

<u>Meeting</u> Planning Committee A
<u>Date and time</u> Tuesday 4th April, 2023 At 7.00 pm
<u>Venue</u> Hendon Town Hall, The Burroughs, London NW4 4BQ

To: Members of Planning Committee A (quorum 3)

Chair: Councillor Nagus Narenthira
Vice Chair: Councillor Tim Roberts

Councillors

Richard Barnes Danny Rich
Lachhya Gurung Elliot Simberg

Substitute Members

Claire Farrier Shuey Gordon Arjun Mittra
Gill Sargeant Tony Vourou Lucy Wakeley

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

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is Thursday 30 March 2023 at 10AM. Requests must be submitted to planning.committees@barnet.gov.uk

Andrew Charlwood – Head of Governance

Assurance Group

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

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Order of Business

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4.	Report of the Monitoring Office (if any)	
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6.	Site known 12-18 High Road, N2 9PJ, 22/3419/S73 (East Finchley)	13 - 78
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9.	34 West Avenue London NW4 2LJ - 22/0022/RCU (Hendon)	103 - 118
10.	Rear Of 1 Weymouth Avenue, London, NW7 3JD- 20/3146/FUL (Mill Hill)	119 - 136
11.	The Lanterns; 23 - 25 Moss Hall Grove; London; N12 8PG 22/4891/FUL (West Finchley)	137 - 164
12.	31 And 33 Edgwarebury Lane, Edgware, HA8 8LJ, 21/4738/FUL (Edgware)	165 - 188
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14.	Any item(s) that the Chairman decides are urgent	

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Decisions of the Planning Committee A

15 March 2023

Members Present:-

AGENDA ITEM 1

Councillor Nagus Narenthira (Chair)

Councillor Tim Roberts (Vice-Chair)

Councillor Richard Barnes

Councillor Lachhya Gurung

Also in attendance

Councillor Tony Vourou (Substitute)

Councillor Shuey Gordon (Substitute)

Apologies for Absence

Councillor Danny Rich

Councillor Elliot Simberg

1. MINUTES OF THE LAST MEETING

The Chair of Planning Committee A, Councillor Nagus Narenthira welcomed all attendees to the meeting.

RESOLVED that the minutes of the previous meeting held on 8 February 2023 be agreed as a correct record.

2. ABSENCE OF MEMBERS

Apologies were received from Councillor Danny Rich who was substituted by Councillor Tony Vourou.

Apologies were received from Councillor Elliot Simberg who was substituted by Councillor Shuey Gordon.

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

None.

4. REPORT OF THE MONITORING OFFICE (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

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

6. LAND AT 49 AND 51 BERESFORD AVENUE N20 0AD - 22/6069/OUT (WHETSTONE)

The Planning Officer presented the report and addendum.

The Committee received representations in objection to the application from:

- Rob Tsintas
- Victoria Hawes
- Councillor Ella Rose

Ben Lowry, the agent for the applicant, addressed the Committee.

Following discussions, the Chair moved to vote on the recommendations as outlined in the report and addendum.

Votes were declared as follows:

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

Councillor Narenthira moved a motion which was seconded by Councillor Roberts to refuse the application for the following reasons:

The proposed development would, by reason of the new access proposed at the turning head of Beresford Avenue, constitute a visually disruptive and uncharacteristic form of development which would appear at odds with the established pattern of development and out of keeping with the prevailing characteristics of the street scene contrary to the National Planning Policy Framework (2021), Policy D3, D4 and D5 of the London Plan (2021), Policies CS NPPF, CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012); Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the LB Barnet: Residential Design Guidance SPD (2016).

Votes on the motion to refuse for the reasons outlined above were declared as follows:

For (refusal) – 4
Against (refusal) – 0
Abstained – 1

RESOLVED that the application be REFUSED for the above reasons.

*Councillor Tony Vourou left the meeting after this application.

7. 147 CHEVIOT GARDENS LONDON NW2 1QB - 22/6015/S73 (CRICKLEWOOD)

The Planning Officer presented the report.

The Committee received representations in objection to the application from Ms Vallejo.

Mr Solaimani, the applicant addressed the Committee.

Following discussions, the Chair moved to vote on the recommendations as outlined in the report.

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

RESOLVED that the application be APPROVED subject to conditions AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations 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. DELLFIELD COURT 1 ETCHINGHAM PARK ROAD LONDON N3 2DY - 22/5013/FUL (WEST FINCHLEY)

The Planning Officer presented the report.

The Committee received representations in objection to the application from William Flaherty.

Mr Plakides, the agent for the applicant addressed the Committee.

Following discussions, the Chair moved to vote on the recommendations as outlined in the report.

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

RESOLVED that the application be APPROVED subject to conditions AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations 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. 163 SUNNY GARDENS ROAD LONDON NW4 1SG - 22/1343/FUL (HENDON)

The Planning Officer presented the report.

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

Following discussions, the Chair moved to vote on the recommendations as outlined in the report.

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

RESOLVED that the application be **APPROVED** subject to conditions **AND** the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations 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. 47 WARWICK ROAD BARNET EN5 5EQ - 22/5451/FUL (BARNET VALE)

The Planning Officer presented the report and addendum.

Dominic Dear, the agent for the applicant addressed the Committee.

Following discussions, the Chair moved to vote on the recommendations as outlined in the report and addendum.

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

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

*Councillor Shuey Gordon joined the Committee meeting at the start of this application

11. 78 FINCHLEY LANE LONDON NW4 1DH - 22/4992/FUL (HENDON)

The Planning Officer presented the report.

Following discussions, the Chair moved to vote on the recommendations as outlined in the report.

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

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

12. 202 HIGH STREET BARNET EN5 5SZ - 22/4361/FUL (HIGH BARNET)

The Planning Officer presented the report and addendum.

Julie Koopan, the representative for the applicant addressed the Committee.

Following discussions, the Chair moved to vote on the recommendations as outlined in the report and addendum.

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

RESOLVED that the application be **APPROVED** subject to s106 **AND** the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

13. 20 SHIREHALL CLOSE LONDON NW4 2QP - 22/4795/FUL (HENDON)

The Planning Officer presented the report and addendum.

The applicant, Councillor Joshua Conway addressed the Committee.

Following discussions, the Chair moved to vote on the recommendations as outlined in the report and addendum.

Votes were declared as follows:

For (refusal) – 0
Against (refusal) – 3
Abstained – 2

Councillor Gurung moved a motion which was seconded by Councillor Gordon to approve the application for the following reasons:

- Compatible with the character of the area and other properties on the road and not overbearing to neighbouring occupiers

Votes on the motion to approve for the reasons outlined above were declared as follows:

For (approval) – 3
Against (approval) – 0
Abstained – 2

RESOLVED that the application be APPROVED for the following reasons:

- Compatible with the character of the area and other properties on the road and not overbearing to neighbouring occupiers

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

14. 2 HOLMDALE GARDENS LONDON NW4 2LX - 22/6017/HSE (HENDON)

The Planning Officer presented the report and addendum.

Mr Gutwirth, the agent for the applicant addressed the Committee.

Following discussions, the Chair moved to vote on the recommendations as outlined in the report and addendum.

Votes were declared as follows:

For (refusal) – 0
Against (refusal) – 3
Abstained – 2

Councillor Gurung moved a motion which was seconded by Councillor Gordon to approve the application for the following reasons:

- Compatible with the character of the area and neighbouring properties roof extensions

Votes on the motion to approve for the reasons outlined above were declared as follows:

For (approval) – 3
Against (approval) – 0
Abstained – 2

RESOLVED that the application be APPROVED for the following reasons:

- Compatible with the character of the area and neighbouring properties roof extensions

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

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

None.

The meeting finished at 9.30 pm

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Location 12 - 18 High Road London N2 9PJ

Reference: 22/3419/S73

Received: 1st July 2022

Accepted: 1st July 2022

Ward: East Finchley

Expiry 30th September 2022

Case Officer: Shay Bugler

Applicant: Mr Can Deniz

Proposal:

Variation of condition 1 (Approved Plans) of planning permission reference 18/5822/FUL dated 17/06/2020 for 'Demolition of existing buildings and construction of two 4-storey buildings (plus basement) providing 24no self-contained flats and (Class B1a) office space with associated refuse and recycling storage, cycle storage, 2no off-street parking spaces and amenity space.' Variation to include correction to the line of the boundary wall and introduction of 2no. angled windows on the 1st floor central section of the eastern elevation and corrections to the neighbouring buildings to the north and east of the site

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. Deed of variation to legal agreement in relation to permission 18/5822/FUL to secure the following:
 - o A contribution of £930,000 towards off site Affordable Housing
 - o A contribution of £34,000 towards off site carbon savings
 - o A contribution of £10K towards travel plan monitoring
 - o A contribution of £7.5k towards sustainable plan measures/incentives
 - o A contribution of £30K towards road safety improvements at the junction of High

Road/Bishops Avenue

- o A contribution of £2,022 towards the cost of amending traffic order to prevent residents of the development from obtaining parking permits
- o Monitoring of the Agreement - £20,270
- o Car club associated with the development

RECOMMENDATION II:

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

- 1 This development must be begun within three years from the date of the original grant of permission under 18/5822/FUL dated 17/06/2020.

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

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

Drawing numbers:

-Updated Cover letter from Peacock and Smith dated 11th January 2023

- P-A001_P4 - Site Location Plan
- o P-A101_P3 - Proposed Lower Ground Floor Plan
- o P-A102_P3 - Proposed Ground Floor Plan
- o P-A102-1_P3 - Proposed Development Block Plan - Ground Floor
- o P-A103_P3 - Proposed First Floor Plan
- o P-A103-1_P3 - Proposed Development Block Plan - First Floor
- o P-A104_P3 - Proposed Second Floor Plan
- o P-A104-1_P3 - Proposed Development Block Plan - Second Floor
- o P-A105_P3 - Proposed Third Floor Plan
- o P-A105-1_P3 - Proposed Development Block Plan - Third Floor
- o P-A106_P3 - Proposed Roof Plan
- o P-A201_P3 - Existing & Proposed North Elevations
- o P-A202_P3 - Existing & Proposed South Elevations (Park House Excluded)
- o P-A203_P3 - Existing & Proposed South Elevations
- o P-A204_P2 - Existing & Proposed East Elevations
- o P-A301_P3 - Proposed South Section

Document titled "Notes and pictures showing separation dimensions (drawing numbers 01; 02; 03 & 04)

- o Sustainable Urban Drainage Strategy Prepared by jms Civil & Structural Consulting Engineers. 12-18 High Road, East Finchley, London. JMS Project Reference: EX2011907 Rev B
- o Thames Water: Notice of consent to connect to a public sewer/public lateral drain (letter dated 17 February
- o Accommodation schedule dated September 2019
- o Transport Assessment produced by Trace Design Consultants dated July 2019
- o Framework Travel Plan produced by Trace Design Consultants Limited

- dated July 2019
- o Design and Access Statement-September 2019
- o Planning Statement produced by GL Hearn dated October 2018
- o Heritage Appraisal of the existing building onsite by Martin O' Rourke consultants dated April 2017
- o Environmental Sustainability Statement by Aecom dated 28.10.2019
- o Construction Management Plan by Trace Design Limited dated August 2018
- o Daylight and Sunlight Assessment by GLA Hearn dated 13 November 2018
- o Utilities Assessment by Building Services Solutions dated 6 February 2019
- o Ventilation Strategy by Building Services Solutions dated 6 February 2019
- o Drainage Strategy drawing no: 200 Rev A
- o Waste & Recycling Schedule by Award Design Limited dated 11 March 2019
- o Financial Viability Report by GL Hearn dated 20 December 2018
- o Planning Statement by
- o Refuse and Recycling schedule
- o Air Quality Assessment by Air Quality Consultants Limited dated March 2016
- o Tree Impact Assessment and Method Statement by Bartlett Consulting dated July 2018, including Tree site constraints plan (reference no: JL/R180176R/sh dated 12 July 2018 & Tree Protection Plan (reference no: JLR180176R/sh dated 12

July 2018).

- o Planning Statement dated November 2018
- o Environmental Noise Report by HRS Services Limited (ref: 128187-AC-2v1 dated 13/03/2018
- o Environmental Sustainability Report by AECOM dated October 2019
- o Document entitled "Carbon emission modelling" by AECOM dated June 2016
- o Energy assumption information sheet by L16 Design dated 25.07.2017
- o Masonry Cavity wall insulation details (version 1.0)
- o Regulations compliance report by Stroma - version 1.0.4.8 dated July 25 2017
- o Storm sewer design details (existing and proposed), by Micro Drainage Consultants dated 16.06.2019
- o Foul sewer design details (existing and proposed) by Micro Drainage Consultants dated 16.06.2019
- o Greenfield run off rates by Micro Drainage Consults dated 19.06.2019

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

- 3 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 3 (site levels) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall 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).

- 4 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 4 (materials) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and policies D1 and D4 of the London Plan (2021).

- 5 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 5 (Refuse and Recycling facilities) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016), policies SI 7 & SI 8 of the London Plan (2021).

- 6 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 6 (Wheelchair accessible or easily adaptable) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the

details as approved prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and policies D5 & D6 of the London Plan (2021).

- 7 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 7 (means of enclosure and boundary treatments) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with

the details as approved prior to the first occupation of the development and retained as such thereafter.

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

Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 8 The details approved under planning ref: 20/4100/CON dated 27.10.20 pertaining to condition 8 (contract for works) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM06 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 9 The details approved under planning ref: 20/4189/CON dated 21.10.20 pertaining to condition 9 (land contamination risk assessment) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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).

- 10 a) The details approved under planning ref. 20/4137/CON pertaining to condition 10 (sound mitigation measures) pursuant to planning ref. 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under and retained as such thereafter.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013), and policy D14 of the London Plan (2021).

- 11 a) The details approved under planning ref: 20/4137/CON dated 20.10.20 pertaining to condition 11 (ventilation/ extraction plant) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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

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

of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and policy D14 of the London Plan 2021.

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

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

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

- 13 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwelling houses (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 DM01 of the Development Management Document (2012) and policies D5 & D6 of the London Plan (2021).

- 14 14 a) The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 14 (landscaping works) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

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 April 2013).

- 15 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 15 (Sustainable Urban Drainage Strategy) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and policy SI 13 of the London Plan (2021).

- 16 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 2013), the Planning Obligations SPD (adopted April 2013) and policy S4 of the London Plan (2021).

- 17 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 17 (Cycle parking) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

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

- 18 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 18 (privacy screens and balconies) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development 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 April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012); D14 & SI 1 of the London Plan (2021).

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

Reason: 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 and T4 of the London Plan (2021).

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

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

- 22 Prior to the first occupation of the development hereby approved, evidence shall be submitted to and approved in writing by the Local Planning Authority to show that the development has been constructed incorporating carbon dioxide emission reduction measures in accordance with the Environmental Sustainability Statement by Aecom dated 28.10.2019. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Polices document (2012) and SI 3 of the London Plan (2021).

- 23 No parts of the roof of each floor shall be used as balcony, amenity or sitting out area, unless shown as such on the approved drawings.

Reason: To safeguard neighbouring amenity in accordance with Policy DM01 of the

Development Management Policies DPD (Adopted) September 2012.

- 24 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 24 (the access and access road(s)) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure the safe form of access to the development and to protect the amenity of the area and to conform to 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 T4 the London Plan (2021).

- 25 The buildings shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012; Policy DM17 of Development Management Policies (Adopted) September 2012 and policies T3 & T4 of the London Plan (2021).

- 26 Before the development permitted is first occupied, details of the gated access system must be provided, including a maintenance agreement, and all equipment for the access barrier system must be installed within the site's boundaries and not encroach on the public highway.

Reason: To control onsite parking in the interest of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policy DM17 of Development Management Policies (Adopted) September 2012 and policy T4 of the London Plan (2021).

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

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, Policy DM17 of Development Management Policies (Adopted) September 2012 and policies T7 of the London Plan (2021).

- 28 a) The details approved under planning ref: 20/4100/CON dated 27.10.20 pertaining to condition 28 (tree protection measures) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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

these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

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

- 29 The details approved under planning ref: 20/4100/CON dated 27.10.20 pertaining to condition 29 (Development and Construction Management) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies D14; SI 1, SI 8 and T4 of the London Plan (2021).

- 30 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 30 (car parking layout plan) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

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

- 31 The details approved under planning ref: 20/5651/CON dated 06.01.2021 pertaining to condition 31 (energy measures) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure compliance with policy S1 2 & S1 3 of the London Plan (2021) and policy DM04 of the Adopted Barnet Development Management Policies 2012.

- 32 Within 3 months of occupation, a Framework (work and residential) Travel Plan that meets The criteria of the current Transport for London Travel Plan guidance, currently 'Travel Planning for new development in London incorporating deliveries and servicing' and Itrace or TRICS compliant surveys shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out the

transport policy to incorporate measures to reduce trips by the private car especially single occupancy and single passenger journeys and encourage non-car mode such as walking, cycling and public transport and to reduce, consolidate or eliminate delivery trips. The Travel Plan Statement should include the appointment of a Travel Plan Champion, SMART targets and a clear action plan for

implementing the measures.

The Travel Plan should be reviewed, updated and resubmitted in writing for approval in years 1, 3 and 5 in accordance with the targets set out in the Plan. Monitoring of the travel plan is to be funded by the applicant in accordance with the Barnet's Travel Plan SPD.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM17 of the Development Management Policies DPD (adopted September 2012), and T1, T2 and T3 of the London Plan (2021).

- 33 Within 6 months of first occupation, certification demonstrating compliance with Secured by Design standards (or any superseding accreditation) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of community safety in accordance with London Borough of Barnet's Local Plan Policy CS12 of Core Strategy (September 2012) and Policy DM02 Development Management Policies (September 2012), and policies D4 & D11 of the London Plan (2021).

- 34 No properties shall be occupied until confirmation has been provided that either:
- all wastewater network upgrades required to accommodate the additional flows from the development have been completed;

Or

- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with

the agreed housing and infrastructure phasing plan. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://www.thameswater.co.uk/preplanning).

Reason: The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents, in accordance with policy DM04 of the Development Management Document (2012) and policies SI 12 & SI 13 of the London Plan (2021).

- 35 No properties shall be occupied until confirmation has been provided that either:
- all surface water network upgrades required to accommodate the additional flows from the development have been completed;

or

- a housing and infrastructure phasing plan has been agreed with Thames Water to

allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning.

Reason: The development may lead to flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents, in accordance with policy SI 12 & SI 13 of the London Plan (2021).

- 36 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 36 (public highway works (s)) pursuant to planning ref no: 18/5855/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

The applicant will be expected to enter into with the Highways Authority under Section 278/184 of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

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

September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interest of good air quality in accordance with policy DMO4 of the Development Management Document (2012) and policy SI 1 the London Plan (2021).

- 38 a) The details approved under planning ref: 20/4336/CON dated 30.10.20 pertaining

to condition 38 (air quality report) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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

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

39 a) The details approved under planning ref: 20/4336/CON dated 30.10.20 pertaining to condition 38 (air quality mitigation) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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

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

40 a) Prior to first occupation, details of measures to improve biodiversity across the site shall be submitted to and approved in writing by the Local Planning Authority.

b) The measures shall be implemented prior to first occupation and retained thereafter.

Reason: To enhance biodiversity in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016) and policy G6 of the London Plan.

41 The basement and ground floors of block A shall be used for offices 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, in accordance with Policies DM01 and DM04 of the Development Management

Policies DPD (adopted September 2012).

- 42 Before the building hereby permitted is first occupied the two proposed window(s) in the first floor east facing elevation, as indicated on drawing nos. P-A103 rev P3 and P-A204 rev P2 shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31 May 2023 unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

The proposals would make inadequate provision for off street parking and as a result would generate significant parking pressures on surrounding roads which would result in harmful impact on highway and pedestrian safety. The proposals do not include the provision of the necessary mitigation and as such the proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Barnet Core Strategy 2012.

The proposals make no provision for necessary highways works which would result in harmful impact on highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Barnet Core Strategy 2012.

The application does not provide any on site affordable housing or a contribution towards affordable housing in the local area. The application is therefore unacceptable and contrary to policies DM10, CS NPPF, CS4 and CS15 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both Adopted September 2012), policies H4, H6, H7 of the London Plan (2021), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Documents and the Mayoral Housing Supplementary Planning Guidance.

The proposed development does not include mitigations and provision for appropriate Carbon offsetting. As such, the proposed development would fail to address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013)

Informative(s):

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

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

- 2 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 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 6 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 7 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
 - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
 - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
 - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
 - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
 - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 8 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away

from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

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

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

- 9 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 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.
- 11 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense. In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.8 meters. Information on application for a croosover can be obtained from London Borough Of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, NW9. 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,.

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

Cleansing Department.

- 13 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

OFFICER'S ASSESSMENT

1. Site Description

The application site is located at the southern tip of High Road in East Finchley Town Centre, within the London Borough of Barnet administrative area. The site, which is 0.14 hectares in size, previously consisted of 2 buildings and a large car park, all of which were occupied by GLH, a taxi business operating under a mixed Sui Generis and B1(a) use.

The site generally has a flat topography with a slight upward gradient towards the sites entrance. Although located within East Finchley town centre, the site is not located within the Primary or Secondary Shopping Frontage.

The site adjoins a row of mixed use, three storey terraces to the north which are allocated under the development plan as Secondary Shopping Frontage. These predominately consist of commercial uses at ground floor with residential units or offices above. Directly opposite the site is the East Finchley Underground Station, which extends to three commercial storeys in height.

The site is not listed and not located within a Conservation Area.

2. Site History

Ref no: 21/6385/S73

Description of development: Variation of Condition 1 (Approved Plans) of planning permission reference 18/5822/FUL dated 17/06/2020 for 'Demolition of existing buildings and construction of two 4-storey buildings (plus basement) providing 24no self-contained flats and (Class B1a) office space with associated refuse and recycling storage, cycle storage, 2no off-street parking spaces and amenity space' Amendments include correction to the line of the boundary wall and introduction of 2no. angled windows on the 1st floor central section of the eastern elevation and corrections to the neighbouring buildings to the north and east of the site.

Decision: Withdrawn

Decision date: 18th November 2022

Ref no: 18/5822/FUL

Demolition of existing buildings and construction of two 4-storey buildings (plus basement) providing 24no self-contained flats and (Class B1a) office space with associated refuse and recycling storage, cycle storage, 2no off-street parking spaces and amenity space.

Decision: Approved subject to conditions and legal agreement

Decision date: 17 June 2020

Ref no: 20/5035/CON

Description of development: Submission of details of conditions 3 (levels), 4 (external materials), 5 (refuse/recycling store), 6 (wheelchair access), 7 (enclosure), 14 (hard and soft landscaping), 15 (drainage strategy), 17 (cycle and storage facilities), 18 (privacy screens and balustrades), 24 (access and access roads), 30 (parking layout), 36 (detailed design drawings) pursuant to planning permission 18/5822/FUL dated 17/06/2020

Decision: Approved

Approved: 22 March 2021

Ref no: 20/4137/CON

Description of development: Submission of details of conditions 10 (Sound insulation) 11 (Ventilation and extraction) pursuant to planning permission 18/5822/FUL dated 17/06/2020

Decision: Approved

Approved: 20.10.20

Ref no: 20/4100/CON

Description of development: Submission of details of condition 8 (Contracts for demolition works), 28 (Tree protection plan) and 29 (Demolition and construction management logistics plan) pursuant to planning permission 18/5822/FUL dated 17/06/2020

Decision: Approved

Approved: 22 March 2021

Ref no: 20/4189/CON

Description of development: Submission of details of conditions 9 (Preliminary Risk Assessment) pursuant to planning permission 18/5822/FUL dated 17/06/2020

Decision: Approved

Approved: 21.10.20

Ref no: 20/4336/CON

Description of development: Submission of details of conditions 38 (Air quality neutral assessment) and 39 (Air quality assessment) pursuant to planning permission 18/5822/FUL dated 17/06/2020

Decision: Approved

Approved: 30.10.20

Ref no: 20/5651/CON

Description of development: Submission of details of condition 31 (Energy measures) pursuant to planning permission 18/5822/FUL dated 17/06/2020

Decision: Approved

Approved: 06.01.21

Reference: 16/2351/FUL:

Address: 12-18 High Street

Decision: Approved subject to conditions and Section 106 Agreement

Decision date: 08/01/2018

Description: Demolition of existing buildings and construction of two 4 storey buildings providing 21 self-contained flats and 265sqm of B1 office space with associated refuse and recycling storage, cycle store 2 off street parking spaces and amenity space

Reference: 15/06475/FUL:
Address: 12-18 High Street
Decision: Withdrawn on 04/03/2016
Description: Redevelopment of the site to provide 24 apartments and B1 office space within two separate 4 storey buildings

Reference: C00050X/04
Address: 12-18 High Street
Decision: Approved subject to conditions
Decision date: 30/11/2014
Description of development: Change of use from offices (B1) to mixed use, part offices, part control and despatch for private hire vehicles (B1/sui generis)

Reference: C0050W/03
Address: 12-18 High Street
Decision: Approved subject to conditions
Decision date: 11/02/1004
Description: Change of use from Local Government municipal offices to educational facility for a temporary period expiring 31 December 2005

3. Proposal

Background

The Committee report for the original planning application (ref no: 18/5822/FUL) describes the development, sets out the relevant material planning considerations and assesses and evaluates them in full. These documents also set out the conditions and Heads of Terms for the Section 106 Agreement recommended to the committee for this application.

Following the planning consent, and during construction works onsite, it became apparent to both the applicant and local residents that the approved contextual drawings showing the separation distance of block B to properties to the east on Ingram Road, the siting of the boundary wall to the east, and building line to the existing residential development to north of block B were incorrect.

Local Residents contacted the Local Planning Authority Enforcement team to advise that Block B development has been constructed 9.6 metres instead of 10.5 metres from the existing brick boundary onsite. This would be inconsistent with the approved plans under condition 1 of planning permission, 18/5822/FUL.

Ref no: 21/6385/S73

In 2021, the applicant submitted a Section 73 application for the proposed variation to condition 1 (approved plans) of planning permission reference 18/5822/FUL dated 17/06/2020 for 'Demolition of existing buildings and construction of two 4-storey buildings (plus basement) providing 24no self-contained flats and (Class B1a) office space with associated refuse and recycling storage, cycle storage, 2no off-street parking spaces and amenity space' Amendments include correction to the line of the boundary wall and introduction of 2no. angled windows on the 1st floor central section of the eastern elevation and corrections to the neighbouring buildings to the north and east of the site (Ref no: 21/6385/S73).

This application was subsequently withdrawn on 18th November 2022.

The subject proposal is a Section 73 (minor material amendment application) to vary condition 1 (Approved Plans) of planning permission reference 18/5822/FUL dated

17/06/2020 for 'Demolition of existing buildings and construction of two 4-storey buildings (plus basement) providing 24no self-contained flats and (Class B1a) office space with associated refuse and recycling storage, cycle storage, 2no off-street parking spaces and amenity space'.

The following minor material amendments to be considered under this application are:

- Amend contextual drawings showing the siting of building (Block B) and its proximity to boundary wall to the east of the site; existing properties at nos 5-13 Ingram road, amended building line to existing building to the north Block B.
- Replace clear glazing with of 2no. angled windows on the 1st floor (central section) on the eastern elevation on Block B.

4. Public Consultation

Consultation letters were sent to 291 neighbouring properties on 04 July 2022. A site notice was also published on 04 July 2022, and advertised in the Barnet Press on 04 July 2022.

Re-consultation letters were issued on 27 October 2022, and 12 January 2023. Initial consultation letters were sent out on 4th July 2022 . The LPA received 7 Objections.

Amended drawings were issued to the LPA in October 2022, and re-consultation letters were sent out on 27th October. 20 objections were received from local residents, of which 7 had already raised objections.

The final consultation on the final set of amendments was carried out on 12 January 2023. 11 objections, including from Finchley Society were received.

A summary of the objections received during the consultation, and specific to the third and final set of consultation in January 2023 are set out below:

- There was a breach to the original planning consent which showed inaccurate contextual drawings showing the distance between Block B and the neighbouring boundary wall and existing properties to the east on Ingraham Road. The inaccuracies on the approved drawings undermines the planning and decision-making process.
- The approved drawing showed a distance of 10.5m from the ground floor rear wall to the boundary. The proposal would reduce the separation distance to approximately 9.4m at the south end and 9.8m towards the northern boundary, measured to the far side of the wall, which would be contrary to the Residential Design Guidance SPD.
- The siting of Block B has been "built out" by approximately 1.5-2m m to the east than what was shown on the approved drawings. As a consequence, Block B would now be located closer to existing properties at nos 1-13 Ingram Road. This would have an adverse impact on privacy and daylight and sunlight levels to these properties.
- Residents are not confident that the details and separation distances shown in the proposed drawings are correct, and request that a site visit is conducted by an independent surveyor to accurately measure and compare the built scheme against

the approved and proposed drawings.

(Officer comment: The above matters are addressed within the assessment of the report, and also within the "response to public consultation" section of the report).

Other objections received which are not directly applicable to this subject Section 73 planning application.

- The collection of waste would result in congestion and compromise highway safety
- There is a significant gradient at the entrance to the site and so the other alternative of the waste lorry parking illegally near the crossing on the High Street and then moving all the large waste containers in and out is also fraught with risk.
- The applicant has not provided details of foul and surface water storage tanks or details of turning circles.
- The proposed design of the development is out of character with the area.

(Officers comment: Specific to these grounds of objection, the subject Section 73 application would not present any new material planning considerations which were not already considered and addressed under the original planning consent ref no: 18/5822/FUL dated 17th June 2020, and are considerable acceptable, subject to appropriate conditions and planning obligations. The original committee report is attached as an appendix for Committee Members to refer to for ease of reference).

- The developer's letter dated 11 January 2023 states "none of the relevant windows fall below the 18m distance . This is incorrect.

Officers comment: The dimensions 17.97m is from development site to edge of no's 9 1st floor. This dimension is not from window to window).

- The obscured glazing is only on the lower 1.7 m of the southeast facing window leaving the top 80cm/30 inches clear to see upwards into the first floor windows of no's 9, 11 & 13 Ingram road at a distance of around 19m.

Officers comment: The height of the obscured part of 1.7m from floor, the clear part is 65cm. The treatment of this glazing would not result in direct intervisibility between habitable rooms)

- The purple line on the drawing is misleading.

Officers comment: The purple line in the section is indicative only and identifies the location of the boundary wall not height of the wall. The height of the boundary wall is 2.25m (from the development site).

- The lack of solar panels raises the questions of energy compliance of the development.

(Officers comment: The PV panels have been installed by specialist and EPC /SAP has been created by energy assessor accordingly. The development has been submitted to Building Control. The detail of the PV's panels been approved and discharged via Condition 31 and does not form part of this application. The number of PV roof panels which are currently onsite are shown on the submitted drawings. It is not the number of PV panels that count but the total capacity of the PV panels. Should the applicant use low-

capacity PV panels, the applicant would need more units. Given that the PV panel capacity per unit was high, there would not be a requirement for a higher no. of panels. The submitted and approved Energy report (condition 31 and reattached) shows each total PV Panels at 250 Watt and total 23.75 KWh for the development).

- Block B as built includes two lift overruns; rainwater pipe; and boiler flues which were not shown on the approved drawings under planning application ref no: 18/5822/FUL

(Officers comment: The applicant has submitted a Section 96 (non-material amendment) application to the Local Planning Authority to include two lift overruns; rainwater pipe; and boiler flues to block B).

Non-material planning considerations

- Residents at nos 9-11 Ingram Road should be financially compensated on the grounds that block B has not been build in accordance with the originally approved plans, and should be compensated for having to independently appoint a surveyor to verify there own measurements.

(Officers comments: Matters relating to financial compensation is not a material planning consideration and does not form part of the assessment of this application).

All planning matters raised in the objections have been considered and addressed as part of the decision-making process and are available to view on the Councils website should Committee Members wish to read them in full. All representations have been summarised in the Officers report.

Statutory Consultees

Consultee comments

Transport for London (TfL)

Having considered the submitted details, TfL considers that the latest proposed amendments would not result in any transport impact materially differ from the consented proposal, therefore TfL has No Objection subject to all highway/ transport related planning conditions/ obligations will be carried forward/ re-secured in the new consent.

Metropolitan Police

There is no objection from the MPS in respect of this particular application.

"Should you issue a new decision notice upon any approval, then can I please respectfully request that condition 33 (Secured by Design compliance - planning ref 18/5822/FUL) remains as a formal planning condition for this site."

Local Lead Flood Authority

The Local Lead Flood Authority raise no further comments.

LBB Environmental Health team

LB Environment Health have raised no further comments.

LBB Highway team

Highways would raise no objection to the proposed changes but request that all conditions attached to the original application apply.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

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

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

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

SD6 Town Centres and high streets

SD7 Town centres: development principles and Development Plan Documents

D1 London's form, character and capacity for growth

D2 Infrastructure requirements for sustainable densities

D3 Optimising site capacity through the design led approach

D4 Delivering good design
 D5 Inclusive design
 D6 Housing quality and standards
 D7 Accessible housing
 D8 Public realm
 D11 Safety, security and resilience to emergency
 D12 Fire Safety
 D13 Agent of change
 D14 Noise
 H1 Increasing housing supply
 H2 Small sites
 H3 Meanwhile use as housing
 H4 Delivering affordable housing
 H6 Affordable housing tenure
 H7 Monitoring of affordable housing
 H8 Loss of existing housing and estate redevelopment
 H10 Housing size mix
 S4 Play and Informal recreation
 G6 Biodiversity and access to nature
 G7 Trees and woodlands
 SI 1 Improving air quality
 SI 2 Minimising greenhouse gas emissions
 SI 3 Energy Infrastructure
 SI 4 Managing heat risk
 SI 5 Water infrastructure
 SI 8 Waste capacity and net waste self sufficiency
 SI 9 Safeguard waste sites
 SI 12 Flood Risk Management
 SI 13 Sustainable Drainage
 T3 Transport capacity, connectivity and safeguarding
 T4 Assessing and mitigating transport impacts
 T5 Cycling
 T6 Car parking
 T6.1 Residential parking
 T7 Deliveries, servicing and construction
 T9 Funding transport infrastructure through planning
 DF1 Delivery of the Plan and Planning Obligations
 M1 Monitoring

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, CS11, CS12, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM09, DM10, DM11, DM13, DM14, DM16, DM17

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

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

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

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

Supplementary Planning Document (SPD)

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

5.2 Main issues for consideration

The original planning permission considered the following:

- Context and background of this application.
- Principal of development
- Heritage issues
- Whether the proposed design would cause harm to the character and appearance of the existing building, the street scene and the wider locality;
- Whether the dwelling mix and affordable housing matters are acceptable
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the scheme would provide an adequate standard of accommodation for future residents.
- Highway and parking matters
- Energy and Sustainability
- Trees and biodiversity

Following the original planning permission dated 17th June 2020, the London Plan was adopted in March 2021. The relevant London Plan policies have been considered within the assessment of the report, and in terms of planning considerations listed above, would not materially impact on these matters. Moreover, this subject Section 73 application would not present any new material considerations on the abovementioned planning considerations, and therefore are not discussed within this report. The original Committer report is attached as an appendix to this report and should be read and considered in conjunction with this report.

The applicant has submitted corrected drawings to accurately reflect the current position on site, in terms of the proximity of Block B to the boundary wall with 5-13 Ingram Road,

the siting of 5-13 Ingram road and its proximity to Park House.

The main issues for consideration pertaining to this application are as follows:

- Whether the proposal would cause harm to the living conditions of neighbouring residents.
- Whether harm would be caused to the living conditions of future occupiers of Block B

5.3 Assessment of proposals

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

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

The Residential Design Guidance Supplementary Planning Document which forms part of the Local Plan advises that in new residential development privacy can be safeguarded by achieving minimum window to window or window to balcony distances of 21m between facing habitable room windows. The London Plan (2021) stipulates that developments should have a minimum distance of between 18-21 metres.

The approved drawings showed a separation distance of approximately 10.5 metres between Block B and the boundary wall to the east. The proposed block B as built onsite is located approximately 9.4m at the south end and 9.8m towards the northern boundary, from this boundary wall.

Whilst this would fall short of the SPG Guidance, it is considered to be marginal, and on balance would not materially or unduly compromise residential amenity relative to the approved scheme. It is considered that the public benefits associated with the proposal would also outweigh the relatively minor shortfall between the separation distances.

The approved drawings show a separation distance of a minimum of 21m from Block B to existing habitable rooms and properties to the east on 5-13 Ingram Road. Block B "as built" and as shown on the retrospective drawings shows a separation distance of approximately 21 metres from properties at nos 5,7, 11 and 13 Ingram road, in accordance with policy. The separation distance between the part of block B directly facing no 9 Ingram road is over 18 metres, in accordance with London Plan policy.

In order to address this matter, and to ensure that windows on the first floor at Block B would not result in direct undue intervisibility between habitable rooms, the proposal would replace the approved rear facing clear windows with 2no. angled windows comprising of clear glass facing north east and obscured glass to the south eastern section of the window (up to 1.7 metres high) to ensure there would be no overlooking or loss of privacy to residents of no. 9, but also that the amenities of numbers 5, 7, 11 and 13 would not be compromised.

Similar style angled windows were approved on the earlier application to the rear of Block A, along its eastern elevation to ensure these respective windows would not compromise

residential amenity. Further, the principle of angled windows has already been established and approved onsite, and thereby the introduction of these style windows at first floor level would continue to be respectful of the design and architectural integrity of the approved development.

The proposal would not materially alter the level of daylight and sunlight levels experienced to these properties, when considered against the approved development.

New Plant Screening

The existing neighbouring garden wall height has been confirmed at 2.25 metres high. There are a number of mature trees along this boundary which provide some screening at ground and first floor level. In addition, on request from the residents of Ingram Road, the applicant as part of this submission is proposing to include 4 no. proposed Olive Trees (*Olea Europaea*- Evergreen) which have been added to the drawings for consideration. These will be 5-7m high and 3-4m wide and the trees will be planted on a raised border of approximately 80cm. These mitigation measures further reduce the perception of overlooking or loss of privacy; soften the visual impact of Block B and promote biodiversity.

Whether harm would be caused to the living conditions of future occupiers of Block B

The approved scheme included clear rear facing windows to living/kitchen/dining rooms to two flats on the eastern elevation of block B at first floor level.

The proposed angled windows at first floor level to the habitable rooms would not compromise the residential amenity of future occupiers. Part of the windows would be clear glass facing north east to ensure future occupiers have acceptable outlook; and the proposed obscured glass to the south eastern section of the window (up to 1.7 metres high) would protect both the privacy to future occupiers and residents and on Ingram Road. The proposed units would continue to receive acceptable daylight and sunlight levels in accordance with BRE Guidelines.

Therefore, the proposed minor material amendments would continue to deliver a good standard of residential accommodation to block B.

5.4 Other matters

5.5 Amendments to the original Section 106 Agreement

Should this Section 73 (minor material amendment) application be approved, a new decision notice for the entire development onsite would be issued by the Local Planning Authority. As such, a Deed of Variation to the original Section 106 Agreement accompanying the planning application would be required in order to secure the same planning obligations which were included within the original Section 106 Agreement, associated with the original approved planning application. The following planning obligations are required in order to mitigate against the development:

All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

- A contribution of £930,000 towards off site Affordable Housing
- A contribution of £34,000 towards off site carbon savings
- A contribution of £10K towards travel plan monitoring
- A contribution of £7.5k towards sustainable plan measures/incentives

- A contribution of £30K towards road safety improvements at the junction of High Road/Bishops Avenue
- A contribution of £2,000 towards the cost of amending traffic order to prevent residents of the development from obtaining parking permits -£2,022
- Monitoring of the Agreement - £20,270
- Car club associated with the development

5.6 Planning conditions

The majority of the conditions, including all pre-commencement conditions, pursuant to the original planning permission ref no: 18/5822/FUL dated 17/06/2020 have already been discharged. The details approved for these respective conditions, will be required to be implemented and retained thereafter. They would become compliance conditions to the new planning permission.

5.7 Response to Public Consultation

All planning matters raised in the objections have been considered and addressed as part of the decision-making process and are available to view on the Councils website should Committee Members wish to read them in full. All representations have been summarised in the Officers report.

All planning matters which are not directly applicable to this subject Section 73 application, but for the wider scheme in general have been fully assessed within the original committee report (attached as an appendix).

The approved drawings (ref no: 18/5822/FUL) inaccurately show the position of the boundary wall; rear gardens and properties at no's 5-13 Ingram Road to the east of the Block B. In 2021, the Councils Planning Enforcement team were made aware of these inaccuracies and subsequently investigated this matter. Following this investigation, the applicant was advised to submit a retrospective Section 73 application with accurate contextual drawings in order for Planning Officers to consider whether the proposed amendments are deemed to be "minor material" in nature. As discussed within the Officers Assessment of this report, it is considered that the proposal would not compromise the residential amenity of future occupiers at block B or existing properties directly north, or properties at no's 5-13 Ingram Road, to the east of the site.

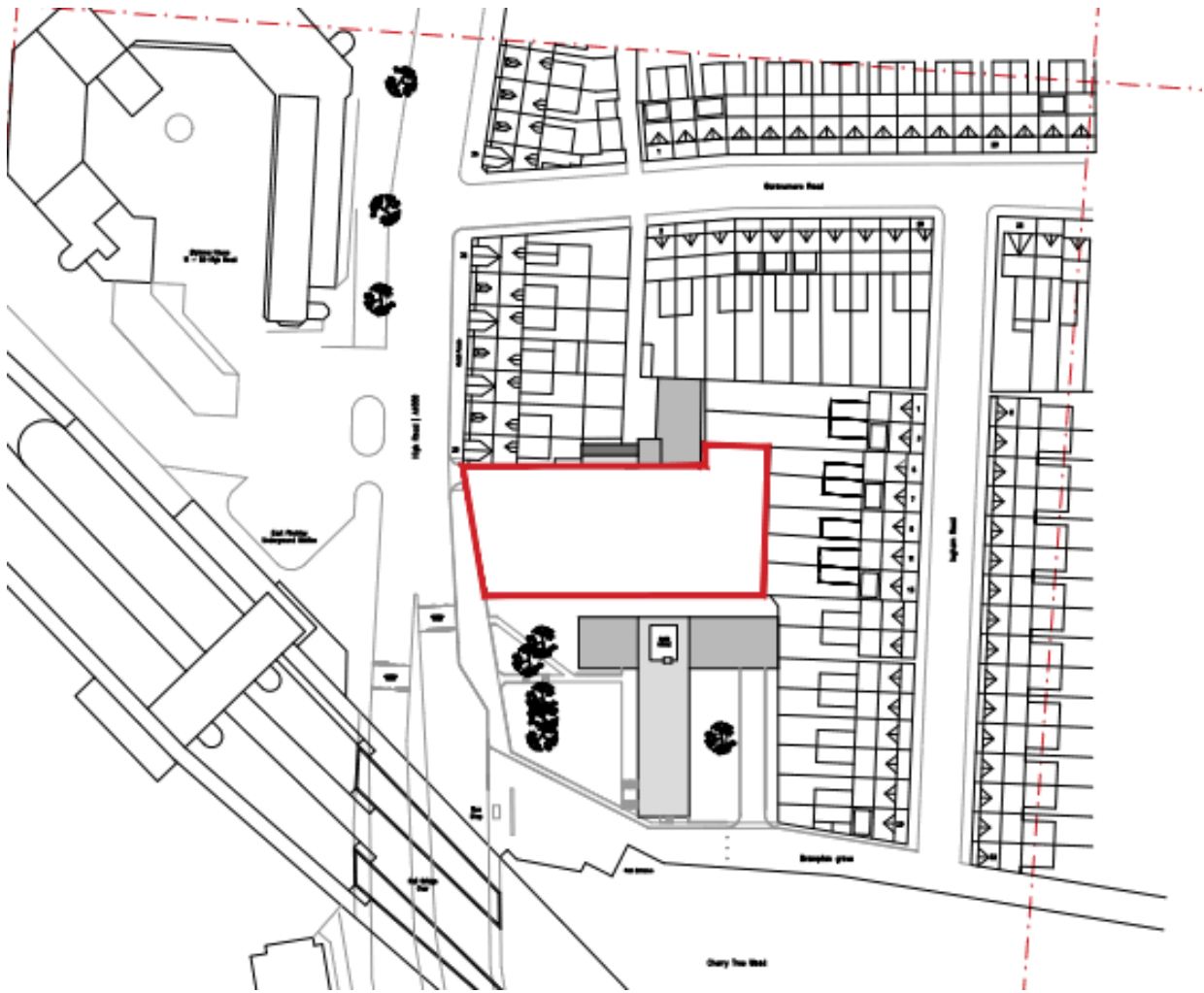
6. Equality and Diversity Issues

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 and the quality and standard of residential accommodation is acceptable. This application is therefore recommended for approval, subject to conditions and legal agreement.

Site Location Plan



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Location 12-18 High Road, London, N2 9PJ

Reference: **18/5822/FUL** Received: 28.09.2018
Accepted: 28.05.2019

Ward: East Finchley Expiry 22.08.2019

Applicant: **Safeland Plc**

Proposal:

Demolition of existing buildings and construction of two 4-storey buildings (plus basement) providing 24no self-contained flats and (Class B1a) office space with associated refuse and recycling storage, cycle storage, 2no off-street parking spaces and amenity space

Recommendation: Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) 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;
 - A contribution of £930,000 towards off site Affordable Housing
 - A contribution of £34,000 towards off site carbon savings
 - A contribution of £10K towards travel plan monitoring
 - A contribution of £7.5k towards sustainable plan measures/incentives
 - A contribution of £30K towards road safety improvements at the junction of High Road/Bishops Avenue
 - A contribution of £2,000 towards the cost of amending traffic order to prevent residents of the development from obtaining parking permits - £2,022
 - Monitoring of the Agreement - £20,270
 - Car club associated with the development

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:

Drawing numbers: HR-H-AE01A; HR-H-AE02A; HR-H-AE03A; HR-H-AE04A; HR-H-AE05A; HR-H-AE06A; HR-H-AE07A ; HR-H-AE08A ; HR-H-AE09A; HR-H-AE10A; HR-H-AE11A; HR-H-AG01A; HR-H-AG02A; HR-H-AG03A; HR-H-AG04A; HR-H-AGP00A; HR-H-AGP01A; HR-H-AGP02A; HR-H-AGP03A; HR-H-AGP04A; HR-H-AGP05A PROJECT REF 19018 DWG NO: 200 REV A

Air Quality Assessment dated March 2016
Environmental Noise Report (ref: 128187-AC-2v1 dated 13/03/2018)
Masonry Cavity Wall Insulation Plan
Transport Assessment dated 2019
Construction Management Plan dated August 2018 by Trace Design
Daylight and Sunlight Assessment by GLA Hearn (13 November 2018)
Utilities Assessment
Ventilation Strategy
Waste & Recycling Schedule
Financial Viability Report
Planning Statement
Design and Access Statement dated September 2019
Refuse and Recycling schedule by Award dated 06/08/2019

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 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 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

5. a) No development other than demolition work shall take place until details of the location within the development and specification of the 2 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority.

The specification provided for those identified units shall provide sufficient particulars to demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users.

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

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and Policies 3.8 and 7.2 of the London Plan 2016.

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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14

of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

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

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

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

8. The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.

Reason: To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM06 of the Local Plan Development Management Policies DPD (adopted September 2012).

9. Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2016.

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

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted 2016) and 7.15 of the London Plan (2016).

- 11 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 2016) and Policy 7.15 of the London Plan 2016.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

- 13 The basement and ground floors of block A shall be used for offices and for no other purpose (including any other purpose in Class B1 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, in accordance with Policies DM01 and DM04 of the Development Management Policies DPD (adopted September 2012),

- 14 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwelling houses (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 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 15 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 before the development hereby permitted is commenced.

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 2016) and 7.21 of the London Plan 2016.

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

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

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted 2016) and Policies 5.13 and 5.14 of the London Plan 2016.

17 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 2016), the Planning Obligations SPD (adopted April 2013) and Policy 3.6 of the London Plan 2016.

18 No flat within the development shall be occupied until cycle parking and cycle storage facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority.

The following amount of cycle parking spaces shall be provided, in accordance with the emerging London Plan Standards:

- 45 long stay plus 2 short stay parking spaces to serve the residential element of the development

- 3 long stay plus 1 short stay to serve the office floorspace

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

- 19 a) Before the development hereby permitted is first occupied, details of privacy screens and balustrades 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 2016) and the Sustainable Design and Construction SPD (adopted 2016).

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan (2016).

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

Reason: 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 and 6.11 and 6.12 of the London Plan (2016).

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 23 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures in accordance with the

Environmental Sustainability Statement by Aecom dated 28.10.2019. The development shall be maintained as such in perpetuity thereafter.

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

- 24 No parts of the roof of each floor shall be used as balcony, amenity or sitting out area, unless shown as such on the approved drawings.

Reason: To safeguard neighbouring amenity in accordance with Policy DM01 of the Development Management Policies DPD (Adopted) September 2012.

- 25 Prior to the commencement of the development, details of the access and access road(s) shall be submitted to and approved in writing by the Local Planning Authority. Highways Engineering Drawings and detailed Construction Specifications shall be submitted, with a minimum scale of 1:200. The estate road as approved shall be constructed in accordance with the approved details before the site is occupied. For further guidance and contact details please refer to the Development Team, Environment and Operations Directorate.

Reason: To ensure the safe form of access to the development and to protect the amenity of the area and to conform to 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 6.11 and 6.12 of the London Plan (2016).

- 26 The buildings shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012; Policy DM17 of Development Management Policies (Adopted) September 2012 and policies 6.11 and 6.12 of the London Plan (2016).

- 27 Before the development permitted is first occupied, details of the gated access system must be provided, including a maintenance agreement, and all equipment for the access barrier system must be installed within the site's boundaries and not encroach on the public highway.

Reason: To control onsite parking in the interest of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policy DM17 of Development Management Policies (Adopted) September 2012 and policies 6.11 and 6.12 of the London Plan (2016).

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

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, Policy

DM17 of Development Management Policies (Adopted) September 2012 and policies 6.11 and 6.12 of the London Plan ("016).

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

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

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

30 No site works including demolition or construction work shall commence until a Demolition and Construction Management Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of provisions for recycling of materials, the provision on site of a storage/deliver area for all plant, site huts, site facilities and materials;
- ii. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- iii. 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;
- iv. noise mitigation measures for all plant and processors;
- v. details of contractor's compound and car parking arrangements;
- vi. Details of a community liaison contact for the duration of all works associated with the development.
- vii. Provision of a competent banksman.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

31 Notwithstanding the parking layout submitted with the planning application, prior to construction of the development; a detailed parking layout plan showing the exact dimensions of the existing/proposed crossovers and proposed off-street parking spaces in the development shall be submitted to and approved in writing by the Local

Planning Authority. Thereafter, the off-street parking space shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with the approved development., with one active and one passive electric vehicle charging point.

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 6.11, 6.12 & 6.13 of the London Plan (2016).

- 32 Before the development hereby permitted commences (Other than for purposes of demolition), full details of the energy measures specified within the Amended Carbon Emission Modelling Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details.

Reason: To ensure compliance with policy 5.2 and 5.3 of the London Plan (2016) and policy DM04 of the Adopted Barnet Development Management Policies 2012.

- 33 Within 3 months of occupation, a Framework (work and residential) Travel Plan that meets the criteria of the current Transport for London Travel Plan guidance, currently 'Travel Planning for new development in London incorporating deliveries and servicing' and Itrace or TRICS compliant surveys shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out the transport policy to incorporate measures to reduce trips by the private car especially single occupancy and single passenger journeys and encourage non-car mode such as walking, cycling and public transport and to reduce, consolidate or eliminate delivery trips. The Travel Plan Statement should include the appointment of a Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The Travel Plan should be reviewed, updated and resubmitted in writing for approval in years 1, 3 and 5 in accordance with the targets set out in the Plan. Monitoring of the travel plan is to be funded by the applicant in accordance with the Barnet's Travel Plan SPD.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM17 of the Development Management Policies DPD (adopted September 2012), and 6.11 of the London Plan (2016).

- 34 Within 6 months of first occupation, certification demonstrating compliance with Secured by Design standards (or any superseding accreditation) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of community safety in accordance with London Borough of Barnet's Local Plan Policy CS12 of Core Strategy (September 2012) and Policy DM02 Development Management Policies (September 2012), and policy 7.3 of the London Plan (2016).

- 35 No properties shall be occupied until confirmation has been provided that either:
- all wastewater network upgrades required to accommodate the additional flows from the development have been completed;

Or

- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning.

Reason: The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents, in accordance with 5.14 of the London Plan (2016).

- 36 No properties shall be occupied until confirmation has been provided that either:- all surface water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning.

Reason: The development may lead to flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents, in accordance with policy 5.13 of the London Plan (2016).

- 37 No works on public highway including creation or modification of a vehicular access as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to enter into with the Highways Authority under Section 278/184 of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

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

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

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

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

Reasons: In the interest of good air quality in accordance with London Plan policy 7.14 of the London Plan (2016).

- 39 Before development commences, an air quality neutral assessment report shall be written in accordance with the relevant current guidance. This report shall be submitted to and approved by the Local Planning Authority.

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

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

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

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan 2016.

- 40 a) Before development commences, an air quality assessment report written in accordance with the relevant current guidance shall be submitted to and approved by the Local Planning Authority. The report shall include an assessment of the air quality impacts of the demolition, construction and operational phases of the development.

The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

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

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and

Construction SPD (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan (2016).

- 41 a) Prior to first occupation, details of measures to improve biodiversity across the site shall be submitted to and approved in writing by the Local Planning Authority.
- b) The measures shall be implemented prior to first occupation and retained thereafter.

Reason: To enhance biodiversity in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016) and policy 7.19 of the London Plan.

Informative(s):

- 1 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.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £2450.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £9450.00 payment under Barnet CIL.

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

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

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

to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

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

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

Relief or Exemption from CIL:

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

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

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

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

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

Please visit

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

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

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

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

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

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

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

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

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

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

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

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, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 7 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 minimize 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

- 8 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 9 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 10 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.

11. 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.

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

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

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

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

- 13 The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage
- 14 Prior to commencement of the development a Condition Survey of the existing public highway shall be undertaken and the result submitted to the Local Highway Authority. Within one month of the construction work ceasing a second road condition work shall be undertaken and the results submitted to the Local Highway Authority. Thereafter, any damage to the public highway identified by the two condition surveys shall be rectified by the applicant in agreement with the Highway Authority within one year of the development being constructed.

A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

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

No development shall commence until a highway condition survey 50 metres on either side of the development access has been carried out, and the details have been submitted to and approved in writing by the Local Highway Authority.

- 15 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed “extraordinary traffic” for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 16 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant’s expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council’s term contractor for Highway Works.
- 17 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.
- 18 Prior to the occupation of the development a Waiver of liability and indemnity agreement in relation to the non-adopted roads in each phase within the development must be signed by the developer and be submitted to and approved in writing by the Local Highway Authority. This is to indemnify the Council against any claims for

consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31 January 2020 unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

The proposals would make inadequate provision for off street parking and as a result would generate significant parking pressures on surrounding roads which would result in harmful impact on highway and pedestrian safety. The proposals do not include the provision of the necessary mitigation and as such the proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Barnet Core Strategy 2012.

The proposals make no provision for necessary highways works which would result in harmful impact on highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Barnet Core Strategy 2012.

The application does not provide any on site affordable housing or a contribution towards affordable housing in the local area. The application is therefore unacceptable and contrary to policies DM10, CS NPPF, CS4 and CS15 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.11 and 3.12 of the London Plan (2016), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Documents and the Mayoral Housing Supplementary Planning Guidance.

The proposed development does not include mitigations and provision for appropriate Carbon offsetting. As such, the proposed development would fail to address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Officer's Assessment

1. Site Description

The application site is located at the southern tip of High Road in East Finchley Town Centre, within the London Borough of Barnet. The site, which is 0.14 hectares in size, currently consists of 2 buildings and a large car park, all of which are occupied by GLH, a taxi business operating under a mixed Sui Generis and B1(a) use.

The site generally has a flat topography with a slight upward gradient towards the site's entrance. Although located within East Finchley town centre, the site is not located within the Primary or Secondary Shopping Frontage.

The site adjoins a row of mixed use, three storey terraces to the north which are allocated under the development plan as Secondary Shopping Frontage. These predominately consist of commercial uses at ground floor with residential units or offices above. Directly opposite the site is the East Finchley Underground Station, which extends to three commercial storeys in height.

The site is not listed and not located within a Conservation Area.

2. Site History

Reference: 16/2351/FUL:

Address: 12-18 High Street

Decision: Approved subject to conditions and Section 106 Agreement

Decision date: 08/01/2018

Description: Demolition of existing buildings and construction of two 4 storey buildings providing 21 self-contained flats and 265sqm of B1 office space with associated refuse and recycling storage, cycle store 2 off street parking spaces and amenity space

Reference: 15/06475/FUL:

Address: 12-18 High Street

Decision: Withdrawn on 04/03/2016

Description: Redevelopment of the site to provide 24 apartments and B1 office space within two separate 4 storey buildings

Reference: C00050X/04

Address: 12-18 High Street

Decision: Approved subject to conditions

Decision date: 30/11/2014

Description of development: Change of use from offices (B1) to mixed use, part offices, part control and despatch for private hire vehicles (B1/sui generis)

Reference: C0050W/03

Address: 12-18 High Street

Decision: Approved subject to conditions

Decision date: 11/02/1004

Description: Change of use from Local Government municipal offices to educational facility for a temporary period expiring 31 December 2005 (Approved 11/02/2004);

3 Proposal

The proposed development seeks to provide the same scheme as was approved by planning permission 16/2351/FUL along with an additional 3 dwellings and additional office space at basement level. On this basis, the proposed description of development is: "Demolition of existing buildings and construction of two 4 storey buildings (plus basement) providing 24 self-contained flats and B1 office space with associated refuse and recycling storage, cycle store 2 off street parking spaces and amenity".

The proposed development is split across two blocks; Block A on the western side of the site fronting onto High Road and Block B located on the eastern side (rear) of the site. The blocks are separated by a communal garden.

Block A is four storeys plus basement with office space (487 sqm) at ground and basement level with residential accommodation on the upper floors. Block B is four storeys plus basement; this block is entirely residential.

Vehicular access to the site is gained from an existing crossover from High Road at the northern edge of the site. The proposal includes two car parking spaces located at the end of the access road in front of Block B.

A communal cycle store is provided at the ground floor level of Block A for the benefit of both office and residential occupants. Bin storage is also provided at the ground level of Block A.

Proposed Office Space

- The proposed office space is located in Block A at ground floor and basement level. The offices are accessed from a dedicated entrance fronting onto High Road. The basement office space is accessed by stairs. The proposal comprises of 487 sqm of office floorspace. A ground floor office (B1) of 261m² and a basement office (B1) of 226m² in block A.
- Block A containing 8 residential units (4 x 1 and 4 x 2 bedroom units). Block B contains 16 residential units comprising 4 x 1 bed, 10 x 2 bed and 2 x 3 bed units)

4. Public Consultation

Consultation letters were sent to 192 neighbouring properties. A site notice was published on 04.06.2019 and press notice published 30.05.2019

79 responses have been received, comprising 78 letters of objection, and 1 letter of support.

The objections received can be summarised as follows:

Principle of Development

Density Excessive

Design Issues

- Overdevelopment
- Poor Quality Design

- The height and scale of development is out of keeping with the area.

Highways

- Proposals don't make provision for parking
- Access issues for vehicles for commercial development, deliveries, fire access
- Waste Management Issues
- Access road will cause disruption in Town Centre
- Proposal further exacerbates concerns regarding traffic accidents and congestion
- The design will lead to an increased risk of traffic accidents and congestion
- Road safety is a real concern, especially next to the nursery.
- The lack of adequate parking and turning space on the new site means many of these departures will have to reverse out onto the High Road.
- Refuse collection in Barnet is bad enough already without the addition of further collections

Amenity Issues

- Overcrowding, it would cast long shadows over the main road and the Martins School
- Loss of light
- Loss of privacy
- Noise pollution during construction
- Air Source Heat pumps will cause noise
- Developers frequently exceed working hours and the noise will be extremely disruptive

(Officers comment: All of the above objections were raised in the previous application and addressed within that committee report on 19 January 2017. On balance, Officers consider that the introduction of a basement level to accommodate 4 additional mezzanine units would materially deviate from what was previously approved. The overall height broadly remains the same as the extent consent. The proposal does not propose additional parking spaces. On balance, Officers do not consider that the proposal would not introduce any new material matters which would substantially deviate from what was previously accepted by Committee Members. The previous Committee reports have been attached for Members attention.

Notwithstanding all Matters raised within the consultation responses have been considered by Officers in the assessment of this subject application.

Sustainable Urban Drainage

Prior to grant of permission, the applicant should be required to submit a surface water runoff drainage strategy report and associated information to and approved in writing by the Local Planning Authority prior to the commencement of works onsite.

(Officers comment: This would be secured by way of condition, as with the extant permission).

Transport for London (TfL)

Trip Generation

TfL is satisfied the additional trip rates generated from this development will not result in a negative impact on public transport services and therefore no mitigation is required. The applicant is proposing a car-free scheme which is welcomed by TfL. In total, the applicant is proposing 2 car parking spaces; one car club, and one Blue Badge space (3% of residential dwellings), which is encouraged. TfL requests the applicant passively provide a further 2 blue badge parking spaces to serve the residential dwellings should demand arise, and one further Blue Badge parking space from the outset to serve the commercial floorspace proposed. TfL requests one parking space is provided with electric charging facilities with passive provision for the remainder, in accordance with draft London Plan standards.

(Officers comment: Given the site constraints, it isn't considered appropriate to request further car parking spaces onsite. The extant consent provided two car parking spaces which is considered acceptable).

Access

Access to the site would be controlled by security gates. Details of this gate would be secured by way of a condition.

The applicant is proposing access from High Road. The applicant has provided swept path analysis showing vehicles will be able to enter and exit the site in a forward gear.

Cycle Parking

The applicant notes that the proposed cycle parking is in line with London Housing Design Guide standards; TfL requests the applicant provide cycle parking in line with draft London Plan standards, which accumulates to 45 long stay plus 2 short stay parking spaces to serve the residential element of the development, and 3 long stay plus 1 short stay to serve the office floorspace. TfL requests the applicant ensure the design, location and access of cycle parking is in accordance with London Cycle Design Standards. Cycle parking details should be secured by condition.

Freight

The applicant has provided an outline Construction Logistics Plan (CLP) which appears acceptable. The applicant should provide a detailed CLP, in line with TfL's best practice guidance, and the Council should ensure this is secured by condition. The applicant should also provide a full Delivery and Servicing Plan (DSP), in line with TfL's best practice guidance, and the Council should ensure this is secured by condition.

(Officers comment: The above recommended conditions by TfL would be secured by way of condition).

Thames Water

Thames Water request that a condition is added to ensure that prior to occupation, confirmation has been provided that either all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

(Officers comment: The details would be secured by way of condition).

LBB Highways

Highways raise no objection to the proposal subject to the following s106 obligations and conditions:

- A contribution of £10K towards travel plan monitoring
- A contribution of £7.5k towards sustainable plan measures/incentives
- A contribution of £30K towards road safety improvements at the junction of High Road/Bishops Avenue
- Non-financial obligation to deny residents of the development the right to purchase CPZ permits

(Officers comment: The above contributions would be secured in a S106 Agreement).

The following conditions are recommended to be attached to a planning consent:

- Parking Layout plans
- Cycle Parking Details
- Construction Management and Logistics Plan
- Travel Plan
- Delivery and Servicing Plan (DSP)

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

Environment Health

Environment do not raise any formal objections subject to the following conditions:

- Details of the impact of noise from ventilation and extract plant on development.
- Insulation against internally/externally generated noise
- Restrict noise from plant
- Air quality neutral assessment
- Condition for Air Quality Report
- Contaminated land

(Officers comment: The above would be secured by way of condition)

Metropolitan Police

Metropolitan Police have confirmed that they do not raise any formal objections provided that the development achieve Secured by Design Accreditation, prior to occupation.

(Officers comment: The above will be secured by way of condition).

5. Planning Considerations

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 updated National Planning Policy Framework (NPPF) was published in February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, 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 2016

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

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

The following London Plan policies are relevant to the subject proposal:

- 2.15 Town centres Policy
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable
- 3.11 Housing Affordable Housing targets
- 3.12 Negotiating Affordable housing
- 3.13 Affordable Housing Threshold
- 4.2 Offices
- 4.3 Mixed Use Development and Offices
- 4.7 Retail and Town Centre development
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.14 Improving air quality
- 7.15 Reducing Noise
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 8.1 Implementation
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

Barnet's Local Plan (2012)

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, CS11, CS12, CS13, CS14, CS15

-Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM09, DM10, DM11, DM13, DM14, DM16, DM17

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

Supplementary Planning Documents

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.

Residential Design Guidance SPD (adopted October 2016).

Main issues for consideration

The main issues for consideration in this case are:

- Context and background of this application.
- Principal of development
- Heritage issues
- Whether the proposed design would cause harm to the character and appearance of the existing building, the street scene and the wider locality;
- Whether the dwelling mix and affordable housing matters are acceptable
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the scheme would provide an adequate standard of accommodation for future residents.
- Highway and parking matters
- Energy and Sustainability
- Trees and biodiversity

Assessment of proposals

Context and background of this subject application

Planning permission was approved on 08.01.2018 for the demolition of existing buildings and construction of 2 no. 4 storey buildings providing 21 no. self-contained flats and 265sqm of B1

office space at ground level to block A with associated refuse and recycling storage, cycle store, 2no off street parking spaces and amenity space.

The subject proposal follows the same design and scale of development as the extant permission. The proposal makes provision for 24 units (increase of three residential units). In order to accommodate these additional mezzanine units, this proposal includes a basement and these three units would be accommodated at the basement and ground floor level.

Most of the key planning matters have already been considered by Members in the extant application. The committee reports are attached as Appendices 1 & 2 for ease of reference.

This subject committee report should be read in conjunction with the previous committee reports (attached as appendices) particularly the sections dealing with consultation responses and material planning considerations. The majority of the material planning matters have already been considered and approved in the extant consent, the remainder of this committee report will provide an assessment for the additional 3 residential units, additional office space and the excavation to provide a basement.

During the consideration of the current application, amended plans were submitted which amended the layout of the new flats. This followed concerns expressed by officers about the provision of flats solely within the basement. All the units are now duplex, such that bedrooms are proposed at basement level with living rooms at ground floor level. The amended plans were the subject of re-consultation.

Principal of development

The site is currently a minicab and courier business and associated car parking. This is considered to be a Sui Generis use.

Whilst such uses are not protected per se, the existing minicab hire and courier business and associated offices do generate jobs. Policy DM14 states that *'Proposals to redevelop or reuse an existing employment space which reduces the levels of employment use and impacts negatively on the local economy will be resisted.'*

Compliance with policy DM14 needs to be demonstrated in order to address this issue. It should be noted that the proposals seek to provide 487 sq metres of office space within the town centre and this is considered to address policy DM14.

Heritage issues

Previously consultation responses have referred to the existing building on site and it's historic significance within East Finchley. The building appears to be of Victorian era and notable features include it's attractive brick façade, sash windows and detailing.

However it must also be noted that the existing building has been altered substantially in the past.

As such, it is recognised that the building is of some historic significance. It is accordingly considered as a non-designated heritage asset. Therefore the loss of the existing building must be considered against paragraph 135 of the National Planning Policy Framework.

This states that: *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

The loss of the building therefore needs to be weighed up against the benefits of the scheme, i.e. provision of housing units and office space and redevelopment of a town centre site. It must be noted that the building has been substantially altered in the past, especially the rear

of the building. It is considered that whilst there is some harm resulting from the building being demolished, the significance of the building is moderate. Retention of the building would also be likely to be prejudicial to the redevelopment of the site given its low site coverage and siting.

It was considered during consideration of the extant permission scheme, that the loss of the building was outweighed by the wider benefits of the scheme. This amendments proposed within this application do not change this view.

The site lies opposite the listed underground station. The underground station is a notable listed building within East Finchley Town Centre, which is located opposite the site. Whilst the replacement building forming part of the development is of some presence, it is not considered that it would be overpowering or prejudicial to the setting of this listed building.

Layout, scale and design

The proposed layout, height, bulk, massing and material are the same as approved under the extant consent. The development is considered to result in high quality design as has been approved previously with only minor visible impact resulting from the basement development. Lightwells are proposed to the residential basement units. This residential aspect of the development is located at the rear of the site and will not be visible from the street scene or from the adjacent properties.

The proposed basement to Block A would not be visible from the front of the building from High Road with a lightwell proposed to the rear only.

This subject proposal would not compromise the overall architectural integrity and design of the extant consent and would not cause harm to the character and appearance of the existing building, the street scene and the wider locality.

Density

The site has a Public Transport Accessibility Level of 5 and the London Plan density matrix guidance sets out a density range of 45-260dph in urban areas. The site has an area of 0.13 hectares and the additional 3 units (24 in total) would give a residential density of approximately 192 dwellings per hectare (dph), and thereby accords with the density guidance. In any case, the proposal would not result in symptoms associated with overdevelopment.

Housing dwelling mix

The proposal makes provision for 8 x 1 bed, 14 x 2 bed and 2 x 3 bed room units. On balance, given that the site is located within a town centre, the provision of smaller units was considered to be acceptable. This approach (large number of one and two-bedroom units) was considered acceptable in the extant consent.

Affordable Housing

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual private residential and mixed use schemes. It suggests that negotiations on sites should take account of their individual circumstances including development viability. This approach is reflected in Policy CS4 of the Core Strategy and policy DM10 of the Development Management Policies DPD. The Policy sets a target of 40% affordable housing on sites of 10 units or more.

The extant planning consent for 21 residential units secured an off-site affordable housing contribution of £870,000.

With reference to this subject application for 24 units, the applicant has submitted a Financial Viability Report in support of the scheme. This has been independently reviewed by Colliers International on behalf of the Council. Further to this, it has been agreed that a contribution of £930,000 can be made towards off site affordable housing within the Borough.

The report concludes that a financial contribution for off -site affordable housing can be achieved with this proposed development.

Whilst commuted sums are only acceptable in exceptional circumstances it is suggested that where a scheme either can only provide a small number of units on-site and there isn't an obvious self-contained block, a commuted sum could be justified.

In this way, the proposals take the same approach as the extant permission scheme and would comply with policy DM10 of the Development Management Policies DPD 2012.

Quality of accommodation

The London Plan and Barnet policy DM02 set out standards for internal and external amenity levels in new build residential schemes. The London Plan requirement is 50sqm for one bedroom units is 70 sqm for two bedroom units.

The proposed mezzanine units contain bedrooms at basement level, which receive natural daylight through lightwells. These bedroom have direct access to private amenity space which complies with minimum size requirements for private amenity space. The kitchen/living/dining areas for these subject units are located at ground floor level and are afforded good outlook. Further, the proposed units receive acceptable daylight and sunlight levels.

On balance, it is considered that the proposal provides good quality residential accommodation.

Impact on the amenities of neighbours

The report on the previous scheme (attached) considered the impacts on neighbouring residents in term of daylight and sunlight, privacy, visual impact, outlook and light pollution, with particular reference to 20-22 High Road and properties in Ingram Avenue.

Officers consider that the proposal would not present any new amenity considerations to neighbours to the scheme already approved under the extant consent.

In terms of noise and disturbance, the additional commercial floorspace would be sited to the front of the site away from residential properties to the rear.

Highways

Car Parking

The proposed provision for two car parking spaces (one of which is to be designated as a car club bay and the other for the one proposed 3 bed unit) is acceptable given the high public transport accessibility of the site, and its proximity to East Finchley Station. The applicant would be required to enter into a S106 agreement with the Council which prevents residents of the development the right to purchase CPZ permits and provides a robust travel plan and adequate mitigation to reduce car use and ownership. Highways support the provision of a car club bay but would like to know how public access to the proposed car club space will be

facilitated, especially as access to the site will be restricted by a gate. The previous permission included provision of a car club which was secured via the S106.

One of the bays is provided with an active electric vehicle charging point and passive provision for an electric vehicle charging point is installed for the other bay. This would be secured by condition.

Highways have identified improvements to the public highway which will be secured through the S106 agreement, as detailed above.

Cycle Parking:

The applicant is required to submit details of cycle parking which should be secured by way of condition.

Sustainability and Energy

Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2) sets out requirements Energy and Sustainability requirements which new developments must adhere to.

The GLA's emerging policy for the residential units say the "be Lean" emissions should be reduced by 10% and the total on site emission reduction should be at least 35%. The proposal residential "be lean" reduction is estimated to be 15% whilst the total is estimated to be 40%, thereby in compliance.

For non-residential units "be lean" emissions should be reduced by 15% and their total on site emission reduction should be at least 35%. When the residential and non-residential emission reduction is combined it is estimated to be 36.7 %.

The applicant has advised that zero carbon targets cannot be fully achieved onsite, and any shortfall should be provided, in agreement with the borough through a cash in lieu contribution to the borough's carbon offset fund. The applicant has agreed to make a contribution of £34,000 to offset carbon emissions and make carbon savings elsewhere in the Borough. This would be secured in a Section 106 Agreement.

Trees and Biodiversity

It is considered that given the footprint and access remains the same as the approved scheme, there would be no greater impact on the protected yew tree in front of Park House. To ensure the tree is not damaged during construction, a condition is proposed requiring tree protection.

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

The existing site contains buildings and hardstanding, with some vegetation around the residential boundaries with neighbouring properties. It is considered to be of low ecological value and as such, there is no requirement for surveys of protected species. A condition is attached requiring biodiversity improvements in accordance with policy DM16.

Community Infrastructure Levy

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail.

The CIL will apply to all 'chargeable development' defined as: - Consisting of buildings usually used by people; - Delivering 100sqm or more of gross internal floorspace or the creation of one additional dwelling, even of the gross internal floorspace is <100sqm; or - Floorspace that is not exempted under the Act, the Regulations or for a locally defined reason.

In Barnet, an adopted CIL charge of £135 per sqm (index linked) is applied to residential, including C4 and Sui Generis HMOs. All other uses and ancillary car parking are set at a rate of £0 per sqm for Barnet CIL.

The Mayor of London adopted a CIL charge on 1st April 2012. In February 2019 the Mayor adopted a new charging schedule (MCIL2) and on April 1st 2019 this was adopted setting a rate of £60 per sq metre (index linked) on all forms of development in Barnet except for a £0 per sqm rate for education and health developments.

As the proposal would result in the creation of new residential units the proposal has been calculated to be liable for Barnet CIL and Mayor's CIL.

Based on the above, the following contributions are sought:

- Barnet Community Infrastructure Levy £395,201.47
- Mayoral Community Infrastructure Levy - £123,726.00

Response to Public Consultation

The objections and concerns from residents have been considered within the evaluation above.

Equality and Diversity Issues

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

7. Conclusion

The proposals would involve the redevelopment of a town centre site and provide contribution to office stock within the borough as well as additional residential units. The development would make a contribution to affordable housing within the borough. The development would not have a harmful impact on highway safety subject to legal agreement and not materially harm neighbouring living conditions. Whilst there is some harm arising from the loss of the non-designated heritage asset, this is considered to be moderate and outweighed by the benefits of the scheme. The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



Location	12 Asmunds Hill London NW11 6ET	
Reference:	TPP/0430/22	Received: 29th July 2022 Accepted: 29th July 2022
Ward:	Garden Suburb	Expiry 23rd September 2022
Case Officer:	Jonathan Mills	
Applicant:	Mr & Mrs Simon	
Proposal:	1 x Oak - (applicants ref. T1) - Fell and eco plug stump. Standing in T1 of Tree Preservation Order. (application from 10 Asmunds Hill)	

OFFICER’S RECOMMENDATION

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)

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

REFUSE CONSENT for the following reason:

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

Or:

APPROVE SUBJECT TO CONDITIONS

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

Reason: To maintain the visual amenities of the area.

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

Reason: To maintain the visual amenities of the area.

Informative(s):

1 Wildlife

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

2 Bio-security

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

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

Ground heave

The applicant would be required to provide the Council with a waiver of liability and indemnity agreement to protect the Council from any third party claims arising out of the implementation of this consent to fell T1. Included in a Tree Preservation Order TPO/CA/422 and to provide appropriate compensation in the event of any ground heave damage to surrounding properties.

OFFICER’S ASSESSMENT

Amenity:

The subject Oak stands at the end of the rear garden, adjacent to the flank boundary with 14 Asmunds Hill and the rear boundary with The Orchard. The Oak is a mature tree some 15 metres in height, at 8 metres there is evidence that the upper crown failed or was removed and a new crown has reformed – giving it a large spreading canopy; it has been previously thinned, but it appears to be in good physiological condition with no major faults apparent; the foliage is of good form and colour taking account of the time of year.

The Oak is very clearly visible in the gap between 12 and 14 Asmunds Hill and there are glimpsed views above rooftops from other locations (this part of Asmunds Hill is characterised by alternating pairs of semi-detached and terraces of four dwellings); it is also very clearly visible from The Orchard (which provides sheltered housing for the elderly) – both from the communal gardens and

the parking area. The Oak contributes significantly to the screening between The Orchard and the housing in Asmunds Hill. This Oak is one of the original field boundary trees that pre-date the development of the Suburb. The tree is marked on an old Suburb map dating from 1911 drawn by Parker and Unwin, the Suburb's master-planners. The tree (and others adjacent) were retained and influenced the design and layout of this part of the Suburb – the Oak is located to form a focal point to the garden area and a backdrop to the streetscene, as attested by objectors, who also note that the public amenity value of the tree is enhanced by the number of pedestrians using the area.

Hampstead Garden Suburb is internationally renowned for the way in which mature landscape features have been incorporated into the built environment. As noted by many of the objectors, the Oak is older than the surrounding development (it was originally a field boundary tree), was present at the time the Hampstead Garden Suburb was designed and influenced layout of streets and housing. The retention of trees such as this Oak was an integral part of the design ethos during the development of the Garden Suburb. The Hampstead Garden Suburb Character Appraisal Statement is one of many documents setting out the importance of trees to the character and appearance of the area e.g.:

- “Trees and hedges are defining elements of Hampstead Garden Suburb. The quality, layout and design of landscape, trees and green space in all its forms, are inseparable from the vision, planning and execution of the Suburb”.
- “Wherever possible, in laying out the design for “the Garden Suburb” particular care was taken to align roads, paths, and dwellings to retain existing trees and views. Extensive tree planting and landscaping was considered important when designing road layouts in Hampstead Garden Suburb, such that Maxwell Fry, one of the pioneer modernists in British architecture, held that “Unwin more than any other single man, turned the soulless English byelaw street towards light, air, trees and flowers”.
- “Unwin’s expressed intention, which he achieved, was: ‘to lay out the ground that every tree may be kept, hedgerows duly considered, and the foreground of distant views preserved, if not for open fields, yet as a gardened district, the buildings kept in harmony with the surroundings.’”
- “Trees contribute fundamentally to the distinctive character and appearance of the Conservation Area in a number of different ways, including:

Creating a rural or semi-rural atmosphere Informing the layout of roads and houses with mature field boundary trees Providing links with pre-development landscape and remaining woodland. Creating glades, providing screening and shade, and marking boundaries. Framing views, forming focal points, defining spaces and providing a sense of scale.

Providing a productive, seasonal interest and creating wildlife habitats. In respect of this particular area of the Suburb, the Hampstead Garden Suburb Character Appraisal Statement sets out:

“The Artisans’ Quarter was designed as a new kind of community in which attractively designed housing for a wide range of income groups was set within a green environment. The provision of large gardens and open recreational spaces was central to the vision. Social accommodation for needy groups (widows, orphans and the elderly) was provided together with community facilities such as schools, a community centre and allotments.”

“The density of development is relatively high for the Suburb. However, houses were provided with generous gardens and there are areas of allotments, tennis courts and greens which provide generous open green spaces. Housing layouts were designed to retain existing mature trees.” “The retention of boundary oak trees from the pre-existing field boundaries, together with the street trees, hedges and generous gardens, make a lush green setting for the houses.”

Principal positive features are noted as including:

“mature oaks from earlier woodlands or field boundaries still thrive, particularly in allotments and back gardens or as focal points in the layout”, “trees and greenery rise above cottages in some

areas” “there are glimpsed views, between houses, of greenery”

The Oak is considered to be of special amenity value - in terms of its visual contribution to the streetscape; its environmental contribution to e.g. air quality and standing water uptake; to wildlife; its value for screening; and its historical significance in the layout of the Suburb. As noted by objectors, the Oak provides very significant public amenity in a number of different ways – historic (former field boundary tree influencing layout of streetscape); environmental (filtering pollution, noise, screening and privacy, wildlife habitat); and social (local landmark, iconic, marks passage of seasons). It contributes significantly to the character and appearance of the Hampstead Garden Suburb Conservation Area. The mature Oak is an original field boundary tree, if it was removed any replacement planting would take many years to attain a similar size and stature and its historic attributes would be lost - thus there would be considerable detriment to public amenity for decades and substantial harm to the character and appearance of the Conservation Area.

The subject oak tree stands within the rear garden of 12 Asmunds Hill NW11 6ET, the tree is publicly viewable from Asmunds Hill and properties surrounding the tree.

The subject tree has high public amenity being viewable from the public road and has cultural and historical merit. Oak trees were retained within the Hampstead Garden Suburb and the scheme was design around many of these mature specimens. The subject tree is a large mature specimen that predates the Hamstead Garden Suburb and will have been included within the designs. The Oak appears to be former field boundary tree that pre-dates the development of the Suburb. The tree was retained and is marked on an old Suburb map drawn by Parker and Unwin dated April 1911. The tree is an intrinsic part of the character and design of the garden suburb and conservation area.

As requested at the previous planning committee meeting the tree should be valued to compare this against any likely costs to the council for compensation. Tree preservation orders are made to protect trees with public amenity value. Therefore, the Visual Amenity Valuation of Tree and Woodlands (The Helliwell System 2008) Guidance note 4 is the appropriate valuation system. 6 factors are used to assess the amenity value of a tree and guidance is set out within the above document. This system does not value ecosystem services, timber value, historical or cultural values which have values. The committee should note these other factors listed above have considerable value which have not been included in the calculation below.

Factor	Points									
	0	0.5	1	2	3	4	5	6	7	8
Size	< 2m ²	2 to 5m ²	5 to 10m ²	10-20m ²	20-30m ²	30-50m ²	50-100m ²	100-150m ²	150-200m ²	+ 200m ²
Duration	<2 years		2-5 yrs	5-40 yrs	40-100 yrs	100+ yrs				
Importance	None	Very Little	Little	Some	Considerable	Great				
Tree Cover		Woodland	Many	Some	Few	None				
Suitability to setting	Not	Poor	Just	Fairly	Very	Particularly				
Form		Poor	Average	Good						

Current **Helliwell** point values: From 1st January **2022**. Individual Trees: £42.97. This tree scores 6 x 4 x 1 x 3 x 2 x 1 making an amenity score of 384 x £42.97 provides an amenity of £16,500.48

The Council’s adopted valuation system Capital Asset Valuation of Amenity Trees (CAVAT) values the tree in the region of £53,524.00

The subject oak tree T1 (applicant's plan) is approximately 15m high and has a stem diameter of around 950mm and a crown spread of 20m (North/south). The tree is in good health with no obvious physiological or structural defects that would merit the felling of this tree. However, the tree was either reduced or the upper crown failed at 8m many years ago and a new upper crown has formed.

History:

C11131B/05/TRE_B Oak - Reduce Density by 20%

TCAI00069/14/F: Tree Preservation Order made to prevent felling of the oak tree (T1) was made in 2014. Following a petition, and many objections raised by residents to the section 211 notice of Intent to remove the tree as a solution to the subsidence issues at number 12 Asmunds Hill. The order was made and confirmed in 2014 to protect the tree of high amenity value, cultural and historical value to ensure full consideration is given to the tree. It is not possible to grant consent or refuse a s211 notice of intent.

TPF/00339/15 1 x Oak (applicant's ref. T2) - Fell. T1 of Tree Preservation Order committee decision to refuse application for the following reason: "The loss of the tree of special amenity value is not justified as a remedy for the alleged subsidence damage on the basis of the information provided."

No appeal was lodged against this decision.

TPP/0819/20 1 x Oak (applicant's ref. T1) - 70% Crown reduction by volume. T1 of Tree Preservation Order. (Withdrawn)

TPP/0310/21 1 x Oak - Reduce height and spread by 3 - 4m (approx 30% linear / 70% volume) and reshape. T1 of Tree Preservation Order. (Withdrawn)

The application

This application TPP/0429/22 and TPP/0430/22 are to be considered in tandem, because the tree owner/applicant owns both 10 and 12 Asmunds Hill. The properties have been conjoined into a single dwelling. The properties of 10 and 12 Asmunds Hill are insured by different companies and each insurance company needs to reserve the right to claim compensation under section s202 of the act for any losses arising from the Councils decision.

This approach also allows the Council to consider the implications of each application simultaneously as the quantum for repair is substantial.

Reasons for application:

The application submitted by PRI registered on the 29.07.2022. The reasons for the proposed felling of the oak tree (applicant's ref. T1) not cited in section 5 of the application form but referred to a supporting document which sets the reasons as follows:

Statement of Reasons for Tree Preservation Order Application to: Fell and eco plug stump x1 Oak tree (T1) at: 12 Asmunds Hill, London NW11 6ET TPO Ref: TPO/CA/422/T1

"The above tree works are proposed as a remedy to the differential foundation movement at the insured property and to ensure the long-term stability of the building.

The above tree works are proposed to limit the extent and need for expensive and disruptive engineering repair works at the insured property. In this instance the estimated repair costs are

likely to vary between £60,000 and £205,513.80 depending upon whether the tree/s can be removed or must remain.

The above tree works are proposed to limit the duration of any claim period and therefore allow the landowner their right to the peaceful enjoyment of their property.

It is the case that an alternative to felling such as pruning or significant 'pollarding' of the tree would not provide a reliable or sustainable remedy to the subsidence in this case. We do not consider that any other potential means of mitigation, including root barriers, would be effective or appropriate in the circumstances.

We are satisfied that the evidence obtained following completion of our Arboricultural Implication Assessment report completed 12/07/2019 (reviewed 26/07/2022) clearly links the T1 Oak tree as the cause of damage to the risk address.

Insurers understanding the requirement to offer replacement planting in the event consent to fell is granted.

Please read this as part of a dual submission alongside application for the same work to the same tree (T1 Oak) as submitted by Mr Simon Pryce, on behalf of 12 Asmunds Hill."

The supporting documentation comprises:

Cost breakdown 10+12 Asmunds Hill, NW11

Site Plan Not to Scale

GHG Subsidence Engineers Report ref L/2018/55473/5 dated 14th February 2019

Level monitoring 06/04/2019 to 10/02/2020

GHG Level Monitoring from 16/10/2020 to 08/06/2022

Site Investigation and drainage L/2018/55473/AMG dated 16/01/2019

Vertical wall survey

Statement of Reasons for Tree Preservation Order Application to fell and eco plug stump x1 Oak tree (T1) at: 12 Asmunds Hill, London NW11 6ET

Site plan

Photographs of property and sites of damage.

ARBORICULTURAL ASSESSMENT REPORT

Findings

There is a long history of damage at the property dating to 2010 where movement was observed to the rear of the house. The results of the damage lead to the 2014 & 2015 applications to remove the oak tree as a remedy for the reported movement. The level of damage reported then was *"The damage consists of cracking to the rear elevation. Internal cracks up to 3mm wide. The damage is classified as category 2 in accordance with BRE Digest 251."*

The most recent damage at the property was first notified by the house holder to their insurers in 2018 and subsequent site investigations were carried out up until 2022.

Following the receipt of the application to fell the protected tree the Councils structural engineer provided the following comments:-

"As requested I would comment on technical submissions for both applications as follows;

- 1. The crack damage to both properties is consistent with subsidence of the foundations.*

2. *The foundations for both properties are reasonable for their age, being 1.2m to 1.0m deep.*
3. *Oak tree roots were identified below both foundations up to depths of 2.0m.*
4. *The soil testing undertaken at no.12 indicates desiccation of the clay soil to 2.0m depth.*
5. *The level monitoring shows enhanced seasonal movement to both properties, the most severe occurring at no. 12.*
6. *There is an oak tree located in the rear garden of no. 12 and an oak tree in the rear garden of no. 8. The oak tree in no. 8 is noted as being further from the properties.*

On the basis of the above the oak tree in the rear garden of no. 12 is most likely implicated in the subsidence damage to no. 12 and no. 10. The oak tree in the rear garden of no. 8 could be a minor contributory factor in the subsidence damage to no. 10.

No assessment for the effects of ground heave following tree removal have been carried out.”

The submitted level monitoring indicates that there is seasonal movement occurring which appears at the rear of the property. The level of movement has been measured at 15mm and is category 3 Moderate. During the site visit cracks were very visible around on extension.

It is common practice to categorise the structural significance of the damage in this instance, the damage falls into 4 - Extensive damage, cracks 15 to 25mm.

BRE Digest 251 Assessment of damage in low-rise buildings includes a ‘Classification of visible damage to walls with particular reference to ease of repair of plaster and brickwork or masonry’. It describes category 4 damage as “Extensive damage which requires the breaking out and replacing sections of walls, especially over doors and windows. Windows and door frames distorted, floor sloping noticeably. Walls leaning or bulging noticeably; some loss of bearing beams. Service pipes disrupted. Typical crack widths are 15mm to 25mm, but also depends on the number of cracks.

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

The foundation level monitoring shows seasonal movement at the rear of both properties 10 and 12 Asmunds Hill. The trial bore holes BH 1 located at rear extension find high plastic soils to 2.6m deep where the trial pits ends for the following reason *“BH ends at 1.5m. Tree roots were found to be below the 0.5m deep foundations and identified as (Quercus) oak. The structural engineer notes that a foundation depth of 0.5m is very shallow so close to an oak tree 11m from building.”*

Level monitoring up until August 2022 has been provided and shows downward movement of the foundations. The summer of 2022 was a notable year for high temperatures and very low rainfall.

The Council’s appointed loss adjuster Ian Brett-Pitt Associates has made the following observations on the case and comments on the potential liability.

“In this case, the Councils exposure relates to the reasonable costs of stabilising the property (and not the current damage) in the event of retention of the implicated TPO tree and pollarding is not considered to be desirable/viable – i.e. costs which flow as a consequence of the councils refusal. In this case, if consent is refused and you don’t consider a Hortlink compliant reduction of the TPO tree to be a feasible compromise, then I think it can be argued a root barrier could be installed in this case which would cost in the region of say £40k+. If so, this would negate the need for any underpinning and related temporary accommodation costs if considered to be necessary.”

Excluding tree roots from beneath the foundations of the property with the use of a root barrier should induce stability at the property. Due to the loss of rooting area an initial crown reduction would also be advisable.

A Hortlink compliant reduction which is being referred to, relates to this research CONTROLLING WATER USE OF TREES TO ALLEVIATE SUBSIDENCE RISK Horticulture LINK project 212 Final report – May 2004. The implementation of this recommendation would require a significant reduction in the overall height and spread of the tree. The recommendations are:-

“For practical soil moisture conservation, severe crown-reduction 70-90% of crown volume would have to be applied. Reduction of up to 50% crown volume is not consistently effective for decreasing soil drying. ·

To ensure a continued decrease in canopy leaf area and maximise the period of soil moisture conservation, crown reductions should be repeated on a regular managed cycle with an interval based on monitoring re-growth. · Crown-thinning is not an effective method to control soil drying by trees.”

A reduction on this scale would reduce the effective publicly visible tree amenity considerably. A root barrier combined with a lesser reduction in height would preserve the public amenity and manage the risk to the property but would likely result in a burden on the public purse.

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

The loss of the subject oak tree would have a considerable impact on public visual tree amenity and the character and appearance of the Hampstead Garden Suburb Conservation Area.

Representations

79 neighbours were consulted on this application and 67 responses were received objecting to the application.

67 representations were received all of which objected to the application. 23 were received from residents of the The Orchards Housing complex

The key reasons are summarised as follows:-

Loss of visual tree amenity

Loss of an historic boundary tree retained during the design and layout of the Hampstead Garden Suburb.

Loss of habitat for wildlife

Loss of eco-system services

Loss of screening between The Orchards Housing development and Asmunds Hill.

Iconic tree and part of the distinctive green infrastructure not just of this conversation area but also of The Orchard itself

The insurance company should install a root barrier

1 Legislative background

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

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

damage is likely to arise if consent is refused or granted subject to conditions.

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

The application states the reasons for the works are to remove the cause of movement to 10 and 12 Asmunds Hill and the key points are as follows:

"Oak in the rear garden of no.12, T1 in this report and the TPO - fell to address subsidence damage to no.12 and at no.10, which is part of the same building and property and is the subject of a parallel application.

Reasons

1. Evidence from investigation and monitoring commissioned by the insurers show conclusively that the oak in the back garden of no.12 has caused the subsidence that have been affecting the building back to at least 2010.

2. Pruning has been considered, but has not proven effective or reliable to date and there would be complications with this in future, particularly the need to obtain consent from Barnet Council and Hampstead Garden Suburb Trust for each operation and the strong probability of climate change making the operation less reliable.

3. A root barrier was considered, but there would be problems installing it across no.14, a third party property and there is insufficient space to install it without harming the tree or destabilising the house, or both.

4. Therefore the only viable arboricultural option is to fell the oak.

5. Underpinning the building would remedy the current problems and address future subsidence risks.

*6. If the oak was removed the cost of superstructure repairs would be **£120,000 incl. VAT.***

If it is retained the additional cost of underpinning and associated works would increase the total repair cost to £411,500 incl. VAT.

Any new planting to be agreed

If refused the applicant's have the right to pursue for compensation costs as a result of the Council's decision. When considering this, the higher figure of £411,500 (split over the two properties) should be used.

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

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

extension". There is also uncertainty about the risk of heave, it is also clear that the foundations were not constructed in accordance with NHBC guidance current at the time.

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

If it is concluded on the balance of probabilities that the roots of the oak tree are the 'effective and substantial' cause of damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the felling of these trees, there may be a compensation liability if consent for the proposed felling is refused – in the application submissions it is indicated that 12 Asmunds Hill the repair works for may be in excess of an extra £201,000 if the subject oak tree is retained.

2 COMMENTS ON THE GROUNDS OF OBJECTION

If the protected oak tree was removed there would be a substantial loss of visual tree amenity, habitat for wildlife, eco-system services, irretrievable loss of a historic tree of special importance.

The applicants have stated that installing a root barrier is no possible, however this aspect has not been fully explored.

3 EQUALITIES AND DIVERSITY ISSUES

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

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

4 CONCLUSION

The agent, PRI, proposes to fell an oak tree standing within the grounds of 12 Asmunds Hill, London, NW11 6ET because of it's alleged implication in subsidence damage to 10 and 12 Asmunds Hill.

The subject oak tree has high amenity value and is visible from publicly accessible locations. This tree is important for wildlife, has historic relevance and is an integral part of the Hampstead Garden Suburb Conservation Area. It plays an important role in character of the area and softening the adjacent built form. The loss of this oak tree will reduce the sylvan nature of land.

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

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

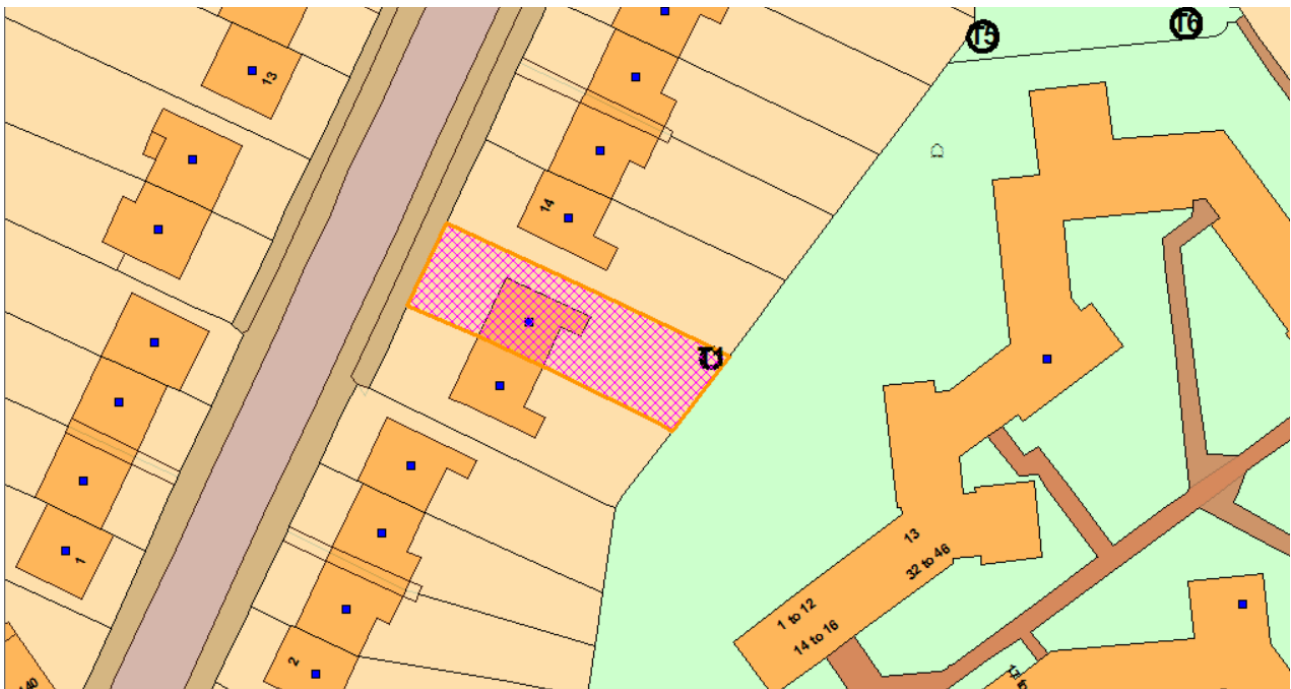
If it is concluded on the balance of probabilities that the oak trees' roots are the 'effective and

substantial' cause of damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the felling of this tree, there may be a compensation liability (in the application submissions it is indicated that the repair works for 12 Asmunds Hill London, NW11 6ET may be in excess of an extra £411,500 (split over the two properties) if the subject oak tree is retained) if consent for the proposed tree felling is refused.

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

If the committee deem the impact of the loss of this tree too great. Consideration to allowing the installation of a root barrier and meaningful crown reduction as suggested by the Loss Adjusters should be given. If the applicants had certainty that this would be allowed the Council the property owner could achieve stability of their home and retain the oak tree.

The impact of a crown reduction of this nature would decrease the visual amenity values but increase habitat niches for wildlife.



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Location	12 Asmunds Hill London NW11 6ET	
Reference:	TPP/0430/22	Received: 29th July 2022 Accepted: 29th July 2022
Ward:	Garden Suburb	Expiry 23rd September 2022
Case Officer:	Jonathan Mills	
Applicant:	Mr & Mrs Simon	
Proposal:	1 x Oak - (applicants ref. T1) - Fell and eco plug stump. Standing in T1 of Tree Preservation Order. (application from 10 Asmunds Hill)	

OFFICER’S RECOMMENDATION

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)

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

REFUSE CONSENT for the following reason:

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

Or:

APPROVE SUBJECT TO CONDITIONS

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

Reason: To maintain the visual amenities of the area.

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

Reason: To maintain the visual amenities of the area.

Informative(s):

1 Wildlife

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

2 Bio-security

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

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

Ground heave

The applicant would be required to provide the Council with a waiver of liability and indemnity agreement to protect the Council from any third party claims arising out of the implementation of this consent to fell T1. Included in a Tree Preservation Order TPO/CA/422 and to provide appropriate compensation in the event of any ground heave damage to surrounding properties.

OFFICER’S ASSESSMENT

Amenity:

The subject Oak stands at the end of the rear garden, adjacent to the flank boundary with 14 Asmunds Hill and the rear boundary with The Orchard. The Oak is a mature tree some 15 metres in height, at 8 metres there is evidence that the upper crown failed or was removed and a new crown has reformed – giving it a large spreading canopy; it has been previously thinned, but it appears to be in good physiological condition with no major faults apparent; the foliage is of good form and colour taking account of the time of year.

The Oak is very clearly visible in the gap between 12 and 14 Asmunds Hill and there are glimpsed views above rooftops from other locations (this part of Asmunds Hill is characterised by alternating pairs of semi-detached and terraces of four dwellings); it is also very clearly visible from The Orchard (which provides sheltered housing for the elderly) – both from the communal gardens and

the parking area. The Oak contributes significantly to the screening between The Orchard and the housing in Asmunds Hill. This Oak is one of the original field boundary trees that pre-date the development of the Suburb. The tree is marked on an old Suburb map dating from 1911 drawn by Parker and Unwin, the Suburb's master-planners. The tree (and others adjacent) were retained and influenced the design and layout of this part of the Suburb – the Oak is located to form a focal point to the garden area and a backdrop to the streetscene, as attested by objectors, who also note that the public amenity value of the tree is enhanced by the number of pedestrians using the area.

Hampstead Garden Suburb is internationally renowned for the way in which mature landscape features have been incorporated into the built environment. As noted by many of the objectors, the Oak is older than the surrounding development (it was originally a field boundary tree), was present at the time the Hampstead Garden Suburb was designed and influenced layout of streets and housing. The retention of trees such as this Oak was an integral part of the design ethos during the development of the Garden Suburb. The Hampstead Garden Suburb Character Appraisal Statement is one of many documents setting out the importance of trees to the character and appearance of the area e.g.:

- “Trees and hedges are defining elements of Hampstead Garden Suburb. The quality, layout and design of landscape, trees and green space in all its forms, are inseparable from the vision, planning and execution of the Suburb”.
- “Wherever possible, in laying out the design for “the Garden Suburb” particular care was taken to align roads, paths, and dwellings to retain existing trees and views. Extensive tree planting and landscaping was considered important when designing road layouts in Hampstead Garden Suburb, such that Maxwell Fry, one of the pioneer modernists in British architecture, held that “Unwin more than any other single man, turned the soulless English byelaw street towards light, air, trees and flowers”.
- “Unwin’s expressed intention, which he achieved, was: ‘to lay out the ground that every tree may be kept, hedgerows duly considered, and the foreground of distant views preserved, if not for open fields, yet as a gardened district, the buildings kept in harmony with the surroundings.’”
- “Trees contribute fundamentally to the distinctive character and appearance of the Conservation Area in a number of different ways, including:

Creating a rural or semi-rural atmosphere Informing the layout of roads and houses with mature field boundary trees Providing links with pre-development landscape and remaining woodland. Creating glades, providing screening and shade, and marking boundaries. Framing views, forming focal points, defining spaces and providing a sense of scale.

Providing a productive, seasonal interest and creating wildlife habitats. In respect of this particular area of the Suburb, the Hampstead Garden Suburb Character Appraisal Statement sets out:

“The Artisans’ Quarter was designed as a new kind of community in which attractively designed housing for a wide range of income groups was set within a green environment. The provision of large gardens and open recreational spaces was central to the vision. Social accommodation for needy groups (widows, orphans and the elderly) was provided together with community facilities such as schools, a community centre and allotments.”

“The density of development is relatively high for the Suburb. However, houses were provided with generous gardens and there are areas of allotments, tennis courts and greens which provide generous open green spaces. Housing layouts were designed to retain existing mature trees.” “The retention of boundary oak trees from the pre-existing field boundaries, together with the street trees, hedges and generous gardens, make a lush green setting for the houses.”

Principal positive features are noted as including:

“mature oaks from earlier woodlands or field boundaries still thrive, particularly in allotments and back gardens or as focal points in the layout”, “trees and greenery rise above cottages in some

areas” “there are glimpsed views, between houses, of greenery”

The Oak is considered to be of special amenity value - in terms of its visual contribution to the streetscape; its environmental contribution to e.g. air quality and standing water uptake; to wildlife; its value for screening; and its historical significance in the layout of the Suburb. As noted by objectors, the Oak provides very significant public amenity in a number of different ways – historic (former field boundary tree influencing layout of streetscape); environmental (filtering pollution, noise, screening and privacy, wildlife habitat); and social (local landmark, iconic, marks passage of seasons). It contributes significantly to the character and appearance of the Hampstead Garden Suburb Conservation Area. The mature Oak is an original field boundary tree, if it was removed any replacement planting would take many years to attain a similar size and stature and its historic attributes would be lost - thus there would be considerable detriment to public amenity for decades and substantial harm to the character and appearance of the Conservation Area.

The subject oak tree stands within the rear garden of 12 Asmunds Hill NW11 6ET, the tree is publicly viewable from Asmunds Hill and properties surrounding the tree.

The subject tree has high public amenity being viewable from the public road and has cultural and historical merit. Oak trees were retained within the Hampstead Garden Suburb and the scheme was design around many of these mature specimens. The subject tree is a large mature specimen that predates the Hamstead Garden Suburb and will have been included within the designs. The Oak appears to be former field boundary tree that pre-dates the development of the Suburb. The tree was retained and is marked on an old Suburb map drawn by Parker and Unwin dated April 1911. The tree is an intrinsic part of the character and design of the garden suburb and conservation area.

As requested at the previous planning committee meeting the tree should be valued to compare this against any likely costs to the council for compensation. Tree preservation orders are made to protect trees with public amenity value. Therefore, the Visual Amenity Valuation of Tree and Woodlands (The Helliwell System 2008) Guidance note 4 is the appropriate valuation system. 6 factors are used to assess the amenity value of a tree and guidance is set out within the above document. This system does not value ecosystem services, timber value, historical or cultural values which have values. The committee should note these other factors listed above have considerable value which have not been included in the calculation below.

Factor	Points									
	0	0.5	1	2	3	4	5	6	7	8
Size	< 2m ²	2 to 5m ²	5 to 10m ²	10-20m ²	20-30m ²	30-50m ²	50-100m ²	100-150m ²	150-200m ²	+ 200m ²
Duration	<2 years		2-5 yrs	5-40 yrs	40-100 yrs	100+ yrs				
Importance	None	Very Little	Little	Some	Considerable	Great				
Tree Cover		Woodland	Many	Some	Few	None				
Suitability to setting	Not	Poor	Just	Fairly	Very	Particularly				
Form		Poor	Average	Good						

Current **Helliwell** point values: From 1st January **2022**. Individual Trees: £42.97. This tree scores 6 x 4 x 1 x 3 x 2 x 1 making an amenity score of 384 x £42.97 provides an amenity of £16,500.48

The Council’s adopted valuation system Capital Asset Valuation of Amenity Trees (CAVAT) values the tree in the region of £53,524.00

The subject oak tree T1 (applicant's plan) is approximately 15m high and has a stem diameter of around 950mm and a crown spread of 20m (North/south). The tree is in good health with no obvious physiological or structural defects that would merit the felling of this tree. However, the tree was either reduced or the upper crown failed at 8m many years ago and a new upper crown has formed.

History:

C11131B/05/TRE_B Oak - Reduce Density by 20%

TCAI00069/14/F: Tree Preservation Order made to prevent felling of the oak tree (T1) was made in 2014. Following a petition, and many objections raised by residents to the section 211 notice of Intent to remove the tree as a solution to the subsidence issues at number 12 Asmunds Hill. The order was made and confirmed in 2014 to protect the tree of high amenity value, cultural and historical value to ensure full consideration is given to the tree. It is not possible to grant consent or refuse a s211 notice of intent.

TPF/00339/15 1 x Oak (applicant's ref. T2) - Fell. T1 of Tree Preservation Order committee decision to refuse application for the following reason: "The loss of the tree of special amenity value is not justified as a remedy for the alleged subsidence damage on the basis of the information provided."

No appeal was lodged against this decision.

TPP/0819/20 1 x Oak (applicant's ref. T1) - 70% Crown reduction by volume. T1 of Tree Preservation Order. (Withdrawn)

TPP/0310/21 1 x Oak - Reduce height and spread by 3 - 4m (approx 30% linear / 70% volume) and reshape. T1 of Tree Preservation Order. (Withdrawn)

The application

This application TPP/0429/22 and TPP/0430/22 are to be considered in tandem, because the tree owner/applicant owns both 10 and 12 Asmunds Hill. The properties have been conjoined into a single dwelling. The properties of 10 and 12 Asmunds Hill are insured by different companies and each insurance company needs to reserve the right to claim compensation under section s202 of the act for any losses arising from the Councils decision.

This approach also allows the Council to consider the implications of each application simultaneously as the quantum for repair is substantial.

Reasons for application:

The application submitted by PRI registered on the 29.07.2022. The reasons for the proposed felling of the oak tree (applicant's ref. T1) not cited in section 5 of the application form but referred to a supporting document which sets the reasons as follows:

Statement of Reasons for Tree Preservation Order Application to: Fell and eco plug stump x1 Oak tree (T1) at: 12 Asmunds Hill, London NW11 6ET TPO Ref: TPO/CA/422/T1

"The above tree works are proposed as a remedy to the differential foundation movement at the insured property and to ensure the long-term stability of the building.

The above tree works are proposed to limit the extent and need for expensive and disruptive engineering repair works at the insured property. In this instance the estimated repair costs are

likely to vary between £60,000 and £205,513.80 depending upon whether the tree/s can be removed or must remain.

The above tree works are proposed to limit the duration of any claim period and therefore allow the landowner their right to the peaceful enjoyment of their property.

It is the case that an alternative to felling such as pruning or significant 'pollarding' of the tree would not provide a reliable or sustainable remedy to the subsidence in this case. We do not consider that any other potential means of mitigation, including root barriers, would be effective or appropriate in the circumstances.

We are satisfied that the evidence obtained following completion of our Arboricultural Implication Assessment report completed 12/07/2019 (reviewed 26/07/2022) clearly links the T1 Oak tree as the cause of damage to the risk address.

Insurers understanding the requirement to offer replacement planting in the event consent to fell is granted.

Please read this as part of a dual submission alongside application for the same work to the same tree (T1 Oak) as submitted by Mr Simon Pryce, on behalf of 12 Asmunds Hill."

The supporting documentation comprises:

Cost breakdown 10+12 Asmunds Hill, NW11

Site Plan Not to Scale

GHG Subsidence Engineers Report ref L/2018/55473/5 dated 14th February 2019

Level monitoring 06/04/2019 to 10/02/2020

GHG Level Monitoring from 16/10/2020 to 08/06/2022

Site Investigation and drainage L/2018/55473/AMG dated 16/01/2019

Vertical wall survey

Statement of Reasons for Tree Preservation Order Application to fell and eco plug stump x1 Oak tree (T1) at: 12 Asmunds Hill, London NW11 6ET

Site plan

Photographs of property and sites of damage.

ARBORICULTURAL ASSESSMENT REPORT

Findings

There is a long history of damage at the property dating to 2010 where movement was observed to the rear of the house. The results of the damage lead to the 2014 & 2015 applications to remove the oak tree as a remedy for the reported movement. The level of damage reported then was *"The damage consists of cracking to the rear elevation. Internal cracks up to 3mm wide. The damage is classified as category 2 in accordance with BRE Digest 251."*

The most recent damage at the property was first notified by the house holder to their insurers in 2018 and subsequent site investigations were carried out up until 2022.

Following the receipt of the application to fell the protected tree the Councils structural engineer provided the following comments:-

"As requested I would comment on technical submissions for both applications as follows;

- 1. The crack damage to both properties is consistent with subsidence of the foundations.*

2. *The foundations for both properties are reasonable for their age, being 1.2m to 1.0m deep.*
3. *Oak tree roots were identified below both foundations up to depths of 2.0m.*
4. *The soil testing undertaken at no.12 indicates desiccation of the clay soil to 2.0m depth.*
5. *The level monitoring shows enhanced seasonal movement to both properties, the most severe occurring at no. 12.*
6. *There is an oak tree located in the rear garden of no. 12 and an oak tree in the rear garden of no. 8. The oak tree in no. 8 is noted as being further from the properties.*

On the basis of the above the oak tree in the rear garden of no. 12 is most likely implicated in the subsidence damage to no. 12 and no. 10. The oak tree in the rear garden of no. 8 could be a minor contributory factor in the subsidence damage to no. 10.

No assessment for the effects of ground heave following tree removal have been carried out.”

The submitted level monitoring indicates that there is seasonal movement occurring which appears at the rear of the property. The level of movement has been measured at 15mm and is category 3 Moderate. During the site visit cracks were very visible around on extension.

It is common practice to categorise the structural significance of the damage in this instance, the damage falls into 4 - Extensive damage, cracks 15 to 25mm.

BRE Digest 251 Assessment of damage in low-rise buildings includes a 'Classification of visible damage to walls with particular reference to ease of repair of plaster and brickwork or masonry'. It describes category 4 damage as "Extensive damage which requires the breaking out and replacing sections of walls, especially over doors and windows. Windows and door frames distorted, floor sloping noticeably. Walls leaning or bulging noticeably; some loss of bearing beams. Service pipes disrupted. Typical crack widths are 15mm to 25mm, but also depends on the number of cracks.

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

The foundation level monitoring shows seasonal movement at the rear of both properties 10 and 12 Asmunds Hill. The trial bore holes BH 1 located at rear extension find high plastic soils to 2.6m deep where the trial pits ends for the following reason *"BH ends at 1.5m. Tree roots were found to be below the 0.5m deep foundations and identified as (Quercus) oak. The structural engineer notes that a foundation depth of 0.5m is very shallow so close to an oak tree 11m from building."*

Level monitoring up until August 2022 has been provided and shows downward movement of the foundations. The summer of 2022 was a notable year for high temperatures and very low rainfall.

The Council's appointed loss adjuster Ian Brett-Pitt Associates has made the following observations on the case and comments on the potential liability.

"In this case, the Councils exposure relates to the reasonable costs of stabilising the property (and not the current damage) in the event of retention of the implicated TPO tree and pollarding is not considered to be desirable/viable – i.e. costs which flow as a consequence of the councils refusal. In this case, if consent is refused and you don't consider a Hortlink compliant reduction of the TPO tree to be a feasible compromise, then I think it can be argued a root barrier could be installed in this case which would cost in the region of say £40k+. If so, this would negate the need for any underpinning and related temporary accommodation costs if considered to be necessary."

Excluding tree roots from beneath the foundations of the property with the use of a root barrier should induce stability at the property. Due to the loss of rooting area an initial crown reduction would also be advisable.

A Hortlink compliant reduction which is being referred to, relates to this research CONTROLLING WATER USE OF TREES TO ALLEVIATE SUBSIDENCE RISK Horticulture LINK project 212 Final report – May 2004. The implementation of this recommendation would require a significant reduction in the overall height and spread of the tree. The recommendations are:-

“For practical soil moisture conservation, severe crown-reduction 70-90% of crown volume would have to be applied. Reduction of up to 50% crown volume is not consistently effective for decreasing soil drying. ·

To ensure a continued decrease in canopy leaf area and maximise the period of soil moisture conservation, crown reductions should be repeated on a regular managed cycle with an interval based on monitoring re-growth. · Crown-thinning is not an effective method to control soil drying by trees.”

A reduction on this scale would reduce the effective publicly visible tree amenity considerably. A root barrier combined with a lesser reduction in height would preserve the public amenity and manage the risk to the property but would likely result in a burden on the public purse.

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

The loss of the subject oak tree would have a considerable impact on public visual tree amenity and the character and appearance of the Hampstead Garden Suburb Conservation Area.

Representations

79 neighbours were consulted on this application and 67 responses were received objecting to the application.

67 representations were received all of which objected to the application. 23 were received from residents of the The Orchards Housing complex

The key reasons are summarised as follows:-

Loss of visual tree amenity

Loss of an historic boundary tree retained during the design and layout of the Hampstead Garden Suburb.

Loss of habitat for wildlife

Loss of eco-system services

Loss of screening between The Orchards Housing development and Asmunds Hill.

Iconic tree and part of the distinctive green infrastructure not just of this conversation area but also of The Orchard itself

The insurance company should install a root barrier

1 Legislative background

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

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

damage is likely to arise if consent is refused or granted subject to conditions.

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

The application states the reasons for the works are to remove the cause of movement to 10 and 12 Asmunds Hill and the key points are as follows:

"Oak in the rear garden of no.12, T1 in this report and the TPO - fell to address subsidence damage to no.12 and at no.10, which is part of the same building and property and is the subject of a parallel application.

Reasons

1. Evidence from investigation and monitoring commissioned by the insurers show conclusively that the oak in the back garden of no.12 has caused the subsidence that have been affecting the building back to at least 2010.

2. Pruning has been considered, but has not proven effective or reliable to date and there would be complications with this in future, particularly the need to obtain consent from Barnet Council and Hampstead Garden Suburb Trust for each operation and the strong probability of climate change making the operation less reliable.

3. A root barrier was considered, but there would be problems installing it across no.14, a third party property and there is insufficient space to install it without harming the tree or destabilising the house, or both.

4. Therefore the only viable arboricultural option is to fell the oak.

5. Underpinning the building would remedy the current problems and address future subsidence risks.

*6. If the oak was removed the cost of superstructure repairs would be **£120,000 incl. VAT.***

If it is retained the additional cost of underpinning and associated works would increase the total repair cost to £411,500 incl. VAT.

Any new planting to be agreed

If refused the applicant's have the right to pursue for compensation costs as a result of the Council's decision. When considering this, the higher figure of £411,500 (split over the two properties) should be used.

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

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

extension". There is also uncertainty about the risk of heave, it is also clear that the foundations were not constructed in accordance with NHBC guidance current at the time.

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

If it is concluded on the balance of probabilities that the roots of the oak tree are the 'effective and substantial' cause of damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the felling of these trees, there may be a compensation liability if consent for the proposed felling is refused – in the application submissions it is indicated that 12 Asmunds Hill the repair works for may be in excess of an extra £201,000 if the subject oak tree is retained.

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If the protected oak tree was removed there would be a substantial loss of visual tree amenity, habitat for wildlife, eco-system services, irretrievable loss of a historic tree of special importance.

The applicants have stated that installing a root barrier is no possible, however this aspect has not been fully explored.

3 EQUALITIES AND DIVERSITY ISSUES

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

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

4 CONCLUSION

The agent, PRI, proposes to fell an oak tree standing within the grounds of 12 Asmunds Hill, London, NW11 6ET because of it's alleged implication in subsidence damage to 10 and 12 Asmunds Hill.

The subject oak tree has high amenity value and is visible from publicly accessible locations. This tree is important for wildlife, has historic relevance and is an integral part of the Hampstead Garden Suburb Conservation Area. It plays an important role in character of the area and softening the adjacent built form. The loss of this oak tree will reduce the sylvan nature of land.

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

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

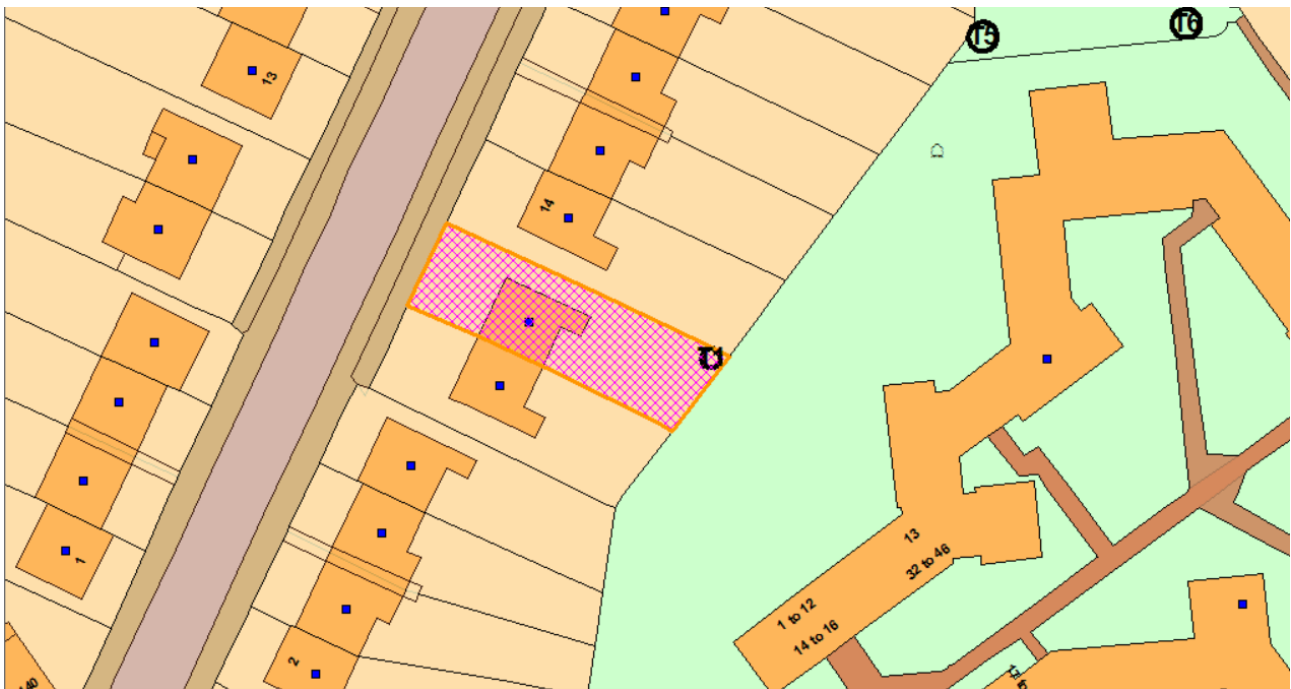
If it is concluded on the balance of probabilities that the oak trees' roots are the 'effective and

substantial' cause of damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the felling of this tree, there may be a compensation liability (in the application submissions it is indicated that the repair works for 12 Asmunds Hill London, NW11 6ET may be in excess of an extra £411,500 (split over the two properties) if the subject oak tree is retained) if consent for the proposed tree felling is refused.

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

If the committee deem the impact of the loss of this tree too great. Consideration to allowing the installation of a root barrier and meaningful crown reduction as suggested by the Loss Adjusters should be given. If the applicants had certainty that this would be allowed the Council the property owner could achieve stability of their home and retain the oak tree.

The impact of a crown reduction of this nature would decrease the visual amenity values but increase habitat niches for wildlife.



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Location 34 West Avenue London NW4 2LJ

Reference: 22/0022/RCU

Received: 5th January 2022

Accepted: 7th January 2022

Ward: Hendon

Expiry: 4th March 2022

AGENDA ITEM 9

Case Officer: Helen McGuinness

Applicant: Mr Lipi Werjuka

Proposal:

Retention of the use of ground floor, first floor and land to the rear of No 34 West Avenue as part of existing school use at No 27 Green Lane; Associated internal alterations; Siting of modular building and erection of canopy to the rear of No 34 West Avenue. (AMENDED DESCRIPTION).

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 development results in the loss of residential accommodation and fails to provide any evidence to robustly demonstrate that the proposal meets an identifiable need, to the detriment of the prevailing character of the local area and residential amenities of neighbouring occupiers, contrary to Policies DM01, DM07 and DM13 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and Policies H8 and S3 of the London Plan (2021)
- 2 The change of use has resulted in a harmful increase in noise, disturbance and disruption to neighbouring residents through associated general activity and constitutes an over-intensive use that contributes towards a change in the function and character of the street and is incongruous to the established pattern of development, contrary to Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policies DM01, DM04 and DM13 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Sustainable Design and Construction SPD (2016)

- 3 The outbuilding, by reason of its size, design, height, bulk and siting, would result in an unduly dominant and discordant addition representing a disproportionate and unsympathetic over-development of the limited curtilage and an incongruous intervention in a visible location which would fail to respect the established pattern of development, to the detriment of the character and appearance of the host property, the street scene of Green Lane and the surrounding area, contrary to Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012) Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and Policy D3 of the London Plan (2021)

- 4 The outbuilding, by reason of its size, height, siting and proposed use, would appear visually overbearing when viewed from the neighbouring property, No. 32 West Avenue, resulting in a harmful loss of outlook and increased sense of enclosure together with undue noise and disturbance, to the detriment of the residential amenities of neighbouring occupiers, contrary to Policies D3 and D14 of the London Plan (2021), Policy CS1 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policies DM01 and DM04 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Sustainable Design and Construction 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. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 2 The plans accompanying this application are:

Existing Ground Floor Plan: WA.34.EX.101 Rev 0

Existing First Floor Plan: WA.34.EX.111 Rev 0

Location Plan: 0100031673Design and Access Statement (produced by EAPlanning; dated Dec 2021)

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

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

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

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

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

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

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

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

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

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

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

Please visit www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil for further details on exemption and relief.

OFFICER'S ASSESSMENT

1. Site Description

The site is located on the corner of Green Lane and West Avenue Road, it is visible on both street fronts as it is a corner property. The site is located within Hendon ward.

The site sits within an area primarily comprising of residential living. There are other schools located within close proximity such as Hendon school and the independent Jewish Day School.

The A502 is not far from the site, which serves a high street with access to various amenities. The site is a two-storey building and is enclosed.

The application site is not located within a conservation area, nor does it contain any listed buildings.

2. Relevant Planning History

Ref: ENF/1143/21

Complaint: Without Planning Permission, the change of use of an outbuilding to use as a pre-school nursery.

Date: 18th September 2021

Ref: ENF/1277/21

Complaint: Without Planning Permission, the use of the property as classrooms and a toilet block in conjunction with the neighbouring educational facility at 27 Green Lanes and the construction of a building to the rear of the site for use as a classroom (with attached Perspex roof).

Date: 1 November 2022

Ref: ENF/01232/08

Complaint: Without planning permission the erection of a wall, adjacent to a highway, greater than 1m in height within the last four years.

Date: 1st October 2008

Reference: F/04968/08

Address: 211 Golders Green Road, London, NW11 9BY

Decision: Refused

Decision Date: 1 April 2009

Description: Retention of the use of the property as a school.

Reference: F/03652/09

Address: 211 Golders Green Road, London, NW11 9BY

Decision: Insufficient Fee

Decision Date: No Decision Made.

Description: Change of Use of Ground and First Floors from Class C3 (residential) to D1 (Synagogue.), Extension to roof including hip to gable end and side/rear dormers to create a residential unit in the loft space. Internal Alterations.

Ref: ENF/00867/03/C

Complaint: Use of property as a school

Date: 8th July 2003

3. Proposal

This application seeks planning permission for the retention of the use of ground floor, first floor and land to the rear of No 34 West Avenue as part of existing school use at no 27 Green Lane, associated internal alterations; siting of modular building and erection of canopy to the rear of No 34 West Avenue (Amended Description).

The site and the erection of the modular building are contained on site and in use, on the 1 November 2022 the owner of the site was served a Planning Contravention Notice (Ref: ENF/1277/21). The complaint was, 'Without Planning Permission, the use of the property as classrooms and a toilet block in conjunction with the neighbouring educational facility at 27 Green Lanes and the construction of a building to the rear of the site for use as a classroom (with attached Perspex roof)' the agent subsequently responded on the 21 November 2022 address all the items asked within the notice.

It is noteworthy that the property was previously used as self-contained flats, and one such flat remains in use on the property. Additionally, the present internal layout commenced use in July 2022, and the agent seeks planning permission to retain the use as per the drawing attached to the application (Ref: Existing ground floor drawing no. WA.34.EX.101 Rev.0).

4. Public Consultation

Consultation letters were sent to 81 neighbouring properties.

66 responses have been received, 64 which are supporting the application, they are summarised below:

- Shortage of girls primary schools within walking distance of the Jewish community.
- Having a school within walking distance reduces car congestion and unwanted pollution.
- Educational offering is good.
- The additional space is important to enable continued growth of the local Jewish Orthodox
- A great school that needs expansion, and one of the only schools within walking distance of the Jewish community.
- The only orthodox Jewish school within the vicinity of an established Jewish community.
- The school does have a long-term plan for premises and this location will only be used for the short term.
- Being able to walk to school boosts the children's moral and we as health and gives them a chance to enjoy the outside world.
- The school is considerate to its surroundings, having additional space would benefit both pupils and staff.

1 letter of objection has been received as summarised below:

- The loss of a garden, trees and bushes.
- The loss of 6 residences in a residential area.
- The increased noise from the school. There are people working from 6am on weekdays and very often on Sundays.
- There are, at least, 8 purpose-built schools within walking distance.
- The traffic in the immediate area is at a standstill every day at schooltime. This leads to increased noise and pollution. Drivers are aggravated and impatient and horn blowing is a real nuisance.
- Most of the children at 27 Green Lane are driven to school and the parking suffers because of this. There are double yellow lines on the corners of West Avenue, but there are cars parked there daily, just to let children alight as near as possible to the entrance. This is extremely dangerous for pedestrians and other road users. They also stop in the road and park in residents' driveways.
- I also believe that the way they treated and continue to treat the local residents shows that they have no interests apart from their own.

4.1 Internal consultees

The Highways and Environmental Health departments were consulted on the application.

Environmental Health responded:

No objections subject to below conditions and informatives.

Noise from site as classroom (bespoke)

Before development commences, a scheme of proposed mitigation measures for noise from the classroom shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.

Reason: To ensure that the amenities of occupiers are not prejudiced by noise in the immediate surroundings.

C245 #INSULATION AGAINST INTERNALLY/EXTERNALLY GENERATED NOISE
I402 Acoustic Consultant to be used

If the proposed development will include air handling plant:

C440 RESTRICT NOISE FROM PLANT
I402 ACOUSTIC CONSULTANT TO BE USED

Highways responded:

This application is for the retention of the ground floor flat and modular building which accommodate a school.

The proposed retention is not expected to have a significantly detrimental impact on the surrounding public highway and I therefore have no objection to the proposed on highways grounds.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

The 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 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: CS1, CS5, CS9, CS10
- Relevant Development Management Policies: DM01, DM02, DM04, DM07, DM13, DM17

Barnet's Local Plan (Reg 22) 2021

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- 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 the principle of the development is considered acceptable
- 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 and;
- Whether harm would be caused to the local highways network and car parking

5.3 Assessment of proposals

Principle of development

The site is situated in an accessible location with access to other schools such as the Hendon School and the Independent Jewish Day School in proximity. The site is not located within a town centre, but rather a predominantly residential area.

Policy DM07: Protecting housing in Barnet states that: loss of residential accommodation will not be permitted unless:

- (a) The proposed use is for a local facility (children's nursery, educational or health use) provided that it is not detrimental to residential amenity and;
 - (b) Where need can be demonstrated and;
 - (c) The demand for the proposed use cannot adequately be met elsewhere and is in line with other policies
- or;
- (d) The location is no longer environmentally suitable and viable for residential use
- or;
- (e) It involves identified regeneration areas with large scale demolition of housing and estates which provides for the net replacement of the total residential units.

Policy DM13: Community and education uses specifies:

b: New community or educational use

New community or educational uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres. New community or educational uses should

ensure that there is no significant impact on the free flow of traffic and road safety.

New community or educational uses will be expected to protect the amenity of residential properties.

The London Plan (2021)

Policy H1- Sets new housing delivery targets for London LPA's for a ten-year period. The London Borough of Barnet's ten-year housing delivery target for period 2019 to 2029 is 23,640. To deliver this substantial increase in housing completions the London Plan recognises that a presumption in favour of housing development is required.

Policy H8(A) - Loss of existing housing and estate redevelopment states the the 'loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace'.

With regards to the loss of the residential use, policy DM07 seeks to protect housing in Barnet. In that respect the loss of existing housing will normally be resisted. The proposal is to expand the existing F1 use across the building, which involves the change of use from C3 residential use to class F1 (former D1 Educational use).

It is acknowledged that the criteria listed in DM07 parts a-c are not alternatives, but rather a proposed change of use would be required to meet all of the criteria and be acceptable.

The applicant has not appropriately demonstrated that the proposed change of use would not be detrimental to the residential amenity of the occupier of the first floor flat or surrounding residential dwellings. The applicant has not provided significant information as to whether the proposed use cannot be met elsewhere. Therefore, in the absence of the information officers are unable to determine if the proposal will comply with DM07.

Although to provide for an expansion of the established local education facility in the adjoining property, the applicant has not provided sufficient evidence to suggest that the site is no longer suitable for residential use, and as the road is predominantly characterised by residential dwellings, the Council would strongly resist the loss of housing in accordance with section d) of the policy. Furthermore, the site is not part of a wider regeneration scheme and therefore fails against section e) of the policy.

Additionally, the LPA point to a similar case at 211 Golders Green Road which resulted in a refusal of permission and an appeal proceeding this outcome. The planning inspector dismissed the appeal with specific reference to housing supply stating the following:

'There is no dispute that the appeal site has previously been used for residential purposes. It might also be the case, on the evidence of the appellant's expert planning witness, that properties front this busy main road are no longer attractive as single family dwellinghouses. Nevertheless, despite the presence of non-residential uses hereabouts, the amount of residential uses, in the form of flats and other types of residential accommodation, remains substantial. There would be nothing inherently unsuitable about the nature of the property or its location that would significantly detract from its capabilities of continuing in residential use.'

Furthermore, London Borough of Barnet v Adler & Ors | [2009] EWHC 2012 (QB) | England and Wales High Court (Queen's Bench Division) demonstrates that the High Court were prepared to grant an injunction to the development based on the statements as submitted by the planning inspectorate for the aforementioned case at 211 Golders Green Road.

The council consider that the application site is still considered a viable residential dwelling

and/or dwellings, further demonstrated by the continued occupation of a resident at No. 34 West Avenue as per the enforcement investigation (ENF/1277/21).

No replacement residential accommodation is proposed.

The applicant has therefore provided insufficient information in justifying the loss of the residential unit contrary to policy DM07 of the Adopted Barnet Development Management Policies DPD (2012) and H8 of the London Plan (2021).

Furthermore, insufficient information has been provided to demonstrate the need of the school expansion in the current location. Notwithstanding the current occupation of the site, the applicant has not provided evidence of any works carried out to demonstrate the school can only be provided in the current location therefore contrary to DM13.

It is therefore considered that the advantages of the above expansion of the school does not outweigh the harm caused in the context of the surrounding residential area and the loss of residential housing as noted in the body of this assessment.

Impact on the character of the area

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

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

Policy DM01 requires that the design and layout of new development should respect the character of the area in which it is situated and respond to the positive features of that character. The retention of the modular building used as a classroom is considered to have an impact on the street scene on Green Lane, additionally the character and pattern of development that exists within the area does include some outbuildings to rear of properties however based on the location of the application site it is considered to be incongruous.

Barnet's Residential Design Guidance (2016) under Paragraphs 14.40 and 14.41 states that outbuildings should not be too large or significantly reduce the size of the garden to become out of character with the area. Also, the design and materials should be in harmony with the surrounding area and the location of the outbuilding should be situated towards to the rear of the properties.

The rear outbuilding measures 6.00 metres in depth, width at 7.3 metres and is a maximum height of 3.2 metres from ground level. The outbuilding has a footprint of 42sqm. The outbuilding is currently in use as a mobile classroom in conjunction with the main building at No. 27. Site images indicate a canopy has been erected over the rear entrance of no.34 linking to the entrance of the existing outbuilding. The rear canopy measures approximately 1.97 metres in depth from the rear elevation and 3.6 metres in width.

Having reviewed the existing development, it is considered, by reason of its size, bulk, scale and location within the curtilage, that the outbuilding represents in an incongruous

form of development, contributing to the overdevelopment of the site and harmfully reduces amount of the available rear amenity space to the detriment of the character of the existing site.

Having reviewed the character of the wider area it is noted that no similarly sized outbuildings are existing. The current outbuilding at no. 34 West Avenue is visible when viewed from Green Lane given its location directly rearward of the property. As such, the existing outbuilding is not considered to conform with the prevailing pattern of development in the wider area and has a deleterious impact on the street scene and surrounding area.

In light of the above, it is clear that the existing outbuilding is not an acceptable addition to the character of the existing property and wider area and thus fails to comply with the policies and expectations outlined in Policy DM01.

Furthermore, officers consider the proposed conversion of the house and use of the outbuilding as a classroom to be unacceptable when considered in the context of the surrounding residential area. The proposed classroom is located to the rear of no.34 which retains a first floor flat. As such, the proposed use of the outbuilding, by virtue of its siting, will harmfully increase noise, disturbance, and disruption to neighbouring residents through associated general activity in an area more used to single family dwellings - and together result in an over-intensive use that will have an adverse effect on residential amenity contrary to Policy DM01.

The proposed canopy by virtue of its scale and location is not thought to result in harm to the character and appearance of the host dwelling, street scene and wider locality.

Impact on the amenities of neighbours

Despite having been mostly converted already, No. 34 West Avenue remains occupied by one self-contained unit on the first floor, therefore in residential use. The proposal seeks to retain the use of the ground floor of no. 34 as a school and first floor as offices used in conjunctions with the school - in addition to the proposed outbuilding and canopy to the rear of the application site.

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policies D3 and 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.

Section 12 of the National Planning Policy Framework (2021) sets out guidance for 'achieving well-designed places'.

Paragraph 130 of the NPPF states that planning policies and decision should ensure that development "...create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users..." (part f)

Outbuilding:

Barnet's Residential Design Guidance (2016) under Paragraphs 14.40 and 14.41 states that outbuildings should not unduly over-shadow neighbouring properties and unduly affect outlook from an adjoining property's habitable rooms of principal garden areas.

On review of the submitted information it is clear that, by reason of the size, height and siting of the existing outbuilding, it is considered to result in a visually obtrusive feature, detrimental to the outlook and sense of enclosure from the constrained rear amenity space at no. 32. West Avenue.

The existence of the outbuilding and the associated change of use also extinguishes the utility of the rear garden as amenity space for the remaining occupier(s).

Change of use:

Policy DM04 of Barnet's Development Management Policies Document DPD (2012) states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Policy D14 (Noise) of the London Plan (2021) states:

A- In order to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposals should manage noise by:

- 1) avoiding significant adverse noise impacts on health and quality of life
- 2) reflecting the Agent of Change principle as set out in Policy D13 Agent of Change
- 3) mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise generating uses
- 4) improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity)
- 5) separating new noise-sensitive development from major noise sources (such as road, rail, air transport and some types of industrial use) through the use of distance, screening, layout, orientation, uses and materials - in preference to sole reliance on sound insulation
- 6) where it is not possible to achieve separation of noise-sensitive development and noise sources without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through applying good acoustic design principles
- 7) promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.

Officers note the proposed retention of the use results in primarily internal changes, however the intensification of the use of the property as a school would result in a heightened level of coming-and-going and associated activity at the site.

The proposed classroom and WC use is located directly below the residential unit retained within No 34, in addition to the proposed offices used in conjunction with the school located on the first floor surrounding the flat.

Environmental Health Officers have been consulted and in the PCN response the agent advised that there was sound insulation during construction works.

The details of the sound insulation have not been provided, as per Environmental Health's

recommendation. In the absence of that information, the authority is unable to determine if the proposal will result in undue harm to the amenity of the neighbouring occupiers, contrary to DM04 and D14 - however, the configuration, proximity and intensity of use is considered likely to be detrimental.

Highway Impacts

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

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

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

The Local Highway Authority have been consulted on the application and assess that the proposed retention is not expected to have a significantly detrimental impact on the surrounding public highway and therefore raise no objection on highways grounds

5.4 Response to Public Consultation

The points raised in the submitted objection have been addressed in the above report.

The application received supporting comments from the existing school community. Even though the additions proposed to be retained will only be temporary as many suggest in their comments, this does not form the basis of the proposal and so should be assessed in the same manner as something that will be retained permanently.

The agent provided a response to a PCN issued by Planning Enforcement (Ref: ENF/1277/21), stating that the flats that did exist did not have planning permission but are lawful through the passage of time under Section 171(B) of the Act in regard to the 4 year rule - and therefore, should be given lesser importance than purpose built flats.

However, the existing school at 27 Green Lane was established on the same basis. In both these instances, the LPA is obliged to apply the same planning process as it would to any other lawful development.

The London Plan (2021) Policy H1 - Increasing Housing Supply. This policy sets new housing delivery targets for all London Boroughs. The London Borough of Barnet's ten-year housing delivery target for period 2019 to 2029 is 23,640. To deliver this substantial increase in housing completions the London Plan recognises that a presumption in favour of housing development is required. This policy prioritises sites within certain locations, including sites within 800 metres of a train station.

Although, new development would be subject to contemporary standards as set out in the Development Plan, the LPA have a policy position to resist the loss of any kind of established housing - either through planning permission or through the passage of time.

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.

The proposal relates to the needs of children and comprises a religious aspect which would fall within protected groups (age and religion) and it is acknowledged that the proposals would benefit those groups by providing additional space to facilitate the established school. Testimonial evidence as to the benefit of the school to the community has been provided.

This need has been taken into account however, with particular regard to the absence of a robust approach to determining the location and the case law history on the matter of the residential use, it is not considered that the proposal as submitted represents the only, or most appropriate way to realise or apportion the space required to meet this expansion. On that basis, it is not considered that sufficient weight can be prescribed to the circumstances such as to outweigh the harm to character and amenity - as identified in the preceding appraisal.

On that basis, 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

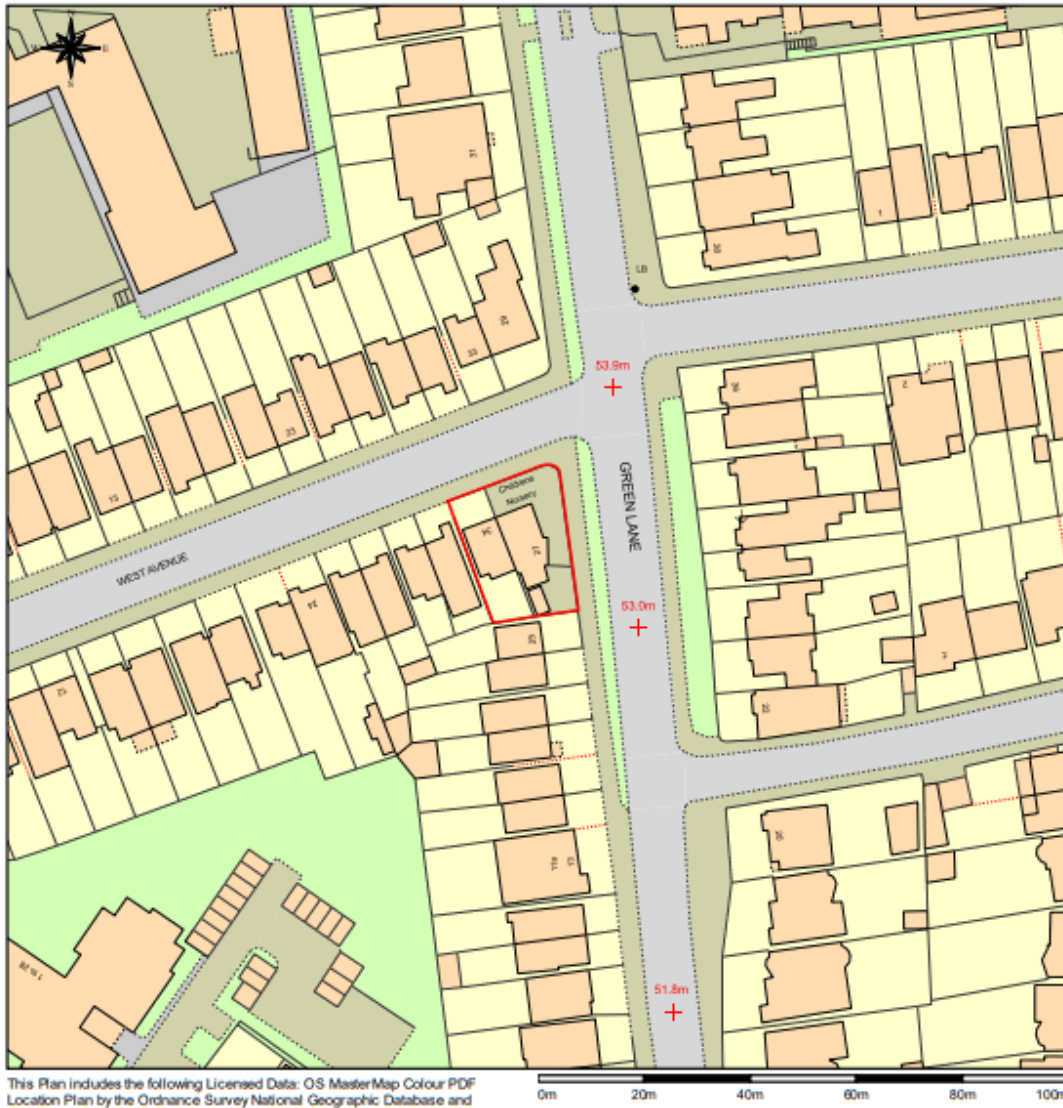
Having taken all material considerations into account, it is considered that the development would have an adverse impact on the character of the area, which is primarily characterised by residential dwellinghouses.

The proposal will result in the unacceptable loss of a residential dwelling contrary to policy DM07. The proposed outbuilding by reason of its design, scale and siting would constitute an overly dominant addition which will fail to respect the established character and

appearance of the area and of the host property, appearing imposing from the streetscene. The proposal will result in an adverse impact on the amenities of neighbouring occupiers.

The development is therefore contrary to Policies D1, D3, D4, D14, H1, H2 and H8 of the London Plan 2021, Policies CS1 and CS5 of the LB Barnet: Core Strategy (2012), Policies DM01, DM02, DM04, DM07 and DM13 of the LB Barnet: Development Management Policies DPD (2012), the Adopted Residential Design Guidance SPD (2016).

This application is recommended for REFUSAL.



Location Rear Of 1 Weymouth Avenue London NW7 3JD

Reference: 20/3146/FUL Received: 13th July 2020
Accepted: 14th July 2020

Ward: Mill Hill Expiry: 8th September 2020

Case Officer: Will Collier

Applicant: MR Hikmet

Proposal: Erection of a two storey dwelling house. Demolition of the existing side extension and subdivision of the existing property. Associated landscaping

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:

Preliminary Roost Assessment Report by Syntegra Consulting, October 2021, ref. Ref: 21-8381
Bat Activity Survey Report, Ref 22_BAT2_06_26, 1 Weymouth Av

Existing Elevations, Drawing No. WAV-PL-EX_02
Existing Ground Floor Site Plan, Drawing No. WAV-PL-EX_01
Proposed Elevations, Drawing No. WAV-PL-PRO_05
Proposed Long Elevation, Drawing No. WAV-PL-PRO_07
Proposed First Floor Plan, Drawing No. WAV-PL-PRO_03
Proposed Ground Floor Plan, Drawing No. WAV-PL-PRO_02
Proposed Ground Floor Site Plan, Drawing No. WAV-PL-PRO_01D
Proposed Roof Plan, Drawing No. WAV-PL-PRO_04
Proposed Sections, Drawing No. WAV-PL-PRO_06
Tree Location Plan, Drawing No. SJA TL 00651-01
Energy Statement by Doherty Energy, E999-ES-00

Existing Location Plan, Drawing No. WAV-PL-LOC_01
Design and Access Statement
Planning Statement
Tree Survey Schedule

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

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

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

- 3 a) Notwithstanding the approved plans, no development other than demolition works shall take place until 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.

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 Prior to occupation of the development, parking spaces and the access to the car parking spaces from public highway shall be provided in accordance with approved drawing WAV-PL-PRO_01D. Thereafter, the parking spaces shall be 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 London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy T6.1 of the London Plan (2021)

- 7 a) Notwithstanding the approved plans, 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.

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

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

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

9 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 G1, G6 and G7 of the London Plan (2021)

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

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

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

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

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

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

12 All vegetation clearance should be avoided during the active nesting bird season (March 1st to August 31st inclusive). 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.

Reason: To ensure that the protection of nesting birds is 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)

- 13 a) Before commencement of development, details on the specifications, location, aspect, and position of bat roost, bird nest boxes (see section c) and all enhancement measures shall be submitted by the applicant for approval by the Local Planning Authority.
- b) All approved works shall be undertaken in accordance with the measures outlined with the Bat Activity Report (ROAVR, June 2022, 22_BAT2_06_26).
- c) Prior to occupancy of works at least 1 x purpose-built bat roost box and 1 x purpose built swift box shall be installed on the newly constructed buildings, and 1 x Woodstone bird nest box shall be installed on a new suitable tree (or building) in line with the guidance of 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA) as appropriate.

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.

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

The development shall be maintained as such in perpetuity thereafter.

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

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

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

16 a) Notwithstanding the approved plans, before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

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

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

17 a) Notwithstanding the approved plans, no development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.

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

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

18 Before the building hereby permitted is first occupied the proposed window(s) above ground floor level in the side elevation facing No 1 Weymouth Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A-G of Part 1 and Classes A-C of Part 2 of Schedule 2 of that Order shall be carried out

Reason: To safeguard the character and appearance of the host property and surrounding area, the residential amenities of neighbouring occupiers and the health of existing trees, in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

- 1 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 2 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 Any gates must open inwards and not out onto the public highway for health and safety reasons.
- 5 It is recommended that the soft landscaping for the amenity lawn consist of species rich seed mix or turf. This mix should consist of a ratio of 70/30 native grass to flowering plants as such flowering plant species and grasses provide high value to pollinating insects including bees, butterflies. An example of a potential species rich meadow seeding mix includes Boston Seed Dual Purposed Wildflower Meadow Seed Mix BSXM 70/30 and for the amenity lawn Emorsate Seed Strong Lawn Grass Mixture EG22.

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

Night scented plants should also be incorporated into a detailed planting schedule where feasible. An extensive list of suitable plant species can be found on the RHS advice page <https://www.rhs.org.uk/advice/pdfs/plants-for-bats.pdf>. The provision of bat friendly planting is in Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

- 6 No artificial lighting near to or shining onto any boundary trees and shrubs is to occur pre/during and post development. Any artificial lighting scheme should be designed to minimize the impact it has on potential bat roosting and commuting. Lighting should be in line with the BCT lighting guidelines (Bats and Lighting in the UK (Bat conservation trust, 2018) <https://www.theilp.org.uk/documents/guidancenote-8-bats-and-artificial-lighting/>. Any such artificial lighting should be of low level, be on downward deflectors and ideally be on PIR sensors. Using LED directional lighting can also be a way of minimizing the light spill affecting the habitat. No up-lighting should be used. This will ensure that the roosting and commuting resources that the bats are likely to be using is maintained.

OFFICER'S ASSESSMENT

1. Site Description

The application site accommodates a large detached 2 storey dwellinghouse (5 bedrooms) at 1 Weymouth Avenue, Mill Hill within a large corner plot at the intersection of Weymouth Avenue and Watford Way. The site benefits from two vehicular accesses from Weymouth Avenue, one of which has been out of use.

The surrounding area is residential; characterised by mainly large detached two / 2.5 storey houses of traditional design, within large plots.

To the rear/north of the site is a large detached property orientated to face Watford Way, 58 Watford Way.

Opposite the site to the south is No. 2 Weymouth Avenue a large detached house that has been heavily extended.

The existing dwellinghouse is not listed, nor does the site lie in a conservation area.

2. Site History

Reference: 18/7681/FUL (Dismissed at appeal, ref. APP/N5090/W/19/3226783 dated 28 August 2019)

Address: 1 Weymouth Avenue

Decision: Refused

Decision Date: 27 February 2019

Description: Erection of 3no two storey dwellinghouses following demolition of single storey side extension to existing dwellinghouse. Associated amenity space, parking, cycle store and refuse/recycle store.

Reasons for refusal:

1. The proposed development by reason of its size, contemporary design, layout and siting would be a cramped and incongruous form of development on a back garden site, amounting to overdevelopment of the plot. As such it would fail to relate to the context of the site and the pattern of development in the immediate surrounding area and would harm the character and appearance of the streetscene and the locality in general, and the amenities of future occupiers contrary to policies 3.5, 7.4 and 7.6 of the London Plan (Adopted 2016), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policies DM01 and DM02 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in the Barnet Residential Design Guide Supplementary Planning Document (Adopted 2016).

2. The proposed development would by reason of its size, design and siting, be overbearing and visually obtrusive and would result in loss of privacy, detrimental to the residential and visual amenities of the neighbouring occupiers of properties in Weymouth Avenue and Russell Grove contrary to Policy CS5 of the Barnet's Local Plan (Core Strategy) 2012 and Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD 2012, SPD: Sustainable Design and Construction (Adopted 2016) and SPD: Residential Design Guidance (Adopted 2016).

Reference: W10998

Address: 1 Weymouth Avenue

Decision: Approved subject to conditions

Decision Date: 30.10.1996

Description: Part single, part 2 storey rear extension, garage extension to side.

3. Proposal

The proposal is for a two storey dwelling with demolition of the existing side extension and subdivision of the existing property; and associated landscaping.

Vehicular access to the proposed dwelling would be achieved by the demolition of a side extension to the existing dwelling and a newly created driveway located between the existing house and its side boundary. The driveway would be accessed via one of the existing crossovers from Weymouth Avenue located within the site frontage.

The proposal has been amended during the application stage to increase the width of the vehicular access in response to highways consultation feedback.

4. Public Consultation

Consultation letters were sent to 33 neighbouring properties and a site notice was displayed on 23rd July 2020.

Eight objections received, raising the following concerns:

- o Development in principle is not supported.
- o Loss of character
- o Private gardens are not previously developed land (NPPF).
- o Permission at 16/7727/FUL is not comparable.
- o Highway safety issues due to proximity of crossover to A1 junction.
- o Insufficient off-street parking
- o Backland development
- o Loss of privacy
- o Overdevelopment and cramped form of development.
- o Uphill Road properties are not comparable as they have no acute access issues.
- o Extension to existing dwelling is overbearing and unsightly.
- o Significant impact on neighbouring properties on Russell Grove.
- o Damage to trees

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

The NPPF states that 'good design is a key aspect of sustainable development, creates better places 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, DM04, DM16, 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 22) 2021

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are

characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

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

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Considerations

The issues in assessing the application are:

- Principle of development
- Impact on character
- Impact on neighbours
- Impact on future conditions of occupiers
- Impact on trees and ecology
- Highway safety

5.3 Assessment

- Principle of development;

The principle of the development for this site has previously been resisted (18/7681/FUL), however it should be noted that at appeal the planning inspector considered the principle to be acceptable (para. 13, APP/N5090/W/19/3226783) and on that basis, the principle of this development is accepted.

- 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 site's 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 previous refused application for a terrace of three dwellings (18/7681/FUL) was considered to have an adverse impact on the character of the area, due to overdevelopment and cramped formation against the prevailing pattern of development in the area. By contrast, this current proposal is considerably smaller in scale, with only one detached dwelling proposed and a significantly reduced building footprint. It is therefore considered this current proposal has overcome the design and character reason for refusal.

The design of the proposed dwelling remains contemporary in style, introducing a modern architectural idiom into a conventional suburban setting. This is considered acceptable taking into account it is similar in architectural style to the previous scheme, which although refused, was considered acceptable by the planning inspector with respect to architectural style, who commented: "The new houses would be designed in a contemporary style that, nevertheless, would echo the character of more traditional houses in the use of materials" (para 11, APP/N5090/W/19/3226783) and "It is acknowledged that the introduction of a modern architectural idiom into a conventional suburban setting can be effective and the architectural language that is here proposed would not be unacceptable in principle" (para 13).

External materials consist of light brick at ground floor and clay plain tiles at first floor and for the roof. This is considered acceptable.

Giving weight to the appeal decision and the significant reduction in the scale of the scheme, the proposal is thus assessed to be appropriate in density, massing, and design, having no adverse impact on the character of the area and thus complies with Policy DM01 and other relevant planning policy in respect of design.

- 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 dwelling, taking into account its reduced scale and siting, would be sufficiently distanced from neighbouring properties to avoid any adverse loss of the outlook, privacy or light at such properties. Furthermore, it is considered sufficiently distanced away from the rear of the existing dwelling (No. 1) to avoid having an overbearing impact on it (separated by 21 metres instead of 16 metres previously).

The reduced number of dwellings would also be acceptable to the amenity of neighbouring occupiers by virtue of the less intensive occupation of the site.

The proposal is therefore assessed to have no adverse impact on neighbouring dwellings.

- Whether harm would be caused to the living conditions of future occupiers.

Any proposal for the site which includes an element of residential dwelling use will need to demonstrate that it is providing suitable amenities for its future occupiers in the relevant regards (for example, daylight, sunlight, outlook, privacy and internal and external amenity space).

All residential accommodation is expected to meet the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2021. Double bedrooms should provide a minimum floor area of 11.5 sq m and single bedrooms a minimum floor area of 7.5sqm, in line with the National standards.

The proposed dwelling would have four bedrooms on the first floor (7 persons), each one is assessed to be compliant with the London Plan in terms of space standard. Furthermore, its Gross Internal Area (GIA) of 165 sq metres would well exceed the required GIA of 115 sq metres according to the London Plan.

The proposed dwelling would also have sufficient outlook and ceiling heights (exceeding 2.5 m).

The proposed building would have eight habitable rooms and thus require 85 sq metres of amenity space according to the Sustainable Design and Construction SPD. The garden would be 550 sq metres and thus well exceed this requirement.

- Highways and parking provision.

The proposal is for the demolition of the existing side extension and construction of a new 1x 4+bed single family dwelling with the retained provision of 4x off-street car parking spaces and 4 cycle parking spaces. The applicant is proposing to retain use of 2 car parking spaces for residents of the existing dwelling and 2 spaces for residents of the new development. The applicant is also proposing 2 cycle parking spaces for the existing property and 2 for the new property. The existing vehicular access is to be retained and a new road to the new property's car parking area constructed.

The Council's Highways Officer has been consulted on this application and a wider vehicular access route has been proposed in revised plans, together with amendments to the parking area, which have been accepted by Highways.

- Trees and Ecology.

The council's tree officer has commented there are three good quality trees on the site (T2 yew at the front, T12 silver birch along the north boundary, T27 beech in rear garden. The remaining trees provide considerable level of visual tree amenity on the site due to the very tree'd nature of the site. It is proposed that two trees are felled in order to make way for the new vehicular access road.

The council's tree officer has been consulted who has no objections subject to conditions.

The council's ecologist has also commented that the the existing dwelling and a number of trees on the site have potential for bat roosting, and thus advised the applicant should carry out a preliminary bat roost assessment.

The submitted Preliminary Roost Assessment report (dated October 2021) found evidence of 'moderate potential' for bat roosting in the existing dwelling and potential roosting in two trees proposed for felling (T8 and T12). It was therefore recommended that two further bat activity surveys should be undertaken on the existing building and these two identified trees before the determination of the planning application. At the ecologist's advice, two endoscope assessments were carried out on these trees which found no evidence of bat

roosting.

The ecologist has confirmed in final comments that the scheme is acceptable subject to conditions.

5.4 Response to Public Consultation

The comments raised in objections have addressed in the body of the report. Further comment on matters unaddressed in the assessment are provided below.

o Highway safety issues due to proximity of crossover to A1 junction.
Response - the council's highways team has been consulted on the application who have found no objections concerning highway safety, subject to mitigating conditions listed in this report.

o Insufficient off-street parking -
Response - parking spaces are compliant with Policy DM17 and the London Plan 2021.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the proposal is assessed to have no adverse impact on the character of the area and to have no adverse impact on amenity of neighbouring properties. The proposal is therefore recommended for APPROVAL subject to conditions.



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Location The Lanterns; 23 - 25 Moss Hall Grove; London; N12 8PG

AGENDA ITEM 11

Reference:

	Received:	05.10.2022
22/4891/FUL	Accepted:	05.10.2022
Ward: West Finchley	Expiry	28.11.2022

Applicant:

Reicol Ltd

Proposal:

Demolition of existing garages and erection of a two-storey building to provide 2x 3-bed self-contained flats with 2 x no car parking spaces, bin and cycle storage, associated landscaping and boundary treatments.

Recommendation: Approve subject to conditions

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

CONDITIONS

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

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

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

- Cover letter dated 3rd October 2022 bt dlp
- Site Location Plan: PL01 Rev v1
- Existing Block Plan: PL02 Rev v1
- Proposed block Plan PL03 Rev v1
- Demolition Plan PL06 Rev v2
- Hard and soft landscape: PL-001
- Proposed floor plans: PL10 Rev v4

- Proposed elevations: PL20 Rev V4
- Proposed Section PL30 Rev V4
- Proposed site plan: PL04 Rev v1
- Tree Protection Plan: NWATLP01
- Tree Protection Plan- Construction: NWATPP01 con
- Existing site plan: Tree Protection Plan Demolition NMAPPP01 Demo
- Area Schedule
- Planning, Design and Access Statement by dlp dated October 2022
- Tree Survey Schedule (ref: DEV220901-1003)
- Arboricultural Appraisal Report by NWA Arboricultural Limited dated 07.09.2022
- Daylight and Sunlight Assessment by L16 Design dated August 2022
- Computer Generated Images (CGI's)
- Preliminary Ecological Appraisal by tsa ecology dated September 2022
- Sustainable Appraisal and Energy Efficiency flexibility Study dated 13.09.2022 by Green Heat Ltd

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

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

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

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

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

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

5. Prior to commencement of the development, a revised parking layout showing dimensions of the two proposed parking spaces shall be submitted to and approved in writing by the local planning authority. Thereafter, the 2 spaces shall be implemented in accordance with the approved plans used only as agreed and not for any purpose other than the parking and access/turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet CS09 of the Core Strategy (2012) and policy DM17 of the Development Management Document (2012).

6. a) Before the development hereby permitted is first occupied, details of 4 x no cycle parking spaces and cycle storage facilities shall 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.

7. Before the permitted development is occupied, details of refuse storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved refuse storage and collection arrangements.

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.

8. No site works including demolition or construction work shall commence until a Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
 1. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 2. site preparation and construction stages of the development;
 3. 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;
 4. 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;
 5. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 6. 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;
 7. noise mitigation measures for all plant and processors;
 8. details of contractor's compound and car parking arrangements;
 9. Details of interim car parking management arrangements for the duration of construction;
 10. Details of a community liaison contact for the duration of all works associated with the development.
 11. Provision of a competent banksman.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

9. Prior to occupation of the development, all off-site highway works shall be completed to the satisfaction of the local Highway Authority .

Reason: To ensure that the development provides adequate access for pedestrians and vehicular traffic in accordance with policy 6.13 of the London Plan.

10. The approved works shall be implemented in accordance with the ecological mitigation measures outlined within section 7.2 of the approved Preliminary Ecological Appraisal (TSA Ecology, September 2022) in regard to bat sensitive lighting and protection of nesting birds.

b) Prior to occupancy of works the following biodiversity enhancement measures shall be installed onto the newly constructed building and/or retained rear boundary trees nearby (as appropriate) in accordance with section 7.3 of the approved Preliminary Ecological Appraisal (TSA Ecology, September 2022) and 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA):

i) 2 x Schwegler Nest Box 1B (or similar)

ii) 2 x Swift bricks

iii) 1 x Schwegler Sparrow Terrace (or similar)

iv) 2 x 2F Schwegler Bat Box (General Purpose) with or without Double Front Panel

Reason: To ensure ecological enhancement measures are in accordance with policy G6 of the London Plan (2021); policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), and policy DM16 of the Development Management Document (2012).

11. Prior to commencement of all works including ground preparation and clearance: a) Details of the location of at least 2 x hedgehog highways (13cm x 13cm gaps) at the base of the boundary fencing are to be submitted and approved by the local planning authority.

b) Prior to first occupancy the approved hedgehog link must be installed in the base of the boundary fencing to ensure continued access for commuting hedgehogs through the garden. Photographs of the hedgehog gaps are to be submitted as evidence of compliance which shall be 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 DM01 & DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G5, G6 & G7 of the London Plan.

12. 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).

13. a) The site shall not be brought into use or first occupied until details of the means of enclosure, including 1.8m high fencing panels would be erected along the boundaries to the rear of the site, 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).

14. a) All work comprised in the approved scheme of hard and soft landscaping works as shown on drawing no: PL-0001 shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

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

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

15. a) The applicant shall enter into a s184 Agreement with the Council's Local Highways Authority to reinstate the existing access to the site.

b) Prior to the first occupation of the development, all off-site highway works are completed to the satisfaction of the Local Highway Authority.

Reason: To ensure that the proposed development does not prejudice access to the permitted points in the interest of the flow of traffic and conditions of general road and highway safety on the adjoining highway in accordance with Policies DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS9 of the Local Plan Core Strategy (adopted September 2012).

16. a) The applicant shall enter into a s184 Agreement with the Council's Local Highways Authority to reinstate the existing access to the site.

b) Prior to the first occupation of the development, all off-site highway works are completed to the satisfaction of the Local Highway Authority.

Reason: To ensure that the proposed development does not prejudice access to the permitted points in the interest of the flow of traffic and conditions of general road and highway safety on the adjoining highway in accordance with Policies DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS9 of the Local Plan Core Strategy (adopted September 2012).

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

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

Informatives

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. The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
5. Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
6. In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
 - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
 - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
 - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
 - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
 - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

7. Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
8. Bats and lighting- No artificial lighting near to or shining onto any boundary trees and shrubs is to occur pre/during and post development. Any artificial lighting scheme should be designed to minimize the impact it has on potential bat roosting and commuting. Lighting should be in line with the BCT lighting guidelines (Bats and Lighting in the UK (Bat conservation trust, 2018)

<https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>. Any such artificial lighting should be of low level, be on downward deflectors and ideally be on PIR sensors. Using LED directional lighting can also be a way of minimizing the light spill affecting the habitat. No up-lighting should be used. This will ensure that the roosting and commuting resources that the bats are likely to be using is maintained.

9. Non-native plant species

Any invasive non-native plant species are that discovered within red line boundary (e.g., cotoneaster or buddleia) during the approved works shall be reported to the project ecologist. Should such species be required to be removed the action is 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). Controlled waste is defined as any plant material or contaminated soil under the Environment Protection Act 1990.

10. Nesting Birds

Avoid all vegetation clearance and demolition 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 demolition 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.

11. Species rich plantings and seeding

It is recommended that the soft landscaping for the amenity lawn consist of species rich seed mix or turf. This mix should consist of a ratio of 70/30 native grass to flowering plants as such flowering plant species and grasses provide high value to pollinating insects including bees, butterflies. An example of a potential species rich meadow seeding mix includes Boston Seed Dual Purposed Wildflower Meadow Seed Mix BSXM 70/30 and for the amenity lawn Emorsate Seed Strong Lawn Grass Mixture EG22.

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.

12. The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk
13. 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.
14. Various trees, shrubs and hedging are protected as they are shown to be retained or planted as part of the landscaping condition of the planning permission granted for the development of the site. This landscaping condition specifies that any trees or shrubs removed, dying, becoming severely damaged

or becoming diseased within five years of the completion of the development are to be replaced with trees or plants of appropriate size and species.

Officers Assessment

Site Description

The site is located to the southwest of Moss Hall Grove. It is located to the rear of an existing block of flats known as "The Lanterns". Building. The application site is currently used for garages to the rear of the site which are used for storage purposes by the owners/tenants of the garages. The site is accessed via the existing driveway to the right of the block of flats which would be retained as the access to the new build development.

The surrounding area is predominantly characterised by two to three storey residential developments.

The site is not located within a conservation area and there are no statutory listed buildings within the immediate vicinity of the site.

The site is located approximately 300m to the south of North Finchley Town Centre and is located within an area of Public Transport Accessibility Level 3 which means it has moderate access to Public Transport.

Site History

Ref no: C02460AC/01

Proposal: Addition of a new floor level within a mansard roof, comprising 4 no two-bedroom flats. Creation of two rear balconies at third floor level

Decision: Approved subject to conditions

Decision date: 13 March 2002

Ref no: C02460AC/01

Proposal: Addition of a new floor level within a mansard roof, comprising 4, two-bedroom flats. Creation of two rear facing balconies at third floor level.

Decision: Approved subject to conditions

Decision date: 13 March 2002

Ref no: C02460AD/04

Proposal: Erection of a detached chalet bungalow

Decision: Finally disposed

Decision date: 07 January 2005

Ref no: C0246AF/07

Description of development: Erection of a three-storey building comprising of 9 no flats, with 9 no associated parking spaces.

Decision: Refused

Decision date: 06 July 2007

Ref no: F/00593/08

Description of development: Demolition of the existing garage block at rear and erection of new two storey building comprising 8 no flats with associated refuse store, cycle store and off-street parking

Decision: Refused

Decision date: 27 May 2008

Proposal

The proposed development is for the demolition of the existing garage block and the erection of a two-storey building to provide two x 3-bedroom semi-detached dwellings; and ancillary private amenity space to the rear of the houses. The proposal makes provision for 2 x no car parking spaces, one space for each dwelling.

Public Consultation

140 consultation letters were sent to neighbouring properties on 25th October 2022 A site notice was erected on 13th October 2022

6 responses have been received, comprising 6 letters of objection, including an objection on behalf of the Finchley Society.

The objections received can be summarised as follows:

1. The site is constrained and the proposed development would be detrimental to the character of the area.
2. Unacceptable loss of outlook. Increased sense of enclosure.
3. Lack of privacy
4. Exacerbate difficulties with on streetcar parking
5. Potential overheating, especially in summer.
6. Loss of trees
6. Pollution especially to the adjacent schools
7. Difficulties for fire engine access causing potential hazards
8. Additional pressure on local infrastructure
9. Safeguarding: The plans indicate a 2nd storey balcony and windows that directly overlook and look into school classrooms. This is a potential safeguarding risk. The application does not illustrate how the boundary wall would be screened at height to prevent overlooking.
10. Children's play space at The Lanterns will be impeded during the proposed construction period and subsequently. There may be a safety risk during construction to residents including children.
11. Increase of vehicles parking in the area.
12. The proposed development would not be affordable for families trying to afford living in this area.

All planning matters raised in the objections have been considered and addressed as part of the decision-making process and are available to view on the Councils website should Committee Members wish to read them in full. All representations have been summarised in the Officers report.

Statutory Consultees

Highways Team

LBB Highways do not raise any formal objections, subject to the following conditions:

1. Details of a revised parking layout showing dimensions of the two parking spaces
2. Details of a minimum of 4 (long stay) cycle spaces
3. Details of Refuse and Recycling collection facilities
4. Construction Management Plan

The above would be secured by way of a conditions to ensure that the proposed development does not prejudice the amenities of occupiers of adjacent residential properties in the interest of highway and pedestrian safety; and to provide adequate access for pedestrians and vehicular traffic.

LBB Ecology

The proposed works are considered to have an acceptable impact on ecology subject to the following ecological mitigation and enhancement measures conditions:

1. The approved works shall be implemented in accordance with the ecological mitigation measures in regard to bat sensitive lighting and protection of nesting birds
2. Biodiversity enhancement measures to be installed within the site boundary to include: 2 x Schweiger Nest Box 1B (or similar); 2 x Swift bricks; 1 x Schweiger Sparrow Terrace (or similar) and 2 x 2F Schweiger Bat Box (General Purpose) with or without Double Front Panel
- 3a Details of the location of at least 2 x hedgehog highways (13cm x 13cm gaps) at the base of the boundary fencing. Prior to first occupancy the approved hedgehog link must be installed in the base of the boundary fencing to ensure continued access for commuting hedgehogs through the garden.

The above would be secured by way of condition as set out in the report.

LBB Arboricultural Officer

LBB Arboricultural Officer has reviewed the submission and raises no objections to the details provided within the Tree Location and Protection Plan, and the Arboricultural Appraisal Report. The applicant would be required to implement the development in accordance with these plans and documents.

Planning Considerations

Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2021

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

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

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

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

- GG1 (Building strong and inclusive communities)
- GG2 (Making the best use of land)
- GG3 (Creating a healthy city)
- GG4 (Delivering the homes Londoners need)
- GG6 (Increasing efficiency and resilience)
- D3 (Optimising site capacity through the design-led approach)
- D4 (Delivering good design)
- D5 (Inclusive design)
- D6 (Housing quality and standards)
- D7 (Accessible housing)
- D12 (Fire safety)
- D14 (Noise)
- H1 (Increasing housing supply)
- H2 (Small sites)

H10 (Housing size mix) requires
S1 13 (Sustainable Drainage)
T5 (Cycling)
T6 (Car parking)
T6.1 (Residential parking)
T7 (Deliveries, servicing, and construction)
SI 1 Improving air quality
SI 2 Minimising greenhouse gas emissions
SI 3 Energy Infrastructure
SI 4 Managing Heat Risk
SI 5 Water Infrastructure
SI 8 Waste capacity and net waste self sufficiency
SI 12 Flood Risk Management

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, CS4, CS9, CS14
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM16, DM17

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

Supplementary Planning Documents

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

Main issues for consideration

The main issues for consideration in this case are:

- Whether the design would cause harm to the openness of the site and character of the area
- Impacts on amenity of neighbouring residential amenity
- The standard and quality of accommodation
- Ecology and Impact on Trees
- Impacts on the local highway

Whether the design would cause harm to the openness of the site and character of the area

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

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

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

The existing garage building appears dilapidated and has limited visual aesthetic merit, which neither contribute to the character and appearance of the immediate area. The applicant has advised they are no longer fit for purpose. As such, the demolition of the existing building is acceptable onsite.

The application site is located to the rear of the existing three storey residential block of 'The Lanterns'. The nearby buildings are predominantly two and three storeys in height. The proposed two storey building, at approximately 6.1 metres is acceptable and broadly in keeping with the prevailing building heights of buildings within the immediate vicinity of the site.

The scale and footprint of the development is site appropriate and reflects the local character of the area. The surrounding residential buildings, are in part, characterised by a mix of roof typologies, including mansard and flat roof forms. As such, the proposed flat roof to the building would be in keeping with the character of the area.

With reference to bulk and mass, the proposed use of high quality, permeable and durable materials including a variety of shades of brickwork to the side elevations, heaving use of glazing at both ground and first floor levels to the front and rear elevations, successfully articulates the facades whilst reducing the overall perception of bulk and mass to the building. The variety of materials also adds to the visual interest and design quality of this contemporary building. Moreover, the development includes a split to the façade on the first floor which identifies each dwelling separately, and thereby further reduces the perception of bulk to the development, which is supported.

Overall the height, siting, scale, bulk, massing, bulk and appearance of the building would be of high design quality, which would have a positive impact on the character

and appearance of the site and the area. The applicant would be required to submit full details, including sample specifications of all materials proposed, to be approved by the Local Planning Authority and implemented and retained thereafter. This would be secured by way of a condition.

Landscaping, including boundary treatment

The proposal provides an opportunity to improve the communal external amenity area and security for the existing residents who occupy "The Lanterns" Building. These landscaping and public realm works include communal play space for existing occupiers at Lanterns Court; planting of new trees; improvements to soft and introduction of hard landscaping; inclusion of timber gate to access rear gardens; post/high tensile wire fence for security. LBB Design and Landscaping Officers support the proposed landscaping works onsite.

By way of a planning condition, all work comprised in the approved scheme of hard and soft landscaping works as shown on drawing no: PL-0001 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. 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 would be replaced with trees or shrubs of appropriate size and species in the next planting season. This would be to ensure the satisfactory appearance to the development.

Moreover, full details of the means of enclosure, including 1.8m high fencing panels would be erected along the boundaries to the rear of the site, have been submitted to and approved in writing by the Local Planning Authority. 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. Further, 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. This is 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 ensure the security of the Moss Hill Junior school would not be compromised.

Impacts on amenity of neighbouring residential amenity

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

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

Privacy

The proposed building would be located some 40m away from the existing building (The Lanterns to the north onsite) and would therefore result in undue loss of privacy or overlooking to flats at The Lanterns.

A separation distance of approximately 40m has been retained from the front elevation of the proposed block and the existing rear elevation of the Lanterns. In addition, the separation distance from the proposed front elevation to the rear elevation of Pamela Court is approximately 42m from the proposed two houses. Further, the proposal would not include windows to elevations which have aspect to Burnbrae Close and therefore would not result in any loss of privacy to these properties.

Daylight and Sunlight to nearby residential properties

A Daylight and Sunlight Assessment was submitted to the LPA to establish and assess that the proposal would not result in an unacceptable overshadowing, loss of daylight and sunlight to neighbouring properties at The Lanterns; 29-32 Burnbrae Close; Bramley Cottage; and Pamela Court.

The main criteria used in this analysis to show compliance are the Vertical Sky Component for daylight impacts and Annual and Winter Probable Sunlight Hours for sunlight impacts. The Vertical Sky Component has been calculated for each of the 35 assessed windows for both the existing and proposed conditions.

All windows retain 80% of their current daylight and sunlight values. The scheme is therefore compliant with BRE recommendations in relation to daylight and sunlight impacts. As such, the proposal would not have an unacceptable impact or result in undue loss of daylight and sunlight to any nearby properties.

Impacts on the Moss Hall Junior and Infant Schools

The proposed first floor rear elevation, which have glazed doors to bedrooms would have access to small private balconies. The rear elevation is located approximately 10 metres from the common boundary shared with Moss Hall Junior School. Along the boundary there is a stretch of mature landscaping which provides a visual screen between the proposed development and the Junior School.

The existing trees south of the site would provide a natural buffer between the school and the proposal. Furthermore, evergreen landscaping is being introduced to the revised scheme to provide more screening of view from the proposal into the school; minimising any overlooking impact into the school's classrooms.

Further, 1.8m high fencing panels will be erected along the boundaries of the site. This would be supplemented by additional landscaping comprising of three native trees as

well as native shrubbery along the rear boundary. These measures would aid in the additional screening of the site from the Junior School whilst providing a natural privacy screen for prospective occupants of the site with particular regards to the rear balconies and windows at first floor level.

The standard and quality of accommodation

Dwelling mix

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

The proposed makes provision for 2 x 3 bedroom semi-detached houses. The provision of two storey x two family homes is welcomed by Officers.

Room size standards and layouts

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

Housing standards are set out in the Nationally Described Space Standards (NDSS), the London Plan and London Housing SPG and Barnet's Sustainable Design and Construction SPD. Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling, as set out in the below table, which shows the areas relevant to the unit types in this proposal.

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

- o Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- o 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 proposal would exceed the minimum size standards for a 3 bed (6 person) 2 storey house, in accordance with the Councils adopted SPD on Residential Design Guidance as set out below:

- House 1: 1 x 3 bed houses (6 person) Minimum requirement 93sqm
Proposed 150sqm
- House 2: 1 x 3 bed house (6 person) Minimum requirement 93sqm
Proposed: 150sqm

Private amenity space

The Council's adopted Supplementary Planning Document entitled Residential Design Guidance requires the provision of 40 m² of private amenity space for up to four habitable rooms; and 55 m² of space for up to five habitable rooms (5 habitable rooms).

Both houses provide four large habitable rooms, and both houses well exceed the minimum private amenity space requirement. The proposed development provides private balconies of 9m² for both two x 3-bedroom dwelling houses. Both houses provide private rear gardens that are The Lanterns bounded and screened by 1.8m high timber fences, with House 1 providing 309m² and Unit 2 providing 183m² of private rear garden amenity space. The proposal therefore exceeds the minimum requirements as set out below:

- House 1: Minimum Policy Requirement: 40m² Proposed total : 193sqm
- House 2: Minimum Policy Requirement: 40sqm Proposed total: 183sqm

Ecology and Trees

The importance of trees, ecology and landscape is recognised at every policy level, Nationally NPPF chapter 15; regionally London Plan policy G5, G6 & G7 of the London Plan (2021) and locally within Barnet Council's adopted policies DM01, DM04, DM15 & DM16 all require developers to consider, trees, ecology and landscape which builds biodiversity. In addition, the following references are also considered; Circular 06/2005: Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System, ODPM, 2005, London Biodiversity Action Plan, London Plan, 2016, London Regional Landscape Framework, Natural England, 2010.

Policy DM01 of the adopted Barnet Development Management 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. 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.

Ecology

LBB Ecology Officer has reviewed the submitted Preliminary Ecological Appraisal Report (PEA) and have concluded that the proposal would not have a significant impact on protected and notable species, habitats that cannot be reasonable mitigated against.

The LPA welcomes the provision to have a suitable experienced person conduct a nesting bird check prior to any vegetation or building removal (if occurring during the active nesting bird season March 1st to August 31st inclusive). Providing this measure is adhered to the risk of damaging or disturbing nesting birds will be effectively avoided.

The LPA anticipates that provision both species rich planting to compensate the loss of individual trees and shrubs, and the inclusion of species enhancement measures would be sufficient to provide a net benefit to biodiversity. The proposed works are considered to have an acceptable impact on ecology subject to the following ecological mitigation and enhancement measures conditions:

1. The approved works shall be implemented in accordance with the ecological mitigation measures outlined within section 7.2 of the approved Preliminary Ecological Appraisal (TSA Ecology, September 2022) in regard to bat sensitive lighting and protection of nesting birds.

2. The following biodiversity enhancement measures would included on the building and without the site boundary: a) 2 x Schwegler Nest Box 1B (or similar) b) 2 x Swift bricks; c) 1 x Schwegler Sparrow Terrace (or similar); & 2 x 2F Schwegler Bat Box (General Purpose) with or without Double Front Panel. Full Details on the specifications, location, aspect, and position of these species' enhancement measures shall be submitted by the applicant for approval by the Local Planning Authority, prior to the occupation onsite.

3a Prior to commencement of all works including ground preparation and clearance details of the location of at least 2 x hedgehog highways (13cm x 13cm gaps) at the base of the boundary fencing are to be submitted and approved by the local planning authority. Further, the approved hedgehog link must be installed in the base of the boundary fencing to ensure continued access for commuting hedgehogs through the garden. Photographs of the hedgehog gaps are to be submitted as evidence of compliance which shall be approved by the local planning authority.

Trees

The site contains few trees but has a number located closely adjacent. The most significant are T3 and T4, which are both of indifferent quality but do provide screening benefits. TG2 is located on adjacent land to the rear. This also provides some screening benefits but is again of low Arboricultural quality.

A total of eight individual trees, four tree collections and one hedge were recorded during the survey. Three category C trees would need to be removed to accommodate development with one further tree subject enabling works, also a category C.

LBB Arboricultural Officer has reviewed the Arboricultural Report and Tree Protection Plan and has confirmed they do not raise any formal objections. The proposal must be implemented in accordance with the Arboricultural Method Statements specified in this report, to ensure the development works would not be detrimental to the retained trees.

Impacts on the local highway

The site has a Public Transport Accessibility Level of 3, which meaning it has moderate access to public transport (PTAL 1 being very poor and 6b being excellent access to public transport. 5 bus routes can be accessed from stops within approximately 5 minutes walking distance of the site and West Finchley tube station is approximately within a 10 minutes walking distance of the site.

The site is not located within a Controlled Parking Zone.

Car parking

Car parking - London Plan standards

Policy T6.1 of the London Plan 2021 Residential Parking standards requires that new residential development should not exceed the maximum parking standards. These standards are a hierarchy with the more restrictive standard applying when a site falls into more than one category. Parking spaces within communal car parking facilities (including basements) should be leased rather than sold. All residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. At least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces.

For outer London sites with PTAL ratings of 2-3, the following is required:

- o 1-2 bed units: Up to 0.75 spaces per dwelling
- o 3 bed units: Up to 1 space per dwelling

Car parking -Local Plan

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

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

The proposal should make provision for 2-3 car parking spaces. The proposal makes provision for 2 x no car parking spaces onsite. Given the site PTAL score of 3, LBB Highways would accept the provision of 2 x no car parking spaces. The applicant proposes to install electric vehicle charging points, which is supported by Officers.

Prior to commencement of the development, a revised parking layout showing dimensions of the two proposed parking spaces shall be submitted to and approved in writing by the local planning authority. As such, the 2 car parking spaces shall be implemented in accordance with the approved plans used only as agreed and not for any purpose other than the parking and access/turning of vehicles in connection with approved development. Details of the upgraded site access are to be submitted to and approved in writing by the local highway authority and a s184 licence for upgrading the existing access is required. This would be secured by way of a condition to ensure that adequate and satisfactory provision is made for parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic.

Cycling Parking

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

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

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

Prior to occupation of the development, full details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, before the development hereby permitted is occupied, a minimum of 4 (long stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development. This would be secured by way of a planning condition to ensure that adequate and satisfactory provision is made for the parking of bicycles onsite.

Refuse and recycling facilities

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

Refuse storage and servicing arrangements would continue as existing and refuse storage for the new dwellings/residents of the Lanterns are shown on the plan and is considered to be acceptable.

Prior to the occupation of the two semi-detached dwellings, full details of refuse storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved refuse storage and collection arrangements. This would be secured by way of a planning condition in the interest of highway safety.

Response to Public Consultation

All planning matters raised in the objections have been considered and addressed as part of the decision-making process and are available to view on the Councils website should Committee Members wish to read them in full. All representations have been summarised in the Officers report.

Impact Upon Character and Appearance

The proposed development is contemporary and would contribute to the enhancement of the character and appearance of the site and the wider area. With the creation of two new 'family sized' dwellings, the proposals include usable communal space for

young families to utilise. The proposed play space would be surfaced with bark chippings, offering a permeable and 'natural' appearance to the area. This would also be enhanced by additional planting to offer screening and contribute to an enhanced appearance of the site. As such, it is considered that the proposed development would, in fact, have a positive impact upon the site and its surroundings.

Impact upon outlook, daylight, privacy and amenity

The Daylight and Sunlight Assessment which was submitted with the full planning application . concluded that the proposed position of the building within the site and the proposed fenestrations would not have an adverse impact upon the levels of daylight and sunlight enjoyed by the neighbouring properties and that the scheme is compliant with BRE guidelines.

A separation distance of approximately 40m has been retained from the front elevation of the proposed block and the existing rear elevation of the Lanterns. In addition, the separation distance from the proposed front elevation to the rear elevation of Pamela Court is approximately 42m from the proposed two houses.

As such it is considered that the proposed development would not adversely impact the existing properties at the Lanterns and Pamela Court in terms of overlooking, outlook, loss of privacy or other amenity issues.

In terms of the potential impact of the scheme upon the existing residents of the Lanterns and those residing in Pamela Court, it is considered that the proposed development has been positioned on site such that acceptable separation distances would be retained.

Transport and Parking Issues

The nine existing garages to the rear of the lanterns are in a poor condition and are used by third parties for storage purposes rather than for the parking of vehicles associated with the Lanterns building.

The proposed provision of two spaces for the new housing is considered appropriate, given the good accessibility of the site.

There are a number of facilities within walking and cycling distance, meaning that the comparative reduced car parking provision can be justified. In terms of transport and accessibility, the proposed development can be considered to be in keeping with local and national planning policy and guidance as the provision of two car parking spaces plus cycle spaces is in accordance with local guidance.

Large service vehicle including fire engines and refuse vehicles.

Large vehicles can safely access and leave the site in forward gear. As detailed in the transport statement that has been submitted in support of the application, it has been demonstrated that vehicles can safely manoeuvre within the site.

Impacts Upon Adjacent Moss Hall Junior and Infant schools.

The proposed residential block is positioned to the rear of the site, with the rear elevation located approximately 10 metres from the common boundary shared with Moss Hall Junior School. Along the boundary there is a stretch of mature landscaping which provides a visual screen between the proposed development and the Junior School. The proposals include additional planting offering screening between the school and the application site, minimising any overlooking impact into the school's classrooms.

It is not considered necessary to obscure the glazing to the balconies, as it is not considered that the development would compromise the safety of students and the boundary treatment is robust and secure. There are several examples of residential developments which overlook and have views to school grounds. This is not uncommon, and a reason for refusal on this ground could not be sustained.

Further, 1.8m high fencing panels would be erected along the boundaries of the site. This would be supplemented by additional landscaping comprising of three native trees as well as native shrubbery along the rear boundary. These measures would aid in the additional screening of the site from the Junior School whilst providing a natural privacy screen for prospective occupants of the site with particular regards to the rear balconies and windows at first floor level.

In addition, concerns have been raised with regards to the impact of the proposed development on noise, odour and dust generation during the construction phase of the development upon the adjacent school. The applicant would be required to submit a Construction Management and Logistics Plan would be submitted for approval to the Local Planning Authority and implemented during the course of construction. This would contain the provisions and measures to minimise the impact of the construction works in terms of noise and air pollution on adjacent neighbouring properties including Moss Hall Junior School.

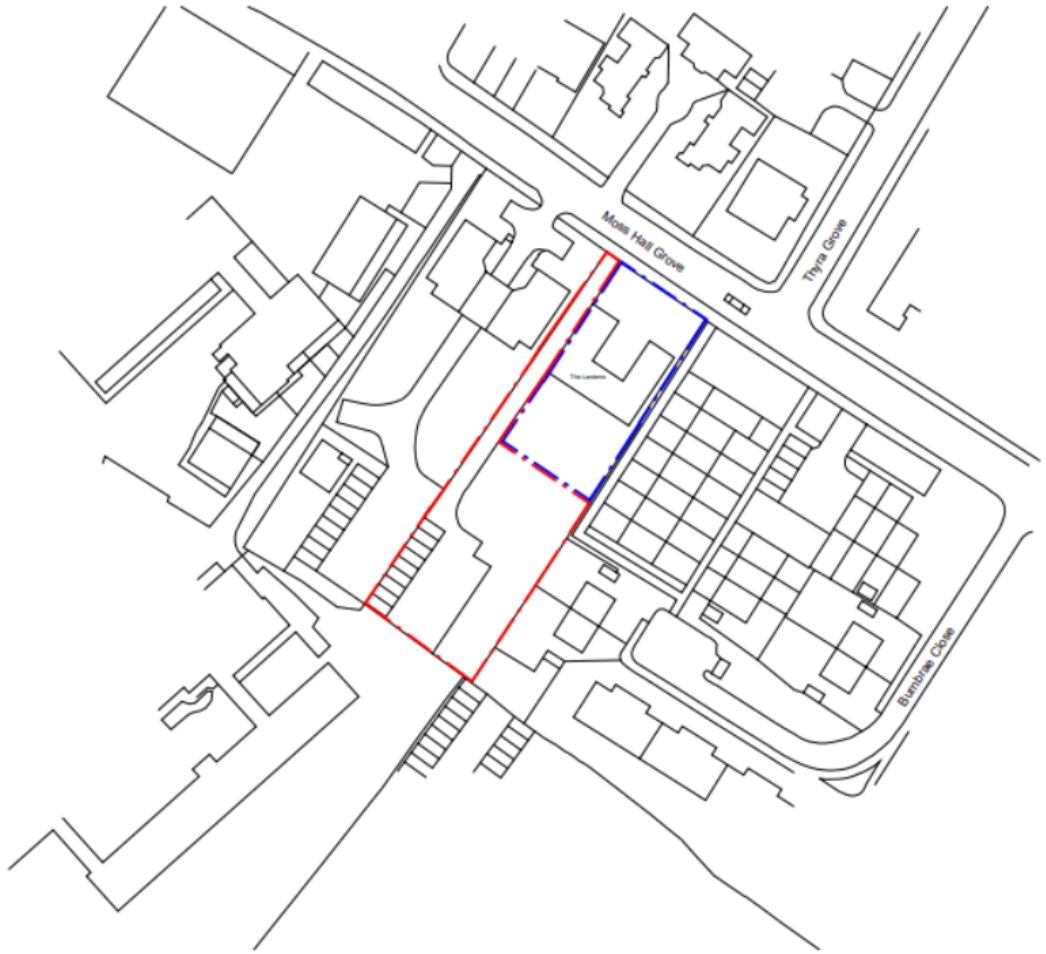
Equality and Diversity Issues

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.

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.

Site Location Plan



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Location	31 And 33 Edgwarebury Lane Edgware HA8 8LJ	
Reference:	21/4738/FUL	Received: 31st August 2021
		Accepted: 9th September 2021
Ward:	Edgware	Expiry: 4th November 2021
 Case Officer:	 Emily Bell	
Applicant:	Mrs R James	
Proposal:	Demolition of existing dwellings and erection of a new block of flats comprising 8no units with associated amenity space, car parking, bike shelters, waste and refuse area	

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:

PL/02-004 REV C
P/02-003 REV F
PL/02-001 REV F
PL/02-002 REV F
EX_100
EX_101
EX_102
EX_103
155/03/P_100 REV A
PL/02-003 REV A Location and Block Plan
31 & 33 Edgwarebury Road Planning Statement
31-33 Edgwarebury Lane Transport Statement by Public Highway Ltd dated 20th April 22

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

Development Management Policies DPD (adopted September 2012).

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

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

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

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

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

- 4 a) No development 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 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).

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

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

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

Reason: In the interest of good air quality in accordance with Policy DM04 of the Barnet Local Plan Development Management Policies (2012) and Policy S11 of the London Plan 2021.

- 8 a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.
- b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

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

- 9 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

(adopted October 2016) and 7.21 of the London Plan 2016.

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

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

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

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

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

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

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

- 14 Before the development hereby permitted commences, the applicant shall submit for approval details of measures to improve biodiversity on the site in accordance with guidance set out within BS42040:2013: Biodiversity - Code of practice for planning and development, and guidance documents provided by the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Royal Town Planning Institute (RTPI) for approval. The development shall be implemented in full accordance with these details.

The above conditions would be required, 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) and Policy G5, G6 and G7 of the London Plan 2021.

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

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

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

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

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

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

17 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).

18 a) Before the development hereby permitted is first occupied, details of the subdivision 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).

19 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the 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).

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

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

the London Plan (2021) and the 2016 Mayors Housing SPG.

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

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

- 22 Prior to occupation of the development the proposed parking spaces within the parking area as shown in drawing no. P/02-003 REV F 'Preliminary landscaping and proposed sections' submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

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

- 23 Before the building hereby permitted is first occupied the proposed window(s) in the upper floor flank elevations facing no. 29 and 35 Edgwarebury Lane shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 24 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).

Informative(s):

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

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

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

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

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

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

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

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

- 5 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.

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

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

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

- 8 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licences or email highwayscorrespondence@barnet.gov.uk.
- 9 Any gates must open inwards and not out onto the public highway for health and safety reasons.
- 10 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.

OFFICER'S ASSESSMENT

1. Site Description

The application site comprises two, two storey detached dwellinghouses which both benefit from attached single storey garages to the side. Both houses are currently in use as four bedroom single family dwellinghouses.

To the front of the site are paved hard standings with vehicle access from Edgwarebury Lane.

The surrounding area is predominantly residential in character and appearance consisting of a mix of detached and semi-detached two storey dwellinghouses with some flatted development nearby; namely, Edgwarebury Court opposite the site which is a flatted block with a parking court to the rear. Due south, there is a concentration of commercial uses towards the roundabout junction between Hale Lane and Penshurst Garden which form part of a commercial centre.

The site is not within a conservation area and the buildings are not listed.

2. Relevant Planning History

Reference: 20/2216/FUL

Address: 31 Edgwarebury Lane, Edgware, HA8 8LJ

Decision: Approved subject to conditions

Decision Date: 12 August 2020

Description: Conversion of existing house into 4no. self-contained flats including part single, part two storey side and rear extensions following demolition of the existing garage, roof extension involving 1no. rear dormer and 2no. rooflights. Associated amenity space, refuse/recycling store, parking, cycle shed and off-street parking

Reference: 20/6245/FUL

Address: 31 Edgwarebury Lane, Edgware, HA8 8LJ

Decision: Withdrawn

Decision Date: 9 August 2021

Description: Demolition of existing dwellings and erection of a new block of flats comprising 9 units with associated amenity space, car parking, bike shelters, waste and refuse area

Reference: 18/6555/FUL

Address: 33 Edgwarebury Lane, Edgware, HA8 8LJ

Decision: Approved subject to conditions

Decision Date: 21 February 2019

Description: Conversion of existing house into 4no. self-contained flats including part single, part two storey side and rear extensions following demolition of the existing garage , roof extension involving 1 rear dormer and 3 rooflights. Removal of chimneys. Associated refuse/recycling store, parking, cycle shed (amended description).

Reference: 17/6106/FUL

Address: 33 Edgwarebury Lane, Edgware, HA8 8LJ

Decision: Withdrawn

Description: Conversion of existing house into 5no. self-contained flats including part single, part two storey front, side and rear extensions, roof extension including hip to gable to rear with gable window and balcony, 4no. rooflight to both sides and 1no. rooflight to front and rear. Following demolition of existing garage and removal of chimneys.

Reference: H/00426/08

Address: 31 Edgwarebury Lane, Edgware, HA8 8LJ

Decision: Insufficient Fee

Decision Date: No Decision Made.

Description: Loft conversion including rear and side dormer windows. Installation of solar panels to rear elevation.

Reference: W15765A/07

Address: 31 Edgwarebury Lane, Edgware, HA8 8LJ

Decision: Refused

Decision Date: 9 October 2007

Description: Loft conversion and roof extension. Installation of solar panels on roof.

Reference: W15765/07

Address: 31 Edgwarebury Lane, Edgware, HA8 8LJ

Decision: Refused

Decision Date: 2 April 2007

Description: Loft conversion and roof extension. Installation of solar panels on roof. Installation of roof mounted wind turbine.

3. Proposal

The application seeks approval for the demolition of the existing dwellings and erection of a new block of flats comprising 8 units with associated amenity space, car parking, bike shelters, waste and refuse area.

The proposed 8 flats would be arranged over 3 floors (including the roofspace) and have a residential mix as follows:

Flat 1 (ground floor) 1 bed, 2 person with GIA of 50sqm
Flat 2 (ground floor) 2bed, 3 person with GIA of 67sqm
Flat 3 (ground floor) 2bed, 4 person with GIA of 100sqm
Flat 4 (first floor) 1 bed, 2 person with GIA of 53 sqm
Flat 5 (first floor) 2 bed, 3 person with GIA of 63 sqm
Flat 6 (first floor) 2 bed, 4 person with GIA of 97 sqm
Flat 7 (loft floor) 2 bed, 4 person with GIA of 70 sqm
Flat 8 (loft floor) 2 bed, 3 person with GIA of 65 sqm

The proposed building would measure approximately 19.8 metres in width, 15.5 metres deep with a height of 8.9 metres to the main ridge and 9.6 metres to the top of the lift. It would be set in from the common boundaries with nos. 29 and 35 Edgwarebury Lane by 1.4 metres at its narrowest point. The building would adopt a design with symmetrical bayfront windows and hipped ends. Access to the upper floors would be via a centralised staircase surrounded by a common hallway.

There would be two private gardens for flats 2 & 3 with a communal garden for the remaining flats.

Two bike stores would be located within the rear garden. Refuse storage is located on the front hardstanding and two car parking spaces are provided to the front hardstanding area.

It is noteworthy that planning permission has been approved for the subdivision of each of the existing buildings at nos. 31 and 33 Edgwarebury Lane (refs. 18/6555/FUL and 20/2216/FUL) into 4no units.

4. Public Consultation

Consultation letters were sent to 73 neighbouring properties. 6 letters of objection have been received, summarised below:

- o Parking pressure
- o Single family dwellings characteristic in the street
- o Construction disturbance including noise, dirt and dust
- o Loss of privacy to neighbouring occupiers from windows and balconies
- o Destroy trees and green space
- o Create additional noise and light pollution
- o Visually intrusive
- o Loss of single family dwelling
- o Garden area too small for 8 separate flats

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

The 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 Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the

Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low-density suburban housing with an attractive mixture of terrace, 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 Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

Policy DM01 of Barnet's Local Plan Development Management Policies DPD 2012 (LP) states that proposals should be based on an understanding of local characteristics. Criterion h of the same policy states that the conversion of dwellings into flats in roads "characterised by houses" will not normally be appropriate.

Within Chapter 2 of the Core Strategy, which is a material consideration in the determination of this application, the Council state the following: "The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate.

The application site occupies a pair of semi-detached dwellinghouses with single storey garages to the side. There are various dwellings of different types along Edgwarebury Lane including a number of flatted blocks and redevelopments nearby. Permission was previously granted at both nos. 31 and 33 Edgwarebury Lane (refs. 20/2216/FUL and 18/6555/FUL) for the conversion of both properties into 4no flats respectively. Given the mixed character of the surrounding area and the previous permissions this would be a material consideration and the principle of flats in this location would not be objectionable.

Policy DM08 states that for market housing, homes of 4 bedrooms are a high priority. Officers note the resultant development would result in the loss of a family sized dwelling. However, consideration must be given to the site specifics, including surrounding character and approved development. Both of the existing properties at nos. 31 and 33 benefit from planning permission granted in 2019 and 2020 (the latter of which remains extant) for the conversion of the properties - both resulting in the creation of 4 flats and the loss of the single-family dwelling. In these applications, this was considered acceptable on assessment. Officers have taken into consideration the previous appraisal for both existing properties, whilst taking into account the Core Strategy aims which also highlights the need for increased number of properties required in borough including a mix of dwelling sizes. Although the proposal would result in the loss of two four-bedroom properties, it would represent an increase to the housing stock of Barnet by the creation of six additional units. On balance, this is considered acceptable.

The existing dwellinghouses are not listed and are not considered to have any particular architectural or historical merit. Subject to a replacement of appropriate design and scale, and with no adverse impact on the local character or residential amenities of neighbouring occupiers, the principle of demolition of the existing buildings and their replacement with a building is considered to be acceptable.

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'. The amalgamation of properties can have an undesirable impact on the streetscene, however, in this case the proposed building has been designed so as to include a sufficient separation distance from the boundaries with neighbouring properties. Overall, the depth of the proposed building would be of a similar depth to the existing dwellings. Further, the principal elevation would have an active frontage denoted by a single central entrance, windows and parking to the front. There are examples of large flatted development in the area for instance exactly opposite the site, known as Edgwarebury Court, and it is considered that the proposed building would be in keeping with development in the immediate surrounding area.

The levels along Edgwarebury Lane are such that the ridge heights of the properties slope downwards as you travel towards the junction with Edgwarebury Gardens. A streetscene elevation has been provided to show that this pattern would be retained with the proposed new building.

The proposed building would measure approximately 19.8 metres in width, 15.5 metres deep with a height of 8.9 metres to the main ridge and 9.6 metres to the top of the lift. It would be set in from the common boundaries with nos. 29 and 35 Edgwarebury Lane by 1.4 metres at its narrowest point. The building would adopt a design with symmetrical bayfront windows and hipped ends. Access to the upper floors would be via a centralised staircase surrounded by a common hallway.

The proposed dormer windows on both the front and rear elevations have been sensitively designed as they would be of a suitable size and type. They would appear subordinate to the main building and not detract from the architectural composition. In addition, they

would be positioned so as not to infringe or be too close to the roof edges as per the Residential Design Guidance SPD.

Overall, the proposed building is considered to have an acceptable visual impact on the streetscene, and the character and appearance of the site and wider area.

Additional soft landscaping has been added to the frontage of the proposed building in order to soften the appearance of the new building in the streetscene. As existing, the site does not benefit from any soft landscaping to the frontage with the existing site benefitting from hardstanding across the full frontage. This introduction of soft landscaping will enhance the appearance of the streetscene and contribute positively to the wider area.

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.

A gap of approximately 1.4 metres is retained between the proposed building and the neighbouring boundaries with nos. 29 and 35 Edgwarebury Lane. The building has been designed so as to ensure the eaves and ridge height is comparable with the neighbouring properties and would not appear overbearing. The building will project approximately 1 metre in depth past no.35 at ground floor level and 3.5 metres past no. 29. At first floor level the building will step in away from the neighbouring boundaries. Due to the detached nature of the properties, this is considered to result in an acceptable impact on amenity with regards to outlook and light.

Balconies have been removed from the application throughout the lifetime of the application. A condition will be attached to ensure side facing upper floor windows are obscure glazed in order to protect privacy of neighbouring occupiers. This is considered an appropriate condition given that side windows will serve bathrooms or act as secondary windows for habitable rooms.

The overall number of flats is consistent with a combination of the two previous approvals and as such, is not considered to give rise to undue detriment as a result of the intensification of occupation.

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 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 1 bed, 2 person unit over 1 storey requires 50sqm, a 2 bed, 3 person unit over 1 storey requires 61sqm and a 2 bed, 4 person over 1 storey requires 70sqm.

- 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 proposal would provide the following dwellings:

Flat 1 (ground floor) 1 bed, 2 person with GIA of 50sqm
Flat 2 (ground floor) 2bed, 3 person with GIA of 67sqm
Flat 3 (ground floor) 2bed, 4 person with GIA of 100sqm
Flat 4 (first floor) 1 bed, 2 person with GIA of 53 sqm
Flat 5 (first floor) 2 bed, 3 person with GIA of 63 sqm
Flat 6 (first floor) 2 bed, 4 person with GIA of 97 sqm
Flat 7 (loft floor) 2 bed, 4 person with GIA of 70 sqm
Flat 8 (loft floor) 2 bed, 3 person with GIA of 65 sqm

All proposed flats are shown to meet the relevant minimum standards for internal floorspace.

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.

The London Plan (Policy D6) states that the minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling. The plans have been amended throughout the lifetime of the application to ensure this standard is met across all flats.

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 2 has 4 habitable rooms and would therefore require 20sqm of outdoor amenity space. This flat is provided with 50sqm of private amenity space.

Flat 3 has 5 habitable rooms and would therefore require 25sqm of outdoor amenity space. This flat is provided with 28sqm of private amenity space.

The remaining flats would comprise of a total of 23 habitable rooms and the requirement for outdoor amenity space would be a total of 115sqm. These flats would have access to a communal garden area measuring 150sqm which exceeds the requirement.

This provision is considered to provide a sufficient level of amenity space for future

occupiers.

Highways and parking

The proposal involves the demolition of existing dwellings at numbers 31 and 33 and construction of a new building to accommodate 8x self-contained flats with the provision of 2 off-street parking spaces.

The number of parking spaces was reduced to the front of the site throughout the lifetime of the application in order to accommodate additional soft landscaping in order to benefit the appearance of the site and wider area as discussed within an earlier section of this report.

The site lies within a PTAL 5 zone, which means that there is a very good public transport accessibility to and from the site. In line with requirements set out in Policy DM17 of the Barnet Local Plan, the required off-street car parking for a proposal such as this is 7 spaces. Therefore, the proposed provision means an under provision of 5 spaces. The applicant has submitted a Parking Survey which demonstrates that there is currently 42.5% on street car parking stress. The survey results show that there is sufficient availability on street to accommodate the potential overspill from the proposed development. Vehicular access is proposed to remain as existing which is acceptable.

The application is therefore considered acceptable on highways 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 SI 5 of the London Plan (2021) and a reduction of CO2 emissions over Part L of the 2013 Building Regulations in accordance with the requirements of Policy SI 2 of the London Plan (2021) and the 2016 Housing SPG's requirements.

In terms of water consumption, a condition would be attached to any permission to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with the London Plan (2021).

5.4 Response to Public Consultation

o Parking pressure

As discussed within the main body of the report, the applicant has submitted additional information in the form of a parking survey which demonstrates sufficient space for the overspill of parking spaces required by the development.

o Construction disturbance including noise, dirt and dust

Impacts of construction works are not a material planning application. Nevertheless, a condition will be attached including requirement of a Demolition and Construction Management Plan which will include measurements for dust control.

- o Loss of privacy to neighbouring occupiers from windows and balconies

Balconies have been removed from the application throughout the lifetime of the application. A condition will be attached to ensure side facing upper floor windows are obscure glazed in order to protect privacy of neighbouring occupiers. This is considered an appropriate condition given that side windows will serve bathrooms or act as secondary windows for habitable rooms.

- o Destroy trees and green space

The plans have been revised to ensure additional landscaping, in particular to the front of the site to ensure a visual buffer and to soften the proposed development within the streetscene.

- o Create additional noise and light pollution

Due to the mixed nature of the area, and taking into consideration the previous permissions across 31 and 33 Edgwarebury Lane which allowed 8no flats across the sites, the proposal is not considered to result in additional noise and disturbance from the proposed use. The design is not considered to result in detrimental light pollution.

- o Visually intrusive

The impact of the proposed building on the character and appearance of the streetscene and the impact on neighbouring properties has been discussed within the main body of the report.

- o Loss of single family dwelling

As detailed in the above assessment, the Core Strategy aims highlight the need for increased number of properties required in borough including a mix of dwelling sizes. Given the planning history on the site and surrounding character, this site is considered an acceptable location for the redevelopment into flats.

- o Single family dwellings characteristic in the street

It is noted that planning permission has been approved for the subdivision of each of the existing buildings at nos. 31 and 33 Edgwarebury Lane (refs. 18/6555/FUL and 20/2216/FUL) into 4no units. Therefore, the principle of the loss of a single family dwelling has already been approved at the site.

- o Garden area too small for 8 separate flats

As discussed within the main body of the report, the provision of outdoor amenity space is considered to be sufficient for the proposed flats.

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 32 - 39 Temple Fortune Parade Finchley Road London NW11
0QS

Reference: 23/0256/FUL Received: 20th January 2023
Accepted: 20th January 2023

Ward: Golders Green Expiry 17th March 2023

Case Officer: Jade Gillespie

Applicant: Mr Keith Bradford

Proposal: Alterations to shopfront and entrance doors. Replacement of existing
Fan DAC unit at the rear in existing plant enclosure

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:

174175-FCA-00-ZZ-DR-A-P04 Rev P01
174175-FCA-00-R01-DR-A-P03 Rev P01
174175-FCA-00-00-DR-A-LP01 Rev P01
174175-FCA-XX-00-DR-A-P15 Rev P02
174175-FCA-02-ZZ-DR-A-P14 Rev P02
174175-FCA-00-00-DR-A-P01 Rev P01
174175-FCA-00-00-DR-A-P02 Rev P01
Design and Access Statement dated 17/01/23

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

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

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

- 5 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.

Informative(s):

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

OFFICER'S ASSESSMENT

1. Site Description

The application site comprises of a three-storey mid-terrace property at 32-39 Temple Fortune Parade. The host property is located within the Golders Green ward of Barnet and appears to be of mixed use with retail on the ground floor and residential on the upper floors. This application relates to the ground floor retail unit currently in use as Waitrose.

The surrounding area comprises of three-storey terraced and detached properties which serve use for both commercial and residential purposes.

The application site is not located within a conservation area, but lies opposite the Hampstead Garden Suburb conservation area, nor is it statutory or locally listed.

2. Site History

Reference: 17/4100/ADV

Address: 32 - 39 Temple Fortune Parade, Finchley Road, London, NW11 0QS

Decision: Approved subject to conditions

Decision Date: 21 August 2017

Description: 2no internally illuminated fascia letters, 1no internally illuminated projecting sign and other associated signs

Reference: C16147A/07

Address: 32 - 39 Temple Fortune Parade, Finchley Road, London, NW11 0QS

Decision: Approved subject to conditions

Decision Date: 25 April 2007

Description: Installation of new condenser unit and replacement of existing plant units.

3. Proposal

This proposal seeks permission for alterations to the shopfront and entrance doors. This application also wishes to replace the existing Fan DAC unit at the rear in existing plant enclosure.

The proposed alterations to the shopfront and entrance doors are as follows:

-The existing building letters are proposed to be removed from the fascia panels. The fascia is proposed to be made good to ensure there is no ghosting from the previous building letters. Holes from the previous letters are proposed to be capped.

-The existing awning is proposed to be fixed closed.

-A new wall mounted defibrillator is proposed to be implemented on the façade of the building.

-The existing fascia is proposed to be redecorated in white to match the existing.

-The existing entrance door will be closed and replaced with glazing to match the existing.

-A new shopfront entrance/exit with an automatic glazed sliding door is proposed to be implemented.

-The plans also indicate that subject to the approval of this application, an advertisement application will be submitted to the LPA to approve the proposed new signage.

An extension to the trolley bay on the pavement to the front of the shop has been removed from this application.

4. Public Consultation

Consultation letters were sent to 153no neighbouring properties.

8no responses were received during the consultation period.

1no response neither supported nor objected to the proposal.

2no of the responses supported the proposal and can be summarised as follows:

-The proposal will modernise the façade of the property.

-The proposed improvements to the Waitrose will be welcomed however the road is in need of being resurfaced and new lighting implemented.

The remaining 5no responses objected to the proposal and can be summarised as follows:

-The current delivery strategy for Waitrose has resulted in residents' cars being damaged. The road is not suitable for HGVs.

-The proposal should include a transport assessment.

-The proposal should include a waste strategy.

-The shop keeps their bins on the road at the rear of the property. These often overflow and attract people, rats and foxes rummaging through them.

-The Waitrose delivery lorries block access to neighbouring properties and cause disturbance late at night.

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 amended on 20 July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, 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 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 20-25 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, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06, DM17.

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

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016):

- 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.
- Highways Impact.

5.3 Assessment of proposals

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

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

As mentioned above, the proposed alterations to the shopfront and entrance doors are as follows:

- The existing building letters are proposed to be removed from the fascia panels. The fascia is proposed to be made good to ensure there is no ghosting from the previous building letters. Holes from the previous letters are proposed to be capped.
- The existing awning is proposed to be fixed closed.
- A new wall mounted defibrillator is proposed to be implemented on the façade of the building.
- The existing fascia is proposed to be redecorated in white to match the existing.
- The existing entrance door will be closed and replaced with glazing to match the existing.
- A new shopfront entrance/exit with an automatic glazed sliding door is proposed to be implemented.

The proposed alterations to the shopfront and entrance are considered to be minimal in

nature. The alterations proposed are not considered to be so substantial that the character of the host property and the surrounding area would be detrimentally impacted. As such, the proposed alterations are found to be acceptable on character grounds, in accordance with policy DM01 of the Development Management Policies DPD.

The existing Fan DAC unit at the rear in existing plant enclosure is also proposed to be replaced within this application. Given that the Fan DAC unit will be located in an existing plant enclosure at the rear of the property, it is not considered to be directly viewable from the street scene. As such, this element of the proposal is not considered to have a detrimental impact on the character of the host property or the wider area.

Given the minor changes proposed, it is considered that there will be no impact on the character or appearance of the neighbouring conservation area and no conflict with policy DM06 of the Development Management Policies DPD.

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 policy D1 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 alterations to the shopfront and entrance will be located on the front elevation of the building at ground floor level. There are residential flats above the retail unit and across the road from the site. Given the location and the minimal nature of the alterations, it is not considered that the proposal would have the capacity to harm any neighbouring residential amenity.

To the rear of the site, Yew Tree Court is located which is a purpose-built flat block. The LPA's Environmental Health Team have assessed this element of the proposal and have confirmed that the replacement Fan DAC unit is acceptable subject to conditions. As such, the new Fan DAC unit is found to have an acceptable impact on the amenity of residents in Yew Tree Court and the residents on the upper floors of the host property in regard to causing noise and disturbance.

Highways Impact:

The initial submission of this proposal included the erection of a new trolley bay at the front of the shop. Following review from the LPA's Highways Team, the applicant was requested to retain the existing trolley bay instead as the proposed trolley bay was considered to detrimentally disrupt pedestrian movement on the already narrow footpath. The applicant has made this amendment and the Highways Team have confirmed that the proposal is now acceptable.

5.4 Response to Public Consultation

Consultation letters were sent to 153no neighbouring properties.

8no responses were received during the consultation period.

1no response neither supported nor objected to the proposal.

2no of the responses supported the proposal and can be summarised as follows:

- The proposal will modernise the façade of the property.
- The proposed improvements to the Waitrose will be welcomed however the road is in need of being resurfaced and new lighting implemented.

The remaining 5no responses objected to the proposal and can be summarised as follows:

- The current delivery strategy for Waitrose has resulted in residents' cars being damaged. The road is not suitable for HGVs.
- The proposal should include a transport assessment.
- The proposal should include a waste strategy.
- The shop keeps their bins on the road at the rear of the property. These often overflow and attract people, rats and foxes rummaging through them.
- The Waitrose delivery lorries block access to neighbouring properties and cause disturbance late at night.

Upon review of the received comments, it appears that objections were not made about the proposed alterations including the new Fan DAC unit. Instead, residents have raised concerns regarding delivery lorries, the delivery strategy and waste management. Unfortunately, these matters are not able to be assessed within this application given that the proposal does not relate directly to them. While the LPA do note the issues raised, it is considered that the proposed application will not worsen these existing issues.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the proposal in its entirety has been found to have an acceptable impact on the character of the host property and the surrounding area. The proposal has also been found to have an acceptable impact on the amenity of neighbouring occupiers and the highway. This application is therefore recommended for APPROVAL.

