current (and future) applications on the public realm.
- o Given the revenue generating characteristics of the proposals we would like to see public realm / greening improvements secured and funded by the generated revenue in line with Policy T2 Healthy Streets (D) TfL: No objections

London Borough of Brent: No comment

5. Planning Considerations

5.1 Policy Context

National Planning Policy Guidance / Statements:

The determination of applications for advertisement consent is made mindful of Central Government advice and the Development 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 the 19th December 2023. The NPPF is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that "poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment.

Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts".

Barnet's Local Plan (2012)

Relevant Core Strategy Policies: CS NPPF, CS9.

Relevant Development Management Policies: DM01, DM17.

Barnet's Design Guidance

Design Guidance Note 1 (Advertising and Signs) was approved in 1994 following public consultation. It states that advertisements should relate to their surrounding in terms of size, scale and siting. In addition they should be located to avoid visual clutter and not conflict with traffic signs or signals or be likely to cause confusion or danger to road users. In respect to council policy and guidance it is considered that the proposed signage is acceptable.

5.2 Considerations

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the site, the street scene and the wider locality.
- Whether harm would be caused to the living conditions of neighbouring residents;
- Highway impact;
- Public safety.

5.3 Assessment

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

Development proposals must represent high quality design, preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. This ensures that the development addresses the requirements of Policies DM01, CS05 (Barnet's Local Plan), Policies D3 and D8 of the London Plan and the NPPF.

Varley Parade is a local parade situated in the Colindale South ward. The road predominantly consists of several shops and business with residential dwellings above and is part of the highly commercial A5 corridor.

The site has been selected based upon the need for additional fast electrical vehicle charging points in the area, the high attraction rate of the site and the suitability of the location for an electrical vehicle charge point.

The electrical vehicle charging point unit with double sided LCD screen is 1.2 wide, 0.5m deep, and will be placed 0.45m from the inside kerb edge (away from the main carriageway). The proposal additionally includes a feeder pillar of 1.2m in height, 1m in width and 0.4m in depth, as demonstrated within the RB Single Door Cabinet General Arrangement Plan (dwg no: s9171 sheet 6). It is identified that under Schedule 2, Part 12

Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015, a feeder pillar built in association with electric vehicle charging points by or on behalf of Local Authorities, is deemed permitted development. Considering this, the subsequent built form of the feeder pillar would comply with permitted development.

It is noted that the proposed unit has a non-reflective, Monument Grey finish, designed to be sympathetic with a variety of street settings. The unit is certified IP55+ for dust and water resistance, with easy clean, graffiti-resistant coatings, allowing the units to become an attractive, well-maintained part of the local streetscape.

The primary function of the unit is electric vehicle charging, with a secondary function of digital out-of-home advertising. The integral double-sided LCD screen will display paid-for adverts by third party companies, compliant with national and local advertising standards and requirements. The dual functionality of the unit reduces street clutter by combining the electrical vehicle charging point and a double-sided display screen into a single unit. This reduces the number of power connections required and reduces the number of vehicle movements within the London Borough of Barnet as maintenance is carried out on a single visit.

The proposal is considered to be of an appropriate size and scale in relation to the buildings and broad, commercial thoroughfare on which they are set. It is considered that the proposed electrical vehicle charging point unit with double sided LCD screen would be in keeping with the character of the area and is considered acceptable. In that respect, it is noted that a digital advertising display exists as part of a public telephone unit also situated toward the south end of the verge, along with a further, earlier telephone kiosk.

Taking into account the siting of the proposed development and existing street furniture, it is considered that the introduction of the proposed installation of 1no. electrical vehicle charging point unit with double-sided LCD screen, feeder pillar and associated electrical connection works would be in keeping with the local character and not lead to the detriment of the streetscene through giving rise to undue visual clutter.

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

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policies D3, D5 and D8 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

While the proposed electrical vehicle charging point unit may result in an increase in the use/turnover of vehicles attending the site by the public through the facilities provided, it is not considered that this would be detrimental to the living conditions or amenity of neighbouring residents relative to the potential use of the existing parking space. The advertisement, by virtue of its size, siting and luminence, would not give rise to undue light pollution to the detriment of nearby occupiers. As such, the proposed development is not found to conflict with Policy DM01 of Barnet's Local Plan in respect of residential amenity.

Highway impact

Policies DM17 and T4 mandate that the council will ensure that the safety of all road users is considered when considering development proposals and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

Officers have received a formal internal response from the Director of Highways and Transportation which acknowledges that the size of the proposed units poses several potential challenges to the public realm, most notably to the width of the footway in certain places. As such, Officers from across the Council, in particular Highways Service, Transportation have reviewed the sites to ensure the effective location and minimisation of conflict with other priorities on the Highway. Following this review, the proposed site has been recommended for the installation of JOLT charge points.

Taking these comments into consideration, the Local Planning Authority therefore considers that the proposed development would have an acceptable impact on the surrounding the pedestrian highway network, in compliance with DM17.

Public safety

Policy DM01 states that development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime.

Design Guidance Note 1 (Advertising and Signs) states that advertisements should relate to their surrounding in terms of size, scale and siting. In addition, they should be located to avoid visual clutter. Policy D8 of the London Plan (2021) seeks to ensure that street clutter, including street furniture that is poorly located, unsightly, in poor condition or without a clear function is removed, to ensure that pedestrian amenity is improved. The Council's emerging approach to Public Realm improvements and including reducing crime is contained within policy CDH03 Barnet's Draft Local Plan 19 which states Be designed to meet Healthy Street Indicators, promote active travel and discourage car usage, with avoidance of barriers to movement and consideration given to desire lines. The document expands on this by stating Good public realm should be uncluttered so that all pedestrians including those that are mobility impaired can use pavements. Town centre public realm strategies will address in more detail the management of obstacles such as: shops which use pavements for displaying goods; advertisement hoardings; and telephone kiosks.

The proposed charging unit would be placed on the boundary of No 17 and 18 Varley Parade adjacent to the parking bay. The existing footway has a total width of 9.4m. The electrical vehicle charging point unit with double sided LCD screen is 1.2m wide, 0.4m deep, and will be placed 0.45m off the kerb edge. The display screen has multi-layer, laminated, vandal-resistant cover glass with anti-reflective coating to minimise mirror haze and reflection. The LCD screen proposed is not hazardous or overly distracting to the surrounding area. It is considered that the electrical vehicle charging point unit with double sided LCD screen would not be detrimental to public safety and that the application is therefore acceptable on this ground.

5.4 Response to Public Consultation

-The application form demonstrates that the applicant had served Certificate B and the correct owners of the land have subsequently been identified and consulted. Any dispute as to ownership or access rights is a civil matter between the parties concerned. A grant of planning permission would not supersede any other obligation required to be satisfied prior to implementation.

- Highways officers have reviewed the proposal and have raised no objections to the proposed works. The financial benefit from the works is not a relevant planning matter.

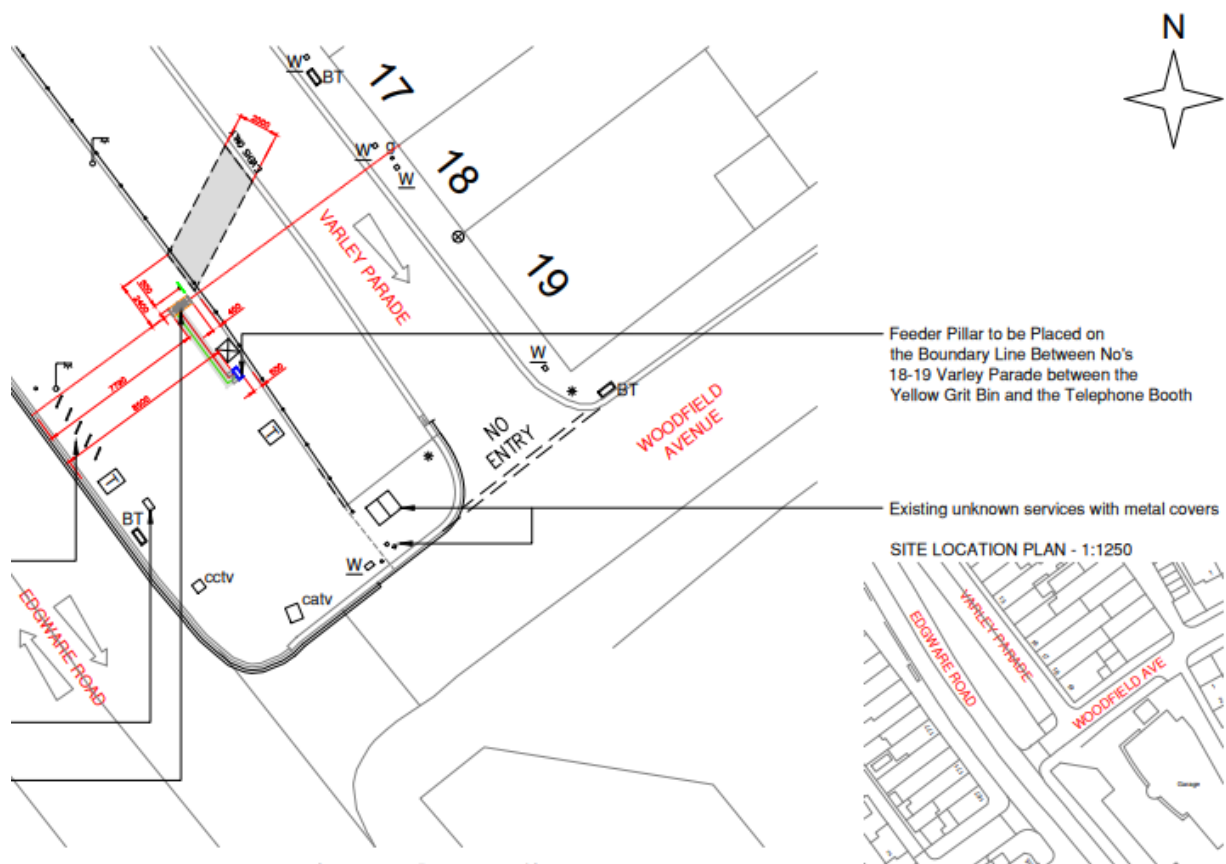
- Similarly, planning does not exist to protect private interests (such as individual businesses) however, it is not considered that the proposal would have an undue detrimental effect on the vitality and viability of the shopping parade

6. Equalities and Diversity Issues

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

7. Conclusion

Within the context of the other two concurrent applications being undetermined, the proposed double-sided internally illuminated LCD screen with integral electrical vehicle charging point will not adversely affect the character, amenity or public safety of the surrounding area or the safe operation of the highway and is therefore considered to accord with the NPPF and the Development Plan. The application is therefore recommended for APPROVAL.



Location Norfolk Court 31 - 32 Manor Road Barnet EN5 2JT

Reference: 23/4187/FUL Received: 28th September 2023
Accepted: 29th September 2023

Ward: Underhill Expiry 24th November 2023

Case Officer: Zakera Matin

Applicant: Mr Florin Gafencu

Proposal: Third floor side extension and internal reconfiguration to create 2no. additional flats. Associated addition of 3no. parking spaces

AGENDA ITEM 12

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

Location Plan
Planning Statement
NC/PL/001 Rev B
NC/PL/002 Rev A
NC/PL/003 Rev A
NC/PL/004 Rev A
NC/PL/005 Rev A
NC/PL/006 Rev A
NC/PL/007 Rev C
NC/PL/008 Rev B
NC/PL/009 Rev B
NC/PL/010 Rev B
NC/PL/011 Rev A
NC/PL/012

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

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

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

- 3 a) Notwithstanding the approved plans, prior to first occupation of the development, details of the proposed parking spaces and the access to the car parking spaces from public highway shall be submitted to and approved in writing by the Local Planning Authority.

b) Thereafter, the parking spaces shall be provided in accordance with the details approved under this condition and used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy T6.1 of the London Plan (2021), London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 4 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, in the interests of promoting cycling as a mode of transport and to safeguard the visual amenities of the building and surrounding area, in accordance with Policy T5 and Table 10.2 of The London Plan (2021), Barnet's Local Plan Policies CS NPPF, CS1 and CS9 of Core Strategy (Adopted) September 2012, and Policies DM01 and DM17 of Development Management Policies (Adopted) September 2012.

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

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

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

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

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

- 7 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).

- 8 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).

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

The development shall be maintained as such in perpetuity thereafter.

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

- 10 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.

- 11 Except for where specified on the hereby approved plans, flat roof areas 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).

12 a) Notwithstanding the approved plans, before the development hereby permitted is first occupied, details of balustrades and privacy screens (as appropriate) to be installed around the proposed terraces 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).

Informative(s):

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

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

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

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

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

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

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

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

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

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

- 3 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.

- 4 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.
- 5 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licences or email highwayscorrespondence@barnet.gov.uk.
- 6 The applicant is advised that (the whole length) is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Crossover Team in Development and Regulatory Services should be consulted in this respect.
- 7 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.

OFFICER'S ASSESSMENT

1. Site Description

The application site is a part 3, part 4 storey purpose-built development of self-contained residential flats at 31 - 32 Manor Road, Barnet EN5 2JT. There is area parking area and communal landscaping to the rear of the site.

No 33 Manor road is a 3 storey block of flats sited to the north. Vanburgh Court, a 2 storey block of flats sited to the south.

There are 3 storey residential block of flats on the east of the road. There are 2 storey residential dwellings on the west of the site at the rear of the parking area.

It is not within a conservation area and the building is not listed. There are no Tree Preservation Orders on site.

2. Site History

Reference: N00557M/03

Address: 11 Norfolk Court 31 -32 Manor Road Barnet Hertfordshire EN5 2JT

Decision: Approved subject to conditions

Decision Date: 09.07.2003

Description: Side extension at fourth floor level.

Reference: N00557N/05

Address: Norfolk Court Manor Road Barnet Hertfordshire EN5 2JT

Decision: Refused

Decision Date: 17.08.2005

Description: Construction of fourth level to provide 4no. additional self-contained flats plus new penthouse flat on fifth level (OUTLINE).

3. Proposal

The application proposes a third floor side extension and internal reconfiguration to create 2no. additional flats, with the associated addition of 3no. parking spaces.

The extension would be sited on the south side on top of existing 3 storey block. As a result of the extension the building would have a more symmetrical appearance from the front. The height of the extension would be same as the existing floor on the northern half of the building. It would feature a flat roof and fenestration would match the existing.

4. Public Consultation

Consultation letters were sent to 117 neighbouring properties. 11 responses have been received, comprising 9 letters of objection and 2 support.

Support as below;

- 9 Norfolk Court Manor Road Barnet supported
- 1 Norfolk Court Manor Road Barnet stated "We believe that more flats are needed in the local area, as many people are unable to buy or rent suitable places to live without financial support from their families. We would rather see increased density of housing in existing buildings than new homes being built on the Green Belt."

The objections received are summarised as follows:

- Currently there is not sufficient parking available
- Noise and disturbance from construction
- overbearing on the street and neighbouring properties
- overlooking and loss of privacy to both immediate neighbours
- Impact on the amenities and comfort of existing residents in-terms of increased noise, waste collection, loss of garden space for parking
- Overlooking for kitchen window of Flat 9 Meriden House 33 Manor Road Barnet and loss of natural light
- The proposed development makes insufficient provision for using renewable energy.

- There is a good chance that the proposed south-facing private terraces will offer views into the rear gardens of Vanburgh Court (30 Manor Road) and into rear gardens of houses in Manorside.
- There is a good chance that the proposed north-facing private terraces will offer views through the kitchen windows of second floor flats in Meriden House (33 Manor Road).
Objections received on the amended plans as below;
- The revised plans do not appear to comply with London wide standards
- Overlooking for kitchen window of Flat 9 Meriden House 33 Manor Road Barnet
- Overdevelopment of the site.
- Overlooking for garden of 6 Manorside
- No cycle parking provided

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

Relevant Policy: D1, D3, D4, D6, D7, H1, H2, SI 2, SI 5, T5, T6.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS9, CS10, CS15.
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM17.

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

Barnet's Local Plan (Reg 24)

Barnet's Draft Local Plan - Reg 24: The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24). The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites.

As part of this stage (Reg 24), the Inspector in his Interim Findings and Next Steps letter of August 17th has set out how the Council can through making Main Modifications to the Local Plan address issues of legal compliance and deficiencies in soundness. These interim findings are a clear indication of what the Local Plan and the policies and site proposals within will look like at adoption, subject to making the Inspector's suggested Main Modifications. Whilst the Council moves forward to formal consultation on the Main Modifications (expected to commence in January 2024) the Interim Findings and Next Steps letter of August 17th shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

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

Supplementary Planning Documents

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

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the living conditions of future occupiers;
- Whether harm would be caused to highways;
- Sustainability and Accessibility

5.3 Assessment of proposals

Impact on the character and appearance of host building, street scene and wider area:

The NPPF outlines that decisions should be taken with a presumption in favour of sustainable development. It states that Local Authorities should "give substantial weight to the value of using suitable brownfield land within settlements for homes". The paragraph goes on to state that Local Authorities should "promote and support the development of under-utilised land and buildings"

Policy D3- Optimise Site Capacity, of the London Plan 2021 recommends an incremental increase in density, while Policy H1 recommends optimising the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions. These includes sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station or town centre boundary. It further states that, "Development should be designed to respond to the special characteristics of these features which can include: predominant architectural styles and/or building materials; architectural rhythm; distribution of building forms and heights; and heritage, architectural or cultural value."

Policy CS5 of Barnet's Core Strategy (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 that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The application site is occupied by a part 3 and part 4 storey purpose-built development of self-contained residential flats. Neighbouring No 33 Manor Road is a 3 storey block of flats sited to the north of the site, while Vanburgh Court, a 2 storey block of flats, is sited to the south of the site. There are 3 and 4 storey residential blocks of flats on the east side of the road. There are 2 storey residential dwellings to the west, at the rear of the existing parking area.

It is noted there are a mix of building heights in the immediate area and that the existing building itself has a staggered roof line. The proposed development would be sited on the south side of the existing 3 storey block, extending the existing fourth floor. As a result of the extension the building would develop a more symmetrical look from the front. The

height of the extension would be same as the existing fourth floor on the north. It would feature a flat roof and materials and fenestration would reflect the existing building.

The proposal would bring the top floor closer to the southern end of the building - and thus appear taller on approach from the south. However, it would remain set back from the edge and be comparable to the same perspective of Kingshill Court and baronsmere Court on the opposite side of the road (with their recessed fourth floors and balustrades) - though it is acknowledged that the contrast with neighbouring Vanburgh Court would be greater than in those examples.

Because of the height of the existing partial fourth floor, the additional height of the extension would have a limited impact on the street view on approach from the north and, because of setting back from the front building line, it would not appear unduly dominant and will integrate well with the existing built form and will give the existing building a symmetrical appearance.

The proposal would provide one 3 bed, one 2 bed and one 1 bed unit in place of one existing 3 bed unit at third floor. The unit mix is considered acceptable, and the proposal will optimise the density by utilizing the existing underutilized foot print.

Overall, it is considered that the proposal would be sympathetic to the existing building, street scene, local character including the surrounding built environment, while increasing density and optimising the potential of the site as supported by London Plan 2021 and NPPF.

Impact on amenity of neighbouring occupiers:

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

Table 2.4 also states that in new residential development there should be a minimum distance of 21m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5m to a neighbouring garden.

It is noted that neighbouring property (at No 33) features high level kitchen windows in the flank wall which are sited 8.5m away and level with the existing parapet of the application site. No extension is proposed on this side and there would not be any overshadowing or overbearing impact for that neighbour as a result.

Whilst the opposing flank windows are not understood to serve habitable rooms, the development proposes new terraces on the north side. As such, consideration of the treatment of the balustrades and any privacy screening as may be required, is to be reserved by way of condition.

The other neighbouring building at No. 30 (Vanborough Court) has its roof below the parapet of the subject property and in this context, there would be no overshadowing or overbearing impact for the occupiers. The proposed extension would be sited 4m away from the existing side wall facing that neighbouring property however, it would similarly introduce a new terrace. Given the recessed nature of the balustrade, no undue overlooking is anticipated however, further consideration of the treatment of the balustrade is proposed to be reserved by way of condition.

The next property along to the south side - the 3 storey Applegarth - is taller than the intervening Vanburgh Court and thus the side facing dormer windows are opposing. However, they are situated 25m away and so, with regard to the Sustainable Design and Construction SPD, this is considered to be sufficient distance to mitigate any undue overlooking, or overbearing impact for that neighbour.

The proposal would have a similar relationship as the existing with the rear gardens of properties on west and southwest which are sited 24 to 34m away from the proposal. Because of the sufficient separation gap the proposed roof terrace and the windows facing those properties are not considered to cause any undue additional impact on outlook or privacy for those properties.

Quality of accommodation for future occupiers:

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. The council also has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance) providing more detailed guidance on a range of matters related to creating new residential accommodation in addition to the Mayors adopted SPG's (entitled Housing).

The size of the proposed flats (bedroom/bedspaces) to gross internal area are as follows:

2 Bed 3 Person Flat- 61 Sqm GIA
1 Bed 1 Person Flat -46.2 Sqm GIA
3 bed 4 Person Flat -80 sqm GIA

The units would meet the floorspace standards set out in the London Plan and Table 2.1 of Barnet's SDC SPD (2016). Sufficient storage space has been provided.

The agent has demonstrated in section that all the flats would provide a minimum ceiling height of 2.5m for at least 75% of the gross internal area of the flat, as set out in London Plan 2021. Officers are satisfied the units would provide adequate ceiling heights. The bedroom sizes would meet the standards set out Table 2.2 of Barnet's SDC SPD (2016).

Table 2.1 of the SPD states that proposals should avoid single aspect dwellings that are north facing or exposed to noise exposure categories C & D or contain three or more bedrooms. The flats would be dual aspect and receive adequate daylight and sunlight. Table 2.4 of the SDC SPD (2016) states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. The proposal glazing will meet the requirement and the rooms will receive adequate daylight.

Table 2.3 of Barnet's SDC SPD (2016) states that flats should be provided with 5 sqm of outdoor amenity space per habitable room. Each new flat would be provided with private outdoor amenity space in the form of private terraces which will meet the standard.

Table 2.4 also states that in new residential development there should be a minimum distance of 21m between properties with facing windows to habitable rooms to avoid

overlooking, and 10.5m to a neighbouring garden. As noted above, the neighbouring property at No 33 features kitchen windows in the flank wall. These are only 8.5m away however, are high level (relative to the corresponding internal floor level) and roughly equivalent to the existing parapet of the subject building. In this context there would not be any material overlooking however, a condition is proposed to consider the treatment of the balustrades to ensure mutual privacy.

The other neighbouring building (Vanbrough Court) is below the parapet of the subject property and in this context there would be no mutual overlooking, whilst again, dormer windows in the flank of Applegarth are 25m away - sufficient distance to mitigate any mutual overlooking.

The proposal is considered to provide suitable accommodation for the future occupiers.

Highways:

Officers from the Local Highway Authority were consulted on the proposal. Their comments are below;

The applicant is proposing to provide 3no. off-street parking spaces which is considered acceptable.

The proposed development will need to provide 3no. long-stay cycle parking spaces in accordance with the London Plan Cycle Parking Standards. The cycle parking spaces will need to be secured within a storage facility to be located in a safe, well-lit and overlooked area. The design details of cycle parking spaces and storage facilities need to comply with the London Cycling Design Standards (LCDS).

The existing bin collection method will continue which is acceptable.

Highway has no objection subject to conditions.

Conditions are proposed in respect of providing details of the parking spaces, refuse and cycle storage.

Sustainability and accessibility

In terms of accessibility, Barnet policy DM03 requires developments to meet the highest standards of accessible and inclusive design. Policy DM02 requires compliance with London Plan requires 90% of new housing to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' which will require the provision of level access. However, whilst there is a lift, there is no level access threshold or ramp at ground floor level. The proposal is not a redevelopment and only extension above the existing units. As such, there is limited to scope to effect compliance and in this context, it is considered that the proposal does not need to achieve M4(2).

In respect of carbon dioxide emission reduction, The London Plan (2021) requires 10% reduction of CO2 emission for new residential buildings. A condition is attached to address this issue.

In terms of water consumption, a condition is attached to require the dwelling is constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy SI 5 of the London Plan (2021).

5.4 Response to Public Consultation

Addressed within the main body of this report.

6. Equality and Diversity Issues

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

7. Conclusion

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



This page is intentionally left blank

Location	Units 2 - 3 Halliwick Court Parade, Woodhouse Road, London, N12 0NB	AGENDA ITEM 13
Reference:	23/4400/FUL	Received: 12 th October 2023 Accepted: 26 th October 2023
Ward:	Friern Barnet	Expiry: 21 st December 2023
Case Officer:	Radhika Bedi	
Applicant:	Mr Gjoshi	
Proposal:	Conversion and amalgamation of the existing vacant hair salon and cafe into restaurant. Single Storey Rear Extension. Installation of extraction units. New shopfront. (AMENDED DESCRIPTION)	

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

- Drg No L100 - Existing Site Location Plan, Existing Block Plan
- Drg No E100 - Existing Ground Floor Plan
- Drg No E101 - Existing Shop Front Elevation
- Drg No E102 - Existing Side and Rear Elevations
- Drg No P100 - Proposed Ground Floor Plan
- Drg No P101 - Proposed Rear Elevation
- Drg No P102 - Proposed Side Elevations
- Drg No P103 - Proposed Extraction System Plan
- Drg No P104 - Proposed Extraction System Details 1
- Drg No P105 - Proposed Extraction System Details 2
- Drg No P106 - Proposed Noise Mitigation Measures
- Drg No PSF101 - Proposed Front Elevation Shop Front
- Acoustic Insulation (provided by Phonestar, received 12/10/2023)
- Acoustic Performance (provided by PlanetInsulation, received 12/10/2023)
- Carbon Filter Solutions (provided by PurifiedAir, received 12/10/2023)
- Gigabox Centrifugal Fan (provided by Helios, received 12/10/2023)
- Gigabox Centrifugal Fans (provided by Helios, received 12/10/2023)
- Flanged Circular Attenuator RSD (provided by Helios, received 12/10/2023)

Electrostatic Precipitation (provided by PurifiedAir, received 12/10/2023)

ESP Range (provided by PurifiedAir, received 12/10/2023)

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 specified in the application documents.

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

- 4 The 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 The level of noise emitted from the (kitchen extraction equipment) 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.

- 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 The premises shall be used for Class E - Restaurant/Retail use) 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.

8 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 7am or after 7pm on any other day.

Reason: To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

9 The use hereby permitted shall not be open to members of the public before 8am or after 10.30pm Monday-Thursday, 8am - 11pm Friday to Saturday, and before 9am or after 10.30pm on Sundays and Bank and Public Holidays.

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

10 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.

Informative(s):

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

- 3 This permission only relates to the Conversion and amalgamation of the existing vacant hair salon and cafe into restaurant, single Storey Rear Extension. Installation of extraction units. New shopfront. (AMENDED DESCRIPTION) and does not convey approval of the advertisement signage which is currently being determined under application ref 23/4401/ADV.

OFFICER'S ASSESSMENT

1. Site Description

The application site is located at Units 2 And 3 Halliwick Court Parade, Woodhouse Road, N12 0NB, consisting of 2no. two-storey terraced buildings. The surrounding area is both residential and commercial in character, with a variety of terraced dwellings, apartment blocks as well as various retail shops and services located along the street. The applicant site is located on the ground floor, with residential units at first floor.

The site is not located within a conservation area and is not a listed building. There are no protected trees in or around the site.

2. Relevant Site History

Reference: C02703A

Address: 2 Halliwick Court Parade, Woodhouse Road, London, N12 0NB

Decision: Approved subject to conditions

Decision Date: 16 January 1990

Description: New shopfront

Reference: B/00572/09

Address: 2 Halliwick Court Parade, Woodhouse Road, London, N12 0NB

Decision: Refused (appeal dismissed)

Decision Date: 28 April 2009

Description: Change of use from Florist (class A1) to Cafe/Restaurant (class A3). Installation of ventilation/extraction flue on rear elevation.

Reference: 23/4401/ADV

Address: 2 - 3 Halliwick Court Parade, Woodhouse Road, London, N12 0NB

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Installation of 1no. internally illuminated fascia sign

Reference: B/03596/09

Address: 2 - 3 Halliwick Court Parade, Woodhouse Road, London, N12 0NB

Decision: Approved

Decision Date: 17 December 2009

Description: Submission of details of Condition 3 (Refuse) pursuant to appeal decision reference APP/N5090/A/04/1171343 dated 19/04/2005.

Reference: 23/1349/FUL

Address: 2 - 3 Halliwick Court Parade, Woodhouse Road, London, N12 0NB

Decision: Refused

Decision Date: 13 July 2023

Description: Conversion of the existing vacant cafe into restaurant including single storey rear extension to provide external seating area to be used as a shisha lounge. Installation of extraction units. New shopfront

3. Proposal

Conversion and amalgamation of the existing vacant hair salon and cafe into restaurant. Single Storey Rear Extension. Installation of extraction units. New shopfront. (AMENDED DESCRIPTION).

The single storey rear extension would have a flush rear building line, with a depth of 5.8m. It would have a width of 12.9m, with an eave and maximum height of 4.3 metres due to the flat roof design.

The proposed rear extract duct would measure 0.4m in width, 0.4m in depth and 8.2m in height. The flue of this element would extend 1.6m above the eaves of the main dwelling.

It is noted that amendments have been provided in the lifetime of this application involving including the single storey rear extension, which has been partially built out.

4. Public Consultation

Consultation letters were sent to 92 neighbouring properties. 8 objections were received, the objections are summarised as follows -

- Late closing times
- Proximity of seating area to neighbouring windows
- Excessive noise and odour
- Increase in pests (foxes, rats)
- Loss of parking
- Security concerns for first floor flats
- Increase in delivery vehicles
- Increase in crime/anti-social behaviour
- Loss of privacy
- Harm to personal health
- Increase in litter
- Overdevelopment of restaurants within the area
- Loss of view
- Works already commenced for the proposal
- Inaccurate drawings, application documents
- No party wall agreements completed
- No fire protection details provided
- Loss of privacy, overlooking
- Effect on surrounding property values
- Proximity of proposal to neighbouring balconies

{\b 4.2 Highways Consultation from 23/1349/FUL}

The Highways department has reviewed the proposal, with the following comments made -

'The Parking survey presents that the parking stress levels is 69% which is below the maximum 90% threshold, hence there will be sufficient parking spaces availability on the street.'

As the proposal is fairly similar in nature, the highways comments can be applied to this

application. As such, the proposed application would not harm the public highway and would be acceptable on this ground.

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 19th December 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 24) 2024

Barnet's Draft Local Plan - Reg 24: The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24). The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites.

As part of this stage (Reg 24), the Inspector in his Interim Findings and Next Steps letter of August 17th has set out how the Council can through making Main Modifications to the Local Plan address issues of legal compliance and deficiencies in soundness. These interim findings are a clear indication of what the Local Plan and the policies and site proposals within will look like at adoption, subject to making the Inspector's suggested Main Modifications. Whilst the Council moves forward to formal consultation on the Main Modifications (expected to commence in January 2024) the Interim Findings and Next Steps letter of August 17th shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

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

Supplementary Planning Documents

Residential Design Guidance SPD (2016)

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

Sustainable Design and Construction SPD (adopted 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Impact of the proposal on the character and appearance of the building, the street scene and the wider area

Both units 2 and 3 Halliwick Court Parade have been occupied for a variety of uses over the years, with no clear planning records indicating past and present usage. However, the applicant has stated that No.2 has been used as a café and No. 3 as a hair salon; a review of historic aerial imagery confirms such usages. As such, the change of use to restaurant in respect of the café would still fall within Class E. In respect of the hair salon, a variety of commercial and retail buildings are illustrated across Woodhouse Road, with several restaurants developed across the street. Thus, the conversion of No.3, and the properties in general, would fit well within the street scene, with the variety of retail, commercial and residential usages still maintained within the street. Consequently, the proposal would be acceptable in principle, subject to character, amenity and environmental health assessments, as elaborated upon below.

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan).

The Residential Design Guidance SPD advises that a depth of up to 3m is normally considered acceptable for terraced properties. The proposed rear depth of up to 5.9m would therefore exceed this guidance. However, it is noted that 1 Woodhouse Road has developed a rear extension of the same depth. Given the lack of architectural significance to the rear of the site, as well as careful consideration for neighbouring property rear building lines, the rear extension would be considered acceptable in character.

The proposed rear extract duct would measure 0.4m in width, 0.4m in depth and 8.2m in height, whilst extending by 1.6m above the main ridge height. The rear section of these buildings reveals a number of ducts of similar design, with its overall dimensions appearing subordinate to the main dwelling.

The proposed shopfront would be composed of black aluminium folding doors across much of the front elevation. A black fascia with illuminated writing would be placed above the doors. The overall design, with an excessive amount of glass doors, would be counter to the more traditional frontages seen across much of the street. Notwithstanding this fact, these elements would not in themselves warrant a refusal of this application and would be acceptable in this instance. The signage along the front elevation will be addressed within the planning application 23/4401/ADV.

Overall, the proposal is considered acceptable in terms of character.

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

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

No. 1 Woodhouse Road currently benefits from a rear extension of even greater depth than the proposed rear extension. Thus, the massing of the rear extension would be acceptable from the vantage point of this neighbour. Similarly, the rear extension would extend by 5.9m past the rear building line of No.4 Woodhouse Road. To the rear of the site lies a car service, with no habitable rooms thus affected by the proposal.

This proposal differs from the previously refused application, 23/1349/FUL, in that it does not include a shisha lounge to the rear of the site. As such, Environmental Health Officers found acceptability in the application, recommending approval subject to planning conditions regarding noise and ventilation. Therefore, the odour issues from the previous application have been rectified, with the shisha element being removed alongside the inclusion of pre-commencement planning conditions regarding noise and ventilation.

A condition will also be attached to the permission ensuring restaurant/retail use to ensure residential protection in this respect.

Regarding noise, conditions have also been attached to the permission which restrict hours of deliveries, alongside opening hours. This is considered to mitigate the impact of the proposed development.

A refuse/recycling condition has been attached to the permission, further details of which can be confirmed in a planning condition application at a later date.

The proposed number of seating at 50 is considered to be reasonable and not overstretch the existing infrastructure. The PTAL rating of the site is 3, considered as above average and would be able to accommodate this change. In addition, the previous use as a cafe and hair salon would have similar levels of occupancy combined, as such, the impact of the change of use regarding policy DM17 is considered to be acceptable. As for the noise levels, the pre-commencement conditions are considered to mitigate the impact of the proposed development with the provision of 50 seats.

Overall, the proposal would be acceptable in terms of neighbouring amenity.

5.4 Response to Public Consultation

Key points have been addressed within the report, in respect to issues relating to the party wall, please contact the Faculty of Party Wall Surveyors on 01424883300 or at <http://fpws.org.uk>.

6. Equality and Diversity Issues

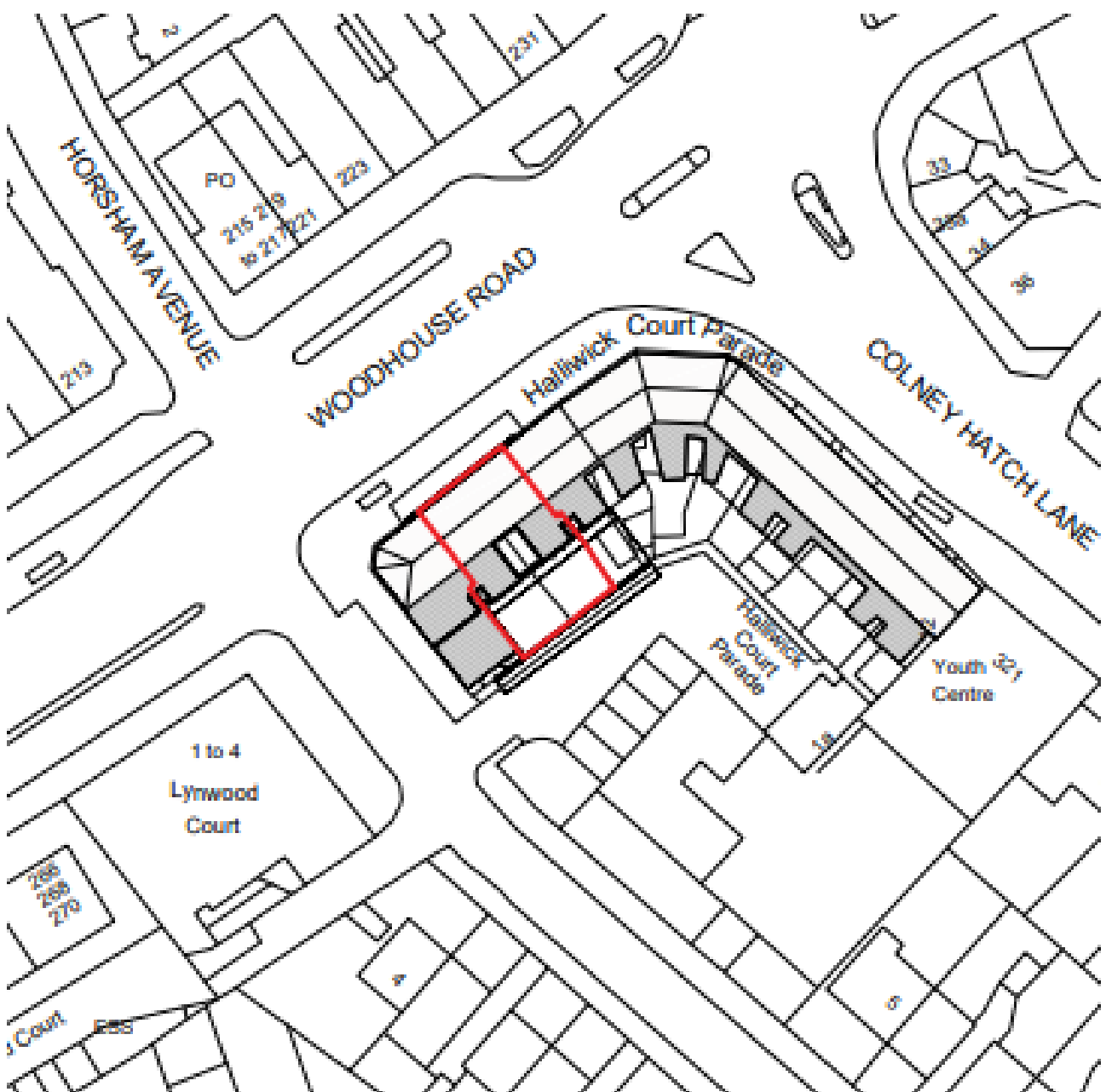
The proposal does not conflict with either Barnet Council's Equalities Policy or the

commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

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

8. Site Location Plan



Location	Intec House 49 Moxon Street Barnet EN5 5TS	
Reference:	23/5219/FUL	Received: 5th December 2023 Accepted: 5th December 2023
Ward:	High Barnet	Expiry 5th March 2024
Case Officer:	Josh Mclean	
Applicant:	Moxon One Limited	
Proposal:	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 98no. residential units (Use Class C3), reprovision of 726sqm 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 (AMENDED DESCRIPTION AND PLANS)	

OFFICER’S RECOMMENDATION

Approve subject to s106

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

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. **Affordable Housing**
Early and late-stage review mechanisms

4. **Carbon Offset**
Contribution of £74,483 towards the Council's carbon offset fund.
5. **Skills and Employment**
On-site or Off-site contribution towards skills and employment.
A contribution of £45,000 towards the loss of employment floorspace.
6. **Restriction of Parking Permits**
Contribution of £5,000 towards the amendment of the Traffic Management Order to restrict future occupiers from obtaining residential parking permits. Inform new residents that they are not entitled to a parking permit for any current CPZ.
7. **Travel Plan and Monitoring contribution**
Submission of a full Residential Travel Plan with monitoring contribution of £10,000.
Residential Travel Plan Incentives contribution of £14,700
8. **Car Club Provision**
Provision of one car club space or a financial contribution of £10,000 towards the delivery of a car club scheme.
9. **Pedestrian and cycle improvements in the area**
Contribution of £10,000 towards pedestrian and cycle improvements in the area.
10. **S278 Works**
Complete the Highways Works in accordance with the relevant Section 278 Agreement before occupation.
 - i. Existing footpath along the northern section of Moxon Street to be widened
 - ii. Footpath to be cleared of vegetation and resurfaces and kerb line & footpath reinstated in front of service zone & car club bay
 - iii. Provision of dropped kerb and tactile paving to provide an informal pedestrian crossing between the footpath on the north and south side of Moxon Street in the vicinity of the Application Site
11. **Loss of Street Trees**
Contribution of £45,000 for the loss of street trees removed to accommodate the development.
12. **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.
13. **S106 Monitoring**
A contribution of £6,480 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 Director of 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
01001 - EXISTING LOWER GROUND FLOOR PLAN
01002 - EXISTING GROUND FLOOR PLAN
01003 - EXISTING FIRST FLOOR PLAN
01004 - EXISTING SECOND FLOOR PLAN
03001 - DEMOLITION LOWER GROUND FLOOR PLAN
03002 - DEMOLITION GROUND FLOOR PLAN
03003 - DEMOLITION FIRST FLOOR PLAN
04000 - DEMOLITION SECOND FLOOR PLAN
04001 P01 - PROPOSED LOWER GROUND FLOOR PLAN
04002 P01 - PROPOSED UPPER GROUND FLOOR PLAN
04003 P01- PROPOSED MEZZANINE FLOOR PLAN
04004 P01- PROPOSED FIRST FLOOR PLAN
04005 P01 - PROPOSED SECOND FLOOR PLAN
04006 P01- PROPOSED THIRD-FOURTH FLOOR PLAN
04007 P01- PROPOSED FIFTH FLOOR PLAN
04008 P01- PROPOSED ROOF PLAN
05001 P01- PROPOSED MOXON STREET ELEVATION
05002 - PROPOSED SOUTH CLOSE ELEVATION
05003 - PROPOSED EAST ELEVATION
05004 P01- PROPOSED SOUTH ELEVATION
06001 P01- PROPOSED SECTION A
06002 P01- PROPOSED SECTION B
06003 P01- PROPOSED SECTION C
06004 P01 - PROPOSED SECTION D

D0464_002 D - LANDSCAPE PLAN UPPER GROUND FLOOR HARDWORKS AND SOFTWORKS PROPOSAL

D0464_003 C - LANDSCAPE PLAN FIRST FLOOR HARDWORKS AND SOFTWORKS PROPOSAL

D0464_004 D - LANDSCAPE PLAN FIFTH FLOOR HARDWORKS AND SOFTWORKS PROPOSAL

D0464_005 D - LANDSCAPE PLAN ROOF PLAN GREEN ROOFS

D0464_006 C - LANDSCAPE PLAN URBAN GREENING FACTOR MASTERPLAN

TRP/IH49MSB/010 B1 - TREE REMOVAL PLAN

TPP/IH49MSB/010 B2 - TREE PROTECTION 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 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 extraction / ventilation equipment 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 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 all the Air Source Heat Pump and extraction/ heating and ventilation 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.

- 8 The approved mitigation scheme as set out in the approved Air Quality Assessment, Ref 22-8927 v2 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).

- 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 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. The emergency generator can only be used for a maximum of 50 hours per year.

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 The level of noise emitted from any installed ventilation and extraction 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.

- 12 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 22003 - CAL-XX-XX-DR-A-04001 P01 (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.

- 13 Prior to occupation of the development, the electric vehicle charging points shall be installed as shown on Drawing No. 22003 - CAL-XX-XX-DR-A-04001 P01 (Proposed Lower Ground Floor Plan). For the avoidance of doubt, this should include the provision of 7 active and 29 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.

- 14 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 181 cycle parking spaces (175 long stay and 6 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.

- 15 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.

- 16 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.

- 17 a) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to first occupation of the development details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 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).

19 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).

20 a) The development hereby approved shall be implemented in accordance with the dimensioned tree protection plan dwg no. TPP/IH49MSB/010 B2 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.

- 21 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).

- 22 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. The management plan will ensure compliance with the approved level of biodiversity net gain for the approved development.
- c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

Reason: 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).

- 23 Prior to occupancy of the development hereby approved, a Biodiversity Gain Plan and supporting plan that demonstrates biodiversity net gain and details of landscape enhancements shall be submitted and approved by the local planning authority.
- A. This document shall include details of habitat creation, enhancement measures for biodiversity gains using an appropriate Defra Biodiversity Metric calculator. This shall be incorporated into the scheme of the hard and soft landscaping, of the development. This scheme will include details of existing trees to be retained and size, species, planting heights, densities, positions of any soft landscaping, and

habitat enhancements such as bird and bat boxes log piles etc appropriate to location 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 and biodiversity enhancements shall be carried at the most optimal time wildlife and plantings. be all works must be completed within 12 months after occupation before the end of the first planting and seeding season and when most optimal for when following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

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 2021 and Environment Act 2021.

- 24 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)

- 25 Prior to occupancy of the development hereby approved, at least 2 x Schweglar 1FF Bat Box (or similar alternative) and 2 x sparrow terrace all be installed on the newly constructed building and/or retained trees nearby in accordance with guidance with 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA) as appropriate. In addition, 1 x purpose built hedgehog home, and

2 x habitat pile are to be installed along the boundary of the site adjacent either retained woodland or planted hedges. Details on the specifications, location, aspect, and position of these species' enhancement measures shall be submitted and approved by the Local Planning Authority.

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 details of a Sensitive Lighting Strategy shall be submitted and approved by the Local Planning Authority.

Any artificial lighting scheme designed for project; including during the operational phase, shall be in accordance with Bats Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series.

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

- 27 Prior to the 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, June 2022).

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

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

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

approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2016), the Planning Obligations SPD (adopted April 2013) and Policy S4 of the London Plan 2021.

30 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).

31 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).

32 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).

- 33 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).

- 34 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.

- 35 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 71% in carbon dioxide emissions of the domestic element and 28% 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.

- 36 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.

- 37 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.

- 38 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).

- 39 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.

- 40 a) If piling is required, then no piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority .

b) Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure.

41 Prior to the commencement of the development, no works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
- A Remediation Strategy/Report if found to be needed following the results of the intrusive investigation detailing how contamination (if found) will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.
- A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity generation from groundworks.
- A Foundations Works Method Statement and Risk Assessment detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.
- Acknowledgement of the need to notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

Reason: Excavation works such as piling have the potential to cause waterquality failures due to elevated concentrations of contaminants through displacement to a greater depths and turbidity generation. Increased concentrations of contaminants, particularly turbidity, impacts the ability to treat water for public water supply.

42 If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- A Remediation Strategy/Report detailing how contamination will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

43 Prior to the commencement of development, no works shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- A Surface Water Drainage Scheme demonstrating appropriate use of sustainable urban drainage systems that prevent the mobilisation of any contaminants ensuring protection of surface and groundwater.

Reason: Surface water drainage can mobilise contaminants into the aquifer through infiltration in areas impacted by ground contamination. Surface water also has the potential to become contaminated and can enter the aquifer through open pathways, either created for drainage or moved towards existing open pathways where existing drainage has reached capacity. All have the potential to impact public water supply.

44 The development must be carried out in accordance with the provisions of the Fire Engineering Gateway One Planning Statement (Revision 02 - 13 September 2013 prepared by Hoare Lea and Hoare Lea Letter dated 09 February 2024 unless otherwise approved in writing by the Local Planning Authority.

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

45 A Noise Management Plan (NMP) for the noise from the use of the outdoor terrace areas shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The NMP shall identify measures to reduce the impact of the noise on the surrounding residential properties.

The NMP shall be fully implemented and operated at all times in accordance with the approved details.

Reason: To ensure that the use of the outdoor terrace areas do not have a detrimental impact on residential amenity.

RECOMMENDATION III:

1 That if the above agreement has not been completed by 31 July 2024, unless otherwise agreed in writing, the 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, skills and employment, highways mitigation and loss of street trees. The proposal would therefore not address the impacts of the development, contrary to Policies CS5 and CS9 of the Local Plan Core Strategy (adopted September 2012), policies DM01, DM04 and DM17 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

Informative(s):

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

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

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

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

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

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

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

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

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

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

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

5 Thames Water

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipes>

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.

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

The proposed development is located within 20m of a Thames Water Sewage Pumping Station and this is contrary to best practice set out in Codes for Adoption (<https://www.thameswater.co.uk/developers/larger-scale-developments/sewers-andwastewater/adopting-a-sewer>). Future occupiers of the development should be made aware that they could periodically experience adverse amenity impacts from the pumping station in the form of odour; light; vibration and/or noise.

6 Affinity Water

Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

7 Ecology

Biodiversity Net Gain

No works shall be undertaken during outside of the species-specific activity period. Guidance can be found within BS 8683: 2021 A process for designing and

implementing biodiversity net gain and BS42040:2013: Biodiversity Code of practice for planning and development, and documents provided by the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Royal Town Planning Institute (RTPI) for approval.

Ecology Toolbox Talk

It is advised prior to commencement of works, an Ecology Toolbox talk be given by the project ecologist outlining the relevant legislation relevant to bats and other protected species e.g., reptile, nesting birds, hedgehogs, stag beetles), areas and actions to be avoided and what to do in the event that such protected species are discovered during the works.

Species rich plantings and seeding

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

The proposed hedgerow planting on the east and west side of the new building is advised to 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. These recommendations are in line local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan 2021.

Nesting Bird Check

Avoid all vegetation clearance during the active nesting bird season. If this cannot be reasonable avoided and any tree / vegetation clearance required to be removed during the active nesting bird season and cannot reasonable be avoided, then a nesting bird check must be conducted prior to commencement of clearance by a suitably qualified ecologist. Any active birds nest that are discovered are to have an appropriate 5m protective buffer is to be place around the nest and the nest is to be retained until such time that the chicks have fledged.

There is a risk that nesting birds maybe negatively impact by the proposed clearance works should the works commence during the active nesting bird season. Nesting birds and their active birds' nests are protected from damage of disturbance under the Wildlife and Countryside Act 1981, as amended (section 1). Generally, trees, buildings and scrub may contain nesting birds between 1st March and 31st August inclusive. It is considered that nesting birds are likely to be present between the above dates. You are advised to seek the advice of a competent ecologist prior to undertaking any works which could affect nesting birds during the period outlined above.

Protected Species

In the event of any protected species (e.g. hedgehogs, reptiles, badgers, bats) being found works must stop, an suitably qualified ecologist be consulted immediately and the correct level of additional surveys and mitigation applied

including any licences that are required to be approved and issued by the Natural England (if required). Following the appropriate level of survey and or surveys approved by the LPA, the works may resume.

Non-native Plant Removal

The removal of the invasive non-native species (e.g. buddleia) is advised to be undertaken by a trustworthy third-party invasive plant removal specialist who belong to a trade body such as the Property Care Association (PCA) Property Care Association or the Invasive Non-Native Specialist Association View Our Members - INNSA. An invasive species removal specialist would be responsible for the secure removal/treatment, transposition and disposing of controlled waste under the Environment Protection Act 1990 (EPA 1990).

8 Highways

Refuse

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.

Works on public highway

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.

9 Environmental Health

Construction Method Statement

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.

Contamination

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.

Qualified Acoustic Consultant

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.

10 Trees / Landscape

Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."

OFFICER'S ASSESSMENT

1. Site Description

The proposal site comprises of circa 0.2 hectares and consists of a part-three storey building to the front, dropping down to a warehouse space to the rear. The area around the building is covered in hard standing with car parking to the front and side. The land falls travelling east on Moxon Street towards the site.

The site and the approach to it, benefits from a verdant character. To the immediate north is a dense row of trees which runs up Moxon Street to the west and also to the east into St George's Fields, which is a Site of Importance for Nature Conservation (SINC), designated Green Belt and a Registered Historic Battlefield. To the south is a two-storey commercial unit (named Fortune House) currently occupied by Howdens Joinery and finished in brick. To the west set behind the row of trees are the rear gardens of the residential properties which front onto South Close which runs parallel to Moxon Street. There are also residential properties to the north on South Close.

The Site is situated within a Locally Significant Industrial Site (LSIS) known as Hadley Manor Trading Estate. On the south side of Moxon Street within the trading estate are also 50 Moxon Street which has received permission through ref: 21/6488/FUL for a Special Education Needs School and Hadley Wood Hospital. 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.

Intec House itself is divided into two areas, the eastern part which is a light industrial warehouse space; and the western part, 3-storey office building with a mezzanine level. The applicant has confirmed that the building comprises 1,682 sqm of useable employment floorspace - Net Internal Area (NIA). In addition, it is also stated that the building currently provides on-site employment for approximately 20 people at any one time, whilst the building is also used for storage and ancillary purposes.

The site has a PTAL of 3 (moderate) as calculated by the TfL WebCAT tool with High Barnet underground station located approximately 950m walking distance to the south.

2. Site History

Reference: 22/4526/FUL

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

Decision: Approved following legal agreement

Decision Date: 28 November 2023

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 19/3994/PNO

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Prior Approval Required and Refused

Decision Date: 27 September 2019

Description: Change of use of the building from Use Class B1(a) (Office) to Use Class C3 (Residential) to provide 39 dwellings (Class C3). Provision of 22 car parking spaces (including 4 electric parking spaces & 2 wheelchair accessible spaces) and 40 cycle spaces.

Reference 19/3117/PNO

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Prior Approval Required and Refused

Decision Date: 30 July 2019

Description: Change of use of the building from Use Class B1(a) (Office) to Use Class C3 (Residential) to provide 107 dwellings (Class C3). Provision of 21 car parking spaces (including 4 electric parking spaces & 4 wheelchair accessible spaces) and 120 cycles.

Reference 19/3083/PNO

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Prior Approval Required and Refused

Decision Date: 30 July 2019

Description: Change of use of the building from Use Class B1(a) (Office) to Use Class C3 (Residential) to provide 107 dwellings (Class C3). Provision of 21 car parking spaces (including 4 electric parking spaces & 4 wheelchair accessible spaces) and 120 cycles.

Reference B/00465/11

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 11 April 2011

Description: Continued use of premises as B1/B2 mixed use including opening hours of 08:30 to 13:00 on Saturdays for a period of 5 years.

Reference B/00147/10

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 9 April 2010

Description: Retention of use of premises as B1/B2 mixed use for a further temporary period of one year.

Reference B/00146/10

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 9 April 2010

Description: Retention of use of premises as B1/B2 mixed use for a further temporary period of one year together with the extension of the hours of use to include 08:30-13:00 on Saturdays.

Reference B/00113/09

Address: 49 Moxon Street, Barnet, EN5 5TS

Decision: Approved subject to conditions

Decision Date: 9 March 2009

Description: Retention of change of use from Class B1 to a mixed use comprising B1

(offices) and B2 (car servicing and repairs including use of one bay for MOT Testing) (Sui Generis)

Other relevant Planning History

Reference: 23/2741/FUL

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

Decision: Pending Decision

Decision Date: N/A

Description: 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

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 the demolition of the existing building and redevelopment of the site to a mixed-use development, consisting of 726sqm of employment space (Use Class E) and 98no. residential units (Use Class C3).

Due to the sloping topography of the site, the proposal would read as 6-storeys with a recessed 7th floor from the front of the site and 7-storeys at the rear. The proposal comprises of a lower and upper ground floor, mezzanine, 1st - 5th storeys and a recessed 6th storey. The proposed employment space would be located at upper ground and mezzanine levels.

The proposed footprint takes the form a 'H-shape' which encloses a courtyard / external amenity area to the south at upper ground and first floor levels. At the upper levels, the built form reduces and steps back becoming 'L-shaped'.

Pedestrian access into the site would be from Moxon Street leading into an opened-top courtyard / lightwell. 36 parking spaces are proposed within the lower ground floor level which would be accessed via a ramp along the southern boundary.

Additional Information

During the lifetime of the application, in response to Officer requests, the applicant submitted revised plans, comprising of:

- Removal of residential accommodation at the upper ground floor facing onto Moxon Street and relocating it to Mezzanine level with addition of 2no. new units;
- Relocation of proposed employment space from Mezzanine level to Upper Ground

- Floor Level; and
- Submission of daylight and Sunlight statement to respond to neighbour comments at 21 South Close.

4. Public Consultation

Following the issuing of the decision notice relating to application ref: 22/4526/FUL dated 28 November 2023, the Council received a Pre-Action Protocol (PAP) Letter from No.21 South Close, which raised the following grounds of challenge:

1. Unlawful reliance on a flawed PTAL score;
2. Flaws in the Daylight / Sunlight assessment; and
3. Reliance on tree screening.

These matters have been responded to within each relevant section of the report and summarised at the conclusion of this report.

Consultation letters for this application were sent to 178 neighbouring properties. Following the receipt of revised plans, the application was subject to a period of re-consultation.

Overall, 105 responses have been received, comprising 105 letters of objection.

The objections received can be summarised as follows:

- Committee were misled in approving the 1st application with incorrect information in the officer's report
- Query loss of commercial space
- Excessive density, height, scale and massing
- Poor design
- Overdevelopment
- Not in keeping with the two and three-storey area
- Impact on Green Belt
- Cumulative impact with adjacent development at Fortune House
- Inappropriate housing mix
- Properties of an insufficient size
- Quality of internal residential accommodation
- Inadequate access for disabled people
- Removal of and absence affordable housing
- Overlooking
- Impact on privacy
- Loss of daylight / sunlight to neighbouring properties
- Conflict with BRE guidance
- Daylight/Sunlight report assessed against out-of-date BRE guidelines
- Overshadowing
- Overbearing impact
- Noise impact
- Significant impact on local air quality
- Impact on daylight / sunlight on existing properties
- Outdoor disturbance from outdoor play area
- Inadequate parking provision for residential and employment space
- Flawed PTAL rating
- Cumulative traffic impact with new SEN school

- Safety impact on SEN school
- Increased traffic movements and congestion
- Impact on trees and woodland
- Loss of screening through removal of existing trees on South Close
- Impact on ecology and wildlife
- Drainage and sewer impact
- Impact on local infrastructure
- Disturbance during construction
- Application provides inadequate and/or misleading information

Internal Consultee Response

Commercial Services Street Scene

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

Ecology

No objections to the proposed works on ecological grounds as the scheme does not differ significantly from the previously consent scheme 22/4526/FUL, only in the uplift of residential units from 92 to 96 residential units (Class C3) and 798sqm NIA employment floorspace (Class E) with associated access, hardstanding, parking and supporting infrastructure. These changes do not present a material alteration to the existing onsite or offsite ecology and so the findings of the Preliminary Ecological Appraisal (Syntegra Consulting, June 2022) and the Bat Activity Report (Syntegra Consulting, August 2022) remain valid.

Environmental Health

No objections subject to conditions.

Sustainable Drainage

Further information required but can be secured via condition.

Traffic and Development

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

Trees

No comments were received as part of this application. As comments were received as part of the previous applications, these have been carried forward into this application.

External Consultee Response

Affinity Water

The proposed development site is located near an Environment Agency defined groundwater Source Protection Zone 2 (SPZ1) corresponding to our Pumping Station (NORM). This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd. Provided that the suggested conditions are implemented and it has been demonstrated that public water supply will not be impacted, we would have no objections to the development.

Greater London Archaeological Services (GLAAS)

Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of

archaeological interest.

The planning application lies in an area of archaeological interest (Archaeological Priority Area) identified in the Local Plan: [77418] Chipping Barnet

Although just within the Chipping Barnet Archaeological Priority Area the site was actually in fields outside the historic town until the twentieth century. Whilst earlier remains could have been present there are few recorded finds in the immediate vicinity and modern development will have caused disturbance. On balance I consider the site to have low archaeological potential. Barnet's Archaeological Priority Areas are outdated and due for review.

No further assessment or conditions are therefore necessary.

Health and Safety Executive (HSE): Planning Gateway One

HSE raised a concern in the previous substantive response, regarding the access to the fire-fighting shaft by fire service personnel. It is noted that the corridor on the upper ground floor, used to access the fire-fighting shaft, is an 'open-air' access space, forming part of an external courtyard. The internal Fire Service entry route is less than 18m. Therefore, the access to the fire-fighting shaft is compliant with fire safety standards recommendations. Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations.

Metropolitan Police: Secure by Design

I have reviewed the applicant's design and access statement (DAS) and proposed plans - these do not appear to have changed significantly from a crime prevention perspective over what was previously commented upon on planning reference 22/4526/FUL. Although there is no objection to this submission, I would respectfully request that any approval of this application contains a planning condition for Secured by Design (SBD) accreditation, prior to occupation.

Transport for London (TfL)

This application is a revised version of the previous and recently consented application number 22/4526/FUL. The addition of 4 residential units and 70sqm of employment space is not anticipated to have a strategic impact. It is assumed that any consent will have a slightly amended legal agreement to reflect the proposed changes. Subject to this TfL does not object to the proposals.

Thames Water

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.

The proposed development is located within 20m of a Thames Water Sewage Pumping Station. Given the close proximity of the proposed development to the pumping station we consider that it is likely that amenity will be impacted and therefore object. Notwithstanding this objection, in the event that the Local Planning Authority resolve to grant planning permission for the development, we would request that an informative is attached to the planning permission.

Thames Water would advise that 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.

Urba

Instructed by LBB to undertake an independent viability review of the applicant's submitted viability report.

Based on our assessment of current day costs and value, the scheme is more viable than the applicant is demonstrating, but not to the extent to generate a surplus to fund affordable housing.

Neighbouring / Residents Associations and Local Amenity Groups

Barnet Society

The Barnet Society objects to the scale and design of this proposal, particularly its density, 8-storey height and minimal outdoor amenity space. Our reasons were set out fully in our letter dated 27 October 2022 commenting on the previous application for this site (22/4526/FUL).

We do not accept the applicant's reasons for increasing the number of residential units in this over-development from 92 to 96 and refusal to provide any affordable housing.

Although we do not object to the proposed increase in employment floor area from 728 to 798m² per se, the effect will be to reduce the already constrained lightwell and lose the generous volumes of the workspace, which were mitigating features of the original design.

Apart from adding to the neighbourhood's stock of residential units and workspace, it is hard to discern the 'vast majority of public benefits' listed in the Planning Statement (1.7), and its claim that the design is 'landscape-led' is frankly absurd.

Barnet Resident's Association

On the previous application I pointed out that this location was rated as PTAL 3 and not PTAL 4 as claimed in the application (only the top end of Moxon St is PTAL 4). The decision to approve was based on officer advice that PTAL 4 was correct. This error was material as the density guidelines for PTAL 3 are lower than the density of the approved scheme.

The transport assessment for this scheme repeats the previous error again claiming the site is in PTAL 4. As the approved scheme has a density in excess of the recommended guidelines there should be no question of yet a further increase in the density of this development.

This is yet another example of a developer seeking to remove the affordable housing element of an approved scheme. Affordable housing is a vital component of future provision in the Borough. Losing this should be resisted and if necessary the developer asked to redesign the scheme to enable affordable housing to remain.

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 in December 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 - Reg 24: The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24). The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites.

In order to address issues of legal compliance and deficiencies in soundness the Council has produced Main Modifications to the Local Plan. These Main Modifications were approved by Cabinet on March 12th and will now be subject to a period of formal public consultation commencing in May 2024. Whilst the Council moves forward to formal adoption of the Local Plan (subject to the outcome of the public consultation and the Inspectors Report) the Main Modifications shall be considered, in the interim, a relevant

material consideration in the Council's decision making on planning applications.

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

- 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)

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 existing building is currently vacant. It is acknowledged that previously the prior approval application (Ref: 19/3994/PNO) was refused on the grounds that there was insufficient information that the site was in a lawful office use (b1a) at the time of the application under the previous Use Class Order. However, since that decision, it has been demonstrated to Officers that the building has a lawful use of B1a which then transferred to Use Class E(a) under the new Use Class Order legislation.

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. However, as the lawful use has been established as formerly B1(a) and now transferred to E(a), it could freely transfer within the E Use Class without the need for permission and outside of the LSIS B Use Class restrictions.

The application is supported by an Economic Statement which advises that the building comprises approx. 1,700sqm of useable employment space and at a time in 2021, the employment level in the building was approx. 20 people. It concludes that a long-term industrial use of the site is unlikely to be successful, due to its location (away from main industrial and logistics hubs) and its poor access. It does state that a small number of local or start-up businesses may be attracted to the location if it contains flexible small-scale units. It continues that the level of demand is likely to be low and the amount of re-provision should reflect this.

The proposal provides circa 726sqm of employment floor 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 employment provision would be

provided across the upper ground floor and mezzanine levels. The Council's Planning Policy Team are accepting of this principle, with the loss of employment floorspace needing to be 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 (Intec House), the adjacent Fortune House (currently occupied by Howdens), Hadley Wood Hospital and 50 Moxon Street which most recently obtained permission to convert 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 regard to this element and compliant with Barnet Policy DM14. This approach was accepted in the previous application ref: 22/4526/FUL and also the adjacent Fortune House proposal ref: 23/2741/FUL.

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 eastern 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.

It is situated in an area with a PTAL rating of 3 (Moderate) making it sustainably located in terms of access to public transport also.

Therefore, the proposal site would meet the principal criteria set out by London Plan policy H1 B(2) that seeks the optimisation on all suitable and available brownfield sites for potential housing delivery.

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 (which in this instance is only Howdens).

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

Furthermore, the design of the scheme has been sensitive to the operation of Howdens by

avoiding the location of any habitable room windows on the southern elevation. The access of the site remains unchanged and safe pedestrian routes are provided within the local area (and commitments to additional crossing points provided within the Heads of Terms).

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 designed 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. Under emerging policy HOU02, 3 bedroom (4 to 6 bedspaces) properties are the highest priority, with homes with 2 (3 to 4 bedspaces) or 4 bedrooms (5 to 8 bedspaces) are a medium priority.

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

Unit Type	No. of units
1 bedroom	54 (55%)
2 bedrooms	38 (39%)
3 bedrooms	6 (6%)
Total	98

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 provides a large number of 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 a PTAL of 3. As such, it 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, with schemes which meet or exceed these thresholds, not having to submit viability information. Schemes that do not meet this threshold, or require public subsidy to do so, will be required to submitted detailed viability information under the Viability Tested Route.

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

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

The application has been submitted on the basis of the viable tested route and is supported by a Viability Report by Quod. This report concludes that the proposed scheme is in deficit of -£3,958,470 and cannot viably support the delivery of any affordable housing.

The LPA instructed Urba to undertake a viability review of the submitted Viability Report. 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 (-£3,245,327), but not to the extent to generate a surplus to fund affordable housing. Both reports have been reviewed by the Council's Viability Officer and is satisfied that a robust assessment has been undertaken by Urba. The conclusions that the proposed development cannot contribute towards affordable housing is accepted. An obligation within the legal agreement will secure the inclusion of 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 previously provided a Daylight & Sunlight report which assesses the development against the BRE's site layout planning for daylight and sunlight guidelines. The purpose of this report was for Officers to understand whether the lower sited units on the eastern elevation facing onto King George's Fields would receive adequate light. Considering the layout / orientation of the upper level units, Officers were satisfied that that these would receive adequate levels of daylight / sunlight and provide good quality accommodation.

The report tested 15 rooms (a mix of LKD rooms and bedrooms) using the average daylight factor (ADF) and projected that 47% (5 bedrooms and 2 LKD) would achieve or exceed the BRE target values. Of the four LKD rooms which fell short of the guideline, two rooms achieved values of 1.56% and 1.61% which would exceed the 1.5% ADF guideline value for a living space. The remaining two LKD rooms projected narrow fails of achieving the guideline values for living spaces, achieving values of 1.41% and 1.48%, respectively. The report advises that all four of the LKD rooms are single-aspect rooms and configured such that the kitchen is located toward the back of a fairly deep room and naturally will contain artificial task lighting. These kitchens will then lead on to what is considered a well-daylit living. These units also include at least one well-daylit bedroom. In seeking to improve these units, the LKD rooms have been designed to have an unblinkered view of the sky by not having windows that sit underneath projecting balconies on the floor above. Units at this level are also provided with direct access to an outdoor private amenity space.

For sunlight, as these units face east, they will naturally have reduced levels of sunlight compared to rooms served by windows which are south facing and to which the BRE suggest have a more realistic expectation of sunlight. The report advises that it is likely that these units will only have access to sunlight for around half of the day.

It should be noted that BRE Guidance is not a mandatory standard and is used as an indicator of performance. It is extremely rare for flatted development to deliver a scheme which delivers full adherence against the guidance. Officers were aware of the limitations of these units as the proposal evolved and have sought to mitigate any failures as far as practically possible. The scheme has sought to try to design out any limiting factors such as considering the size / positioning of upper floor balconies. There are 6 dwellings across the level, and when considering this against an overall scheme of 98 units, the overall performance of daylight and sunlight across the scheme when considered as a whole, is considered to be acceptable.

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 recommended in the event that the appeal is

allowed and planning permission is granted, 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 (771sqm) and a shared courtyard and communal spaces (281 sqm) at first and fifth floor levels. It 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 10m² 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.

The scheme delivers 190sqm of playspace within the shared central courtyard and at the proposed fifth floor level. Officers are satisfied with the principle and quality of play provision proposed. It is noted that King George's Field is immediately to the rear of the site and Old House Playground is circa 500m to the south-west of the site.

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). Whilst the detailed information on materials and product types are not yet available, the statement confirms that the material performance to fire will be in accordance with Regulation 7 'Materials and Workmanship' (Building regulation 2010), ensure that all materials are non-combustible.

The HSE Planning Gateway One have confirmed that they are content with the proposed fire safety design.

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 along the north-western boundary where there are existing trees. Whilst the proposed development occupies the majority of the site, this in itself is not necessarily seen as an issue. 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 proposed scheme varies in height from 3 storeys up to 7 storeys. When approaching the site from Moxon Street, the proposal has a lower and stepped footprint, with the taller element screened behind the existing trees. This elevation would read as six-storeys with a recessed top floor. This is considered to be acceptable. The lower mass here corresponds to the two-three storey massing of Moxon Street but also provides a natural end to the descending view down the hill.

With the steep sloping topography across the site, the massing / bulk of the proposal is increased towards the rear of the site. Along South Close, there will be varying screening by existing trees and proposed tree retention. Whilst it is accepted that there will be increased visibility of the proposed building, it is considered that proposal with its layout, stepped elements along the façade, recessed upper floor levels and differing materiality, is acceptable in mitigating the overall scale / bulk.

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 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.

Discussions were held around suitable viewpoints of shorter and longer views in order to seek confirmation of the visual impact of the proposed development. 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 seeks to implement the same design principles that were accepted and approved within the Fortune 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 Fortune 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

The architectural expression follows a series of horizontal and vertical emphasis with light and dark brick bays. The Council's Urban Design Officer is supportive of the development and the proposed architecture.

The predominate material is a brown brick of varying light, medium and dark colouring with a green coloured metal cladding on the stepped back top floor. The proposed palette of materials is welcomed and is considered to help stitch the proposal within the context of the surrounding area.

Overall, in terms of layout, scale, massing and design, the proposed development is considered to be of a high quality and is acceptable in terms of design policies.

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.

The proposal should be seen in the context of the top of the trees and should not be dominant on the skyline or protrude significantly above the existing buildings lines or tree canopy line. The majority of views of the proposed development from St George's Field would be largely screened and views unimpacted and only glimpses of the upper level of the proposed development may be visible from some views. Therefore, Officers are satisfied that the openness of the Green Belt from within St George's Field would be maintained and unimpacted by the presence of the proposed development.

When viewing the proposed development in context, its overall height is experienced against the top levels of the tree canopies, again with the green metal cladding helping blend the proposal into the landscape context.

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.

In order to respond to this, the proposal has a recessed top floor, and it is considered that the proposal would not be dominant within this skyline and would have an acceptable impact in terms of the setting of the Green Belt.

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. As demonstrated by the Heritage Statement, the application would not impact on any significant views of any statutory heritage assets. It is considered that there will be 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 separation distances are measured to each street as follows:

South Close - the scheme achieves in excess of the required 21m when measuring between facing elevations. The closest elements are the two corner elements of the north-west elevation which measure 22m with the middle section being further recessed by a couple of metres. The north-western corner of that elevation also steps back considerably from third storey upwards. The only exception is the property immediately to the west (no.1 South Close) which is 16m away from the proposed development. This elevation facing the application site is a flank elevation, which is usually blank, but it appears two bathroom or hallway windows have been inserted, as well as a living room window which would give an existing living room a second aspect. However, there is a thick row of trees screening the existing property and the proposed development and there is no proposal to remove these in the application. Whilst the scheme would introduce a considerable magnitude of change and perception of overlooking compared to the existing position, it is not considered that this impact is demonstrably harmful due to factors such as the separation distances mentioned above, intervening tree screening and orientation of neighbouring properties.

Snowberry Close: Fortune House (Howdens) lies between the application site and Snowberry Close which measures circa 35/36m. It is not considered that the proposals would result in any demonstrable loss of privacy to the neighbouring properties in this street.

Objection comments have raised concerns about the proximity / use of the proposed fifth floor external terrace. As similar to above, the terrace would achieve the recommended separation distances between neighbouring properties. The submitted landscape plan for this element illustrates that the useable amenity area will be further set back from the building edges by approx. 1.5m with planting proposed in the area in-between. Officers are satisfied that these elements will help reduce any potential amenity impact.

To the south-west of the site, lies Hadley Wood Hospital and Blackthorn Court (within Laburnham Close). However, due to the use of the hospital and considerable separate distance to Blackthorn Court (circa 45m), it is not considered that the proposals would result in any demonstrable loss of privacy to these neighbouring buildings.

Impact on daylight, sunlight and overshadowing

The PAP letter received from the neighbour raised two issues with the previous assessed daylight / sunlight report. Firstly, that the submitted report contained material errors and secondly, that the submitted report was carried out against the 2011 version of the BRE guidelines, despite new guidelines being produced in 2022.

The submitted report daylight and sunlight analysis submitted with this application has been undertaken in accordance with BRE 2022 guidelines and therefore accounting for the most recent guidelines. 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 - 6 South Close;
19A - 22 South Close;
64 and 66 East View;
Blackthorn Court; and
12 - 14, 16 - 19 and 21 Snowberry Close.

The report findings demonstrate that for daylight, all windows and rooms in East View, 1 to 6 South Close, 19A South Close, Blackthorn Court and the Snowberry Close properties achieve or exceed the guideline BRE values, either by experiencing minimal change or no impact from the proposed development to their daylight levels.

For sunlight, all properties with south facing windows were tested. All windows and rooms in 66 East View, 1 to 6 South Close, 19A South Close, Blackthorn Court and Snowberry Close properties achieve or exceed the guideline values for both annual and winter APSH, either by experiencing minimal change or no impact from the proposed development to their sunlight levels.

For those properties which do experience a reduction in daylight / sunlight levels as a result of the proposed development, a summary of the impacts are set out below:

22 South Close

This residential property sits to the north of the site.

For daylight, when considering the VSC assessment, two (50%) of the four windows assessed achieve the guideline values. Of the ones that remain, one window achieves a value of 0.6 times its former value, and one window achieves a value of 0.63 times its former value. For daylight distribution, two (100%) of the two rooms assessed adhere to the guideline values, demonstrating that the light levels with the rooms themselves remain adequately lit.

For sunlight, three (75%) of the four windows assessed achieve the guideline values for annual sunlight, and all four (100%) achieve the guideline values for winter sunlight. Of the window that remains for annual sunlight, it achieves a value of 0.54 times its former value.

21 South Close

This residential property sits to the north of the site.

For daylight, when considering the VSC assessment, two (50%) of the four windows assessed achieve the guideline values. Of the windows that remain and those which face the proposed development, one lighting a study achieves a value of 0.65 times its former value and one lighting a living area achieves a value of 0.37 times its former value. For daylight distribution, one (33%) of the three rooms assessed achieve the guideline values and does not experience any reduction in its lit area whatsoever. The rooms that remain, these achieve values of 0.77 and 0.76 times their former value respectively, and therefore only narrowly miss a guideline of 0.8.

For sunlight, three (75%) of the four windows assessed achieve the guideline values for annual sunlight, and all (100%) of the four rooms assessed achieve the guideline values for winter sunlight. For annual sunlight, the window that remains achieves a value of 0.42 times its former value.

21 South Close Addendum results

Further to the report that was already submitted, additional technical results with regard this property were undertaken based on the internal arrangements set out in the PAP letter. Principally, these relate to two habitable ground floor rooms which the PAP letter advised were larger than had been assumed by the applicant's submitted report. As the letter did not confirm the exact layout of the property, three different scenarios have been tested based on potential internal layouts. The addendum letter advises that for the windows facing out onto South Close, the results for the VSC and APSH will not change as these methodologies are assessed at the window.

Scenario 1

This scenario is based using the proposed plans from planning ref: 17/5460/PNH. For daylight distribution, the study achieves strict BRE compliance, with a change within the suggested permissible 0.8 guideline. The bedroom achieves a result of 0.69 times its former value, leaving the room with access to direct sky to 69% of its area.

Scenario 2

This scenario accounts for an increased number of windows (many of which provide mitigating light into the LKD room) as the depths have been extended. From the survey information collected, it was noted that there is a side window lighting the room denoted as the study and that the LKD room contains extensive glazing to the rear of the property which leads out onto the garden. The results of the VSC assessment show that these additional windows do not experience a noticeable change in their absolute values as they do not have a direct view of the proposed development. For daylight distribution, both rooms (the study and the LKD) achieve achieves strict BRE compliance by receiving no reduction in their lit areas whatsoever and therefore exceed the BRE's recommendations.

Scenario 3

This scenario incorporates the room size increases advised within the PAP Letter and also accounts for an increased window in the study. The addendum advises that this window does not experience a noticeable change in its absolute value as it does not have a direct view of the proposed development. For daylight distribution, the study receives no reduction whatsoever in its lit area, as a result of benefiting from extra windows which does not face the proposed development. The living room will experience a change of 0.52 times its former value, as a result of a deeper room with 40% of its area retaining access

to direct sky. The addendum advises that this room experiences lower daylight levels due to self-obstruction with a deep roof overhang to its only serving window. Due to the room deepness, this overhang greatly increases the burden on light and creates a blinkered outlook.

20 South Close

This residential property sits to the north of the site.

For daylight, when considering the VSC assessment, 12 (60%) of the 20 windows assessed achieve the guideline values, with all windows on the first floor adhering to the guidelines. Of the eight windows that fall short of the guidelines, four retain absolute VSC values of 15% or above, ranging from 20.59% to 16.97%. For daylight distribution, all (100%) of the four rooms assessed achieve the guideline values, demonstrating how the light levels within the rooms of this property remain adequately lit.

For sunlight, 16 (84%) of the 19 windows assessed achieve the guideline values for annual sunlight and all (100%) achieve the guideline values for winter sunlight. However, when looking at the results for the rooms on an aggregate basis, all rooms achieve the guideline values for annual sunlight. The rooms are shown to retain annual APSH values of between 90% and 59%, well above the 25% guideline suggested by the BRE. On a winter basis, the rooms achieve values of between 20% and 15% against a guideline of 5%.

19 South Close

This residential property sits to the north of the site.

For VSC, five (50%) of the 10 windows assessed achieve the guideline values. Of the windows which fall short of the guidelines, one window achieves a value of 0.77 its former value, narrowly missing the 0.8 guideline. The remaining four windows achieve values ranging between 0.68 and 0.53 times their former value. Again, each of the windows that fall beneath the guidelines lights a room that is lit by many other windows that are BRE adherent. Looking to the light within the room, for daylight distribution, all (100%) of the two rooms assessed achieve the guideline values, demonstrating how the light within the rooms will remain adequately lit.

For sunlight, seven (70%) of the 10 windows assessed achieve the guideline values for annual sunlight and all (100%) achieve the guideline values for winter sunlight. However, when looking at the results for the rooms on an aggregate basis, all rooms exceed the guideline values for annual sunlight. The rooms are shown to retain annual APSH values of 64% and 36%, respectively, well above the 25% guideline suggested by the BRE guidelines. On a winter basis, the rooms achieve values of 18% and 14% against a 5% guideline.

Overshadowing

An overshadowing assessment has also been undertaken by the applicant and assesses the overshadowing effect to the neighbouring gardens from the proposed development. BRE guidance recommends that at least half of the garden or open space can receive at least two hours of sunlight on 21 March. The rear gardens of the following properties have been assessed:

19A - 22 South Close;
64 & 66 East View; and

1 - 6 South Close.

The results of the two-hour sun contour test confirm that all of the gardens at the South Close and East View properties exceed the guideline values, with negligible or no impact received.

Daylight, sunlight and overshadowing summary

The results demonstrate that the vast majority of windows within the neighbouring properties will meet or exceed the latest BRE guideline values for both daylight and sunlight availability with the proposed development. When considering both the VSC and daylight distribution together, almost all rooms in the neighbouring properties exceed the guideline values for daylight - the exception being two rooms within 21 South Close. Additional assessment / consideration was undertaken for this property, accounting for the room sizes advised within the PAP Letter.

The results demonstrate that all of the gardens assessed will either continue to receive good levels of sunlight or show a negligible change to sunlight levels.

In conclusion, whilst it is noted that there are projected reductions across a number of properties, it is not considered as a whole to have demonstrable harm to the sunlight and daylight of existing surrounding properties.

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 concludes that significant remediation works would not be required as part of the proposed development, as the potential risk to identified receptors is considered manageable through the use of measures detailed within Contamination Risk Assessment report. 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. The report states that the air quality impacts arising from the scheme are unlikely to be significant, given the limited amount of traffic on the existing roads and arising from the development. This assessment assumes that best practice construction methods are followed, and this is secured by condition.

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.

No significant new or cumulative operational noise impacts are identified for neighbours as a consequence of the proposed development. The commercial uses are less in quantity than the existing site usage and would be unlikely to result in additional disturbance to the existing environment, or to the proposed residential units.

The Air Quality Assessment produced by Syntegra has identified that the approach to building envelope secures a suitable scheme that meets the necessary standards, this is based on construction assumptions that can be secured through condition.

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.

Objection comments have raised concerns regarding potential overspill noise from the upper floor terrace. A condition has been attached to require the submission of a noise management plan which can address mitigation measures as not allowing amplified music, restricting hours of use, a logbook for complaints and ability for nuisance reporting and management, etc.

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

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.

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 (moderate).

The PAP letter raised a challenge that the Council relied on a flawed PTAL assessment which had been manually calculated a higher PTAL rating within the submitted Transport Assessment. Their own independent transport advice produced a PTAL score of 3. Officers are happy to adopt the TfL WebCAT score of 3 for the purposes of this assessment.

London Plan Policy T6.1 states that new residential development should not exceed the maximum parking standards set out in the table below:

Location	No. of beds	Maximum parking provision
Outer London PTAL 2 – 3	1 – 2	Up to 0.75 spaces per dwelling
Outer London PTAL 2 – 3	3+	Up to 1 space per dwelling

The scheme will provide 34no. 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. This is in accordance with the London Plan standards.

A parking survey was also undertaken to demonstrate the current kerb side parking pressures within 200m distance of the site. Two separate overnight surveys were undertaken, with the results demonstrating that there a parking stress of 56% within the study area.

In terms of EV Charging, the proposal will provide active charging in accordance with the London Plan requirements.

Based on the above factors, the Council's Highways Officer accepts 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 travel plan; and
- Provision of car club space.

TfL were previously accepting of the proposed parking provision and have carried this through with the current application.

The London Plan parking requirements are maximum standards and as the proposed provision does not exceed those requirements, it is compliant with Policy T6.1. Residents have raised concerns about parking overspill into the surrounding streets, however, this can be appropriately mitigated through the S106 measures set out above. The nearest unrestricted roads such as Manor Road and Meadway are approximately 500m and 400m away respectively from the application site.

Commercial Car Parking

It is proposed to provide 2no. parking spaces for the commercial occupiers, with one of the spaces being designated as a disabled space. The Council's Highways Officer is accepting of this provision.

Cycle Parking

In terms of cycle parking, a minimum of 169no. secure and covered long-stay cycle spaces is required, plus 4no. short-stay spaces for visitors to meet the London Plan requirements. The Council's Highways Officer and TfL are accepting of the proposed residential cycle provision.

For the commercial space, the development proposes 6no. secure and covered long-stay cycle parking spaces, plus 2no. short-stay cycle parking spaces for visitors. TfL have stated that the commercial cycle provision should be based on the highest potential applicable cycle parking standard (Office: long-stay and Retail: short-stay) as the final flexible use has not been fixed. However, Officers can state that retail would be strongly inappropriate in this location and would not be supported, therefore, the applicant's calculation and provision is considered to be acceptable.

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 119 total two-way vehicle trips over the course of a typical weekday comprising of 85 total two-way car/taxi trips, 19 total two-way LGV trips and 15 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 85 total two-way vehicle trips over the course of a typical weekday comprising of 69 total two-way car/taxi trips, 13 total two-way LGV trips and 3 total two-way OGV trips.

For the non-residential element, it is expected that to generate in the order of 11 total two-way vehicle trips over the course of a typical weekday comprising of 10 total two-way car/taxi trips, 1 total two-way LGV trips and 0 total two-way OGV trips.

Therefore, the proposed development can be expected to generate in the order of 24 fewer total two-way vehicle trips over the course of a typical weekday comprising of 7 fewer total two-way car/taxi trips, 5 fewer total two-way LGV trips and 12 fewer total two-way OGV trips. As such, the proposal would result in a noticeable net decrease in vehicular activity to and from the site over the course of a typical day/week.

Whilst the proposed units have been slightly increased by 2 during the course of the application, this is not considered to have significant impact on the above-stated trips.

When cumulatively considering the trip generation with the adjacent Fortune House development, it was found to generate in the order of 2 fewer total two-way vehicle trips over the course of a typical weekday comprising of 2 fewer two-way car/taxi trips and 4 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.

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, a contribution towards travel plan monitoring and a contribution towards travel plan incentives, as well as contributions to pedestrian and cycle improvements in the area.

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 playspace courtyard at first floor level and a larger landscaped terrace at the fifth-floor level.

The Council's Tree Officer has confirmed that the outline landscape proposal is broadly acceptable for the built spaces.

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 1no. individual tree and 7no. groups of trees. The report advises that tree species are generally of low quality and predominately non-native species.

The report recommends that 4no. groups (G2, G4, G5 and G7) are removed irrespective of this application as they are either dead or have limited life expectancy.

The report recommends that 1no. individual tree (T1) and 2no. groups (G2 and G4) will need to be removed in order to facilitate the proposed development. The report advises that these are low quality trees.

The third issue raised in the PAP Letter relating to Officers advising that there was a significant element of tree screening between the proposal and South Close and the proposal tree removal would leave no screening at all.

The Tree Officer had commented previously that the loss of these trees would reduce the screening of the site and would have significant adverse impact on the residents opposite. However, this is a planning balance issue. In terms of arboricultural terms, the trees vary in quality and health and do not overall merit special protection.

It is accepted that the abovementioned tree removal would reduce the amount of overall screening along South Close, and that the extent of remaining screening would vary along South Close. The area immediately around the Thames Water Pumping Station would have the majority of existing trees removed. The proposed development will inevitably be more visible to the properties along South Close due to its massing / height compared to the existing site position.

Despite there being a reduction in screening along South Close, it is considered that this does not result in demonstrable harm to the neighbouring properties or to their amenity, as there maintains adequate separation distances between the properties and the proposal building. In addition, the massing is considered to be very well articulated in terms of height transition, stepped variation and recessions and material variation which help reduce the visual massing and bulk of the proposed building.

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 SINC's, 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 SINC's."

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.*"

that "*no evidence of an active bat roost within B1 at the time of the survey.*" The survey has noted a population of common pipistrelle, noctule and leisler's bats. While it is acknowledged that no bats were confirmed within any of the buildings on site, we welcome the recommendation for low impact lighting be implemented as part of the proposed works to avoid light spill which would impact commuting and foraging bats using the site. In addition, we welcome the recommendation for the provision of purpose-built bat boxes to enhance the site for roosting bats.

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.*"

We welcome the provision of 4th and 5th floor biodiverse green roofs (433 m²) (Proposed Roof Plan) as 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. The implementation of the biodiverse green roof should follow the guidance of Buglife's Creating Green Roofs for Invertebrates A best practice guide (Gedge et al. 2019).

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 GLA comments that the level of urban greening across the proposed development is well considered at ground, podium and roof levels. The proposal achieves a score of 0.56 which exceeds the target of 0.4 set by Policy G5 (Urban Greening) of the London Plan. This will provide a range of benefits including enhanced amenity space, enhanced biodiversity, addressing the heat island effect, and sustainable drainage.

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 CO₂ emissions through the application of the hierarchy with a technically appropriate and cost-effective approach, and to minimise the emission of other pollutants. The development will be constructed to comply with Part L of the Building Regulations and in line with the London Plan to achieve a minimum of 71% CO₂ reduction for the domestic elements and 28% 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 not cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels".

The application is accompanied by a Flood Risk Assessment and Drainage Strategy. This has been initially assessed by the Council's appointed drainage specialists who require further details / information to be submitted. Officers consider that this can be satisfactorily addressed through condition.

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

Having weighed the material planning considerations, the scheme would deliver 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; and
- Reprovision of improved flexible employment floorspace.

Whilst it is accepted the scheme may result in a degree of harm along South Close in terms of daylight / sunlight and tree screening and non-compliance of BRE standards within proposed units at the lower ground floor level, it is considered that the degree and extent of harm is limited and that the overall benefits proposed would outweigh this harm.

In conclusion, Officers consider that the development is acceptable overall having regard to the relevant local, regional and national policies.

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.



This page is intentionally left blank