

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

TUESDAY 12TH MARCH, 2019

AT 6.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Cllr Eva Greenspan

Vice Chairman: Cllr John Marshall

Councillors

Shimon Ryde
Melvin Cohen

Alan Schneiderman
Claire Farrier

Danny Rich

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

Andrew Charlwood – Head of Governance

Governance Services contact: finchleyandgoldersgreen@barnet.gov.uk Tel 020 8359 2315

Media Relations Contact: Gareth Greene 020 8359 7039

ASSURANCE GROUP

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ORDER OF BUSINESS

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1.	Minutes of last meeting	5 - 12
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
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13.	Any item(s) the Chairman decides are urgent	

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Decisions of the Finchley and Golders Green Area Planning Committee

12 February 2019

Members Present:-

AGENDA ITEM 1

Councillor Eva Greenspan (Chairman)
Councillor John Marshall (Vice-Chairman)

Councillor Melvin Cohen
Councillor Claire Farrier
Councillor Danny Rich

Councillor Shimon Ryde
Councillor Alan Schneiderman

1. MINUTES OF LAST MEETING

Councillor Marshall reported that the minute for item 9 (paragraph 1) did not clearly emphasise the proposed development's potential impact and stated that the word 'very' should be added: 'would be very harmful to the setting of the adjoining Hampstead Garden Suburb Conservation area..'.

HBPL advised that the minutes should record what was agreed at the last meeting. The Chairman then took a vote on whether the words "would be very harmful to the setting of the adjoining Hampstead Garden Suburb Conservation area" had been given as a reason for the refusal at the last committee meeting. This was agreed and the minutes were approved as an accurate record.

2. ABSENCE OF MEMBERS (IF ANY)

None.

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

Member	Item(s)	Declaration
Cllr Melvin Cohen	9 1069 Finchley Road London NW11 0PU 18/6035/FUL	Declaration of interest by virtue of the application site being opposite his office. Cllr Cohen would leave the room for this item.
Cllr Melvin Cohen	20 Menorah Primary School 1-3 The Drive London NW11 9SP 18/0216/S73	Declaration of interest by virtue of being a LEA School Governor. Cllr Cohen would leave the room for this item.

Cllr Melvin Cohen	17 Fairfield Close London N12 9ST 18/6410/FUL	Declaration of interest by virtue of having acted professionally for one of the Fairfield Close tenants. Cllr Cohen would leave the room for this item.
Cllr Shimon Ryde	9 1069 Finchley Road London NW11 0PU 18/6035/FUL	Declaration of interest by virtue of the applicant being known to him. Cllr Ryde would leave the room for this item.
Cllr Shimon Ryde	21 14-16 The Grove London NW11 9SH 18/6108/HSE	Declaration of interest by virtue of the applicant being known to him. Cllr Ryde would leave the room for this item.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

An addendum was received for items 6, 7, 9, 11, 13, 14, 15, 16, 17, 18, 19 and 20.

6. 213 - 215 GOLDERS GREEN ROAD LONDON NW11 9BY 18/0579/RCU

The Chairman announced that several items were to be considered for deferral and that these items would be considered first on the agenda.

The Chairman moved a motion to defer this item to allow further discussion between the applicant and Planning Officers on the proposed conditions. The motion was duly seconded.

The vote was recorded as follows:

For (deferral) – 7

Carried – the application was **DEFERRED**.

7. MENORAH PRIMARY SCHOOL, 1 - 3 THE DRIVE, NW11 9SP 18/0216/S73

The Chairman moved a motion to defer the item to allow further discussion between Planning Officers and the applicant on the proposed conditions. The motion was duly seconded.

The vote was recorded as follows:

For (deferral) – 6

Against (deferral) – 0

Carried – the application was **DEFERRED**.

8. FINCHLEY REFORM SYNAGOGUE 101 FALLOW COURT AVENUE LONDON N12 0BE 18/5941/FUL

Cllr Schneiderman moved a motion to defer this item due to concerns that some residents had received late notification of the meeting. The motion was seconded by Cllr Marshall.

The vote was recorded as follows:

For (deferral) – 7

Carried – the application was **DEFERRED**.

9. FIRST FLOOR FLAT 32 LONG LANE LONDON N3 2PU 18/6975/FUL

Cllr Rich moved a motion to defer the item due to concerns that residents had been given inadequate time to view the amended plans following reconsultation. This was seconded by Cllr Farrier.

The vote was recorded as follows:

For (deferral) – 7

Carried – the application was **DEFERRED**.

10. WELLINGTON PLACE GREAT NORTH ROAD LONDON N2 0PN 18/4897/FUL

Councillor Marshall moved a motion to defer the item due to some long-leaseholder objectors being unable to attend the meeting. The motion was seconded by Cllr Rich.

The vote was recorded as follows:

For (deferral) – 7

Carried – the application was **DEFERRED**.

11. 1069 FINCHLEY ROAD LONDON NW11 0PU 18/6035/FUL

The Chairman moved a motion to refer the application up to main Planning Committee in line with the previous application for this site. The motion was seconded by Cllr Marshall.

For (referral up to main Planning Committee) – 5

Against (referral) – 0

Carried – the application was **REFERRED UP** to Planning Committee.

12. 683 - 685 HIGH ROAD (ISLAMIC ASSOCIATION OF NORTH LONDON) LONDON N12 0DA 18/4166/FUL

The Planning Officer presented the report and addendum.

Mr Guy Miller spoke in objection to the application.

Ms Hana Habib spoke in support of the application.

Mr Umair Waheed, architect and agent, spoke on behalf of the applicant.

The Chairman moved to the vote on the Officer's recommendation (as per the agenda with amended Recommendation 1 and Condition 19 as set out in the addendum):

For (approval) – 7

Resolved – the application was **APPROVED**.

13. 191 WEST HEATH ROAD (LAND REAR OF CARLTON CLOSE), LONDON, NW3 7TT TPM/0640/18

The Planning Officer presented the report and addendum.

Mr Jonathan Davies spoke on behalf of Carlton Close Management Committee in objection to the application.

The applicant was not present.

The Chairman moved to the vote on the Officer's recommendation:

For (approval) – 7

Resolved – the application was **APPROVED**.

14. 4 WOODSTOCK ROAD LONDON NW11 8ER 18/5652/FUL

The Planning Officer presented the report and addendum.

An objector who had registered to speak was not present.

The agent for the applicant addressed the Committee.

The Chairman moved to the vote on the Officer's recommendation:

For (approval) – 7

Resolved – the application was **APPROVED**.

15. 546 FINCHLEY ROAD LONDON NW11 8DD 18/6196/FUL

The Planning Officer presented the report.

Mr Alfred Nathan spoke in objection to the application.

Ms Emily Benedict, agent for the applicant, addressed the Committee.

The Chairman moved to the vote on the Officer's recommendation:

For (approval) - 1

Against (approval) – 6

Resolved – the application was **REFUSED** for the reason below.

The proposed development would result in the loss of a single family house and would be detrimental to the established character of the Close which comprises predominantly single family dwelling houses, contrary to policies CS NPPF, CS1 and CS5 of the Adopted Local Plan Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

16. MILLERS YARD LONG LANE LONDON N3 2QG 18/5511/FUL

The Planning Officer presented the report and addendum.

Mr Thomas O'Neill spoke in objection to the application.

Cllr Ross Houston spoke in objection to the application.

Cllr Rich moved a motion to defer the application to enable officers to provide clarification on landscaping, size of the proposed building and impacts on air quality. The motion was seconded by Cllr Marshall.

It was noted that the applicant had not addressed the Committee and would have the opportunity to do so at a future meeting.

The vote was recorded as follows:

For (deferral) – 7

Carried – the application was **DEFERRED**.

17. LAND REAR OF 32 NETHER STREET LONDON N12 7NL 18/6952/S73

The Planning Officer presented the report.

An objector had registered to speak but was not present.

The applicant was not present.

The Chairman moved to the vote on the Officer's recommendation:

For (approval) – 7

Resolved – the application was **APPROVED**.

18. FIRST FLOOR FLAT 58 LONG LANE LONDON N3 2PX 18/7055/FUL

The Planning Officer presented the report and addendum.

Mr Akira Takahashi spoke in objection to the application.

The applicant, Ms Stella Christou, spoke to the Committee.

The Chairman moved to the vote on the Officer's recommendations:

For (approval) – 7

Resolved – the application was **APPROVED**.

19. LAND WEST OF BEECHWOOD AVENUE LONDON N3 3BA 18/6355/FUL

A written report and addendum were received.

The Chairman announced that a registered speaker had been misinformed that the application had been deferred. The Chairman moved a motion to refer the application up to main Planning Committee. This was seconded by Cllr Marshall.

The vote was recorded as follows:

For (referral to Planning Committee) – 7

Carried – the application was **REFERRED UP** to Planning Committee.

20. FAIRFIELD CLOSE LONDON N12 9ST 18/6410/FUL

Cllr Cohen left the room for this item.

The Planning Officer presented the report and addendum.

Dominique Victor, Inge Erhard and Cllr Anne Hutton spoke in objection to the application.

Mr Chris Bone, architect, spoke on behalf of the applicant.

Cllr Schneiderman moved a motion to refuse the application for the reasons below and this was seconded by Cllr Farrier:

1. The proposed development by reason of the size, siting and design of the roof extensions would be detrimental to the appearance of the existing buildings and would be out of character within the streetscene and detrimental to the visual amenities of the locality. As such the proposed development would be contrary to policies CS1, CS5 and CS NPPF of the Adopted Core Strategy (2012) policies DM01 and DM02 of the Local Plan Development Management Policies Development Plan Document (2012) and the Residential Design Guidance SPD (2016).

2. The proposed development by reason of the siting of the new internal staircases and poor stacking arising from the layout of the new flats would lead to a reduction in natural light being received to the communal hallway of the existing flats and an increase in noise and disturbance giving rise to an unacceptable loss of existing residential amenities. As such, the proposed development would be contrary to policies CS1, CS NPPF of the Adopted Core Strategy (2012, policies DM01 and DM02 of the Local Plan Development Management Policies Development Plan Document (2012), the Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016).
3. The proposed development by reason of the siting of the proposed dormer windows and proximity to the site boundaries, would lead to overlooking of neighbouring properties. The loss of privacy would be detrimental to the residential amenities of the occupiers of the neighbouring properties, contrary to policies CS1, CS NPPF of the Adopted Core Strategy (2012, policies DM01 and DM02 of the Local Plan Development Management Policies Development Plan Document (2012), the Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016).
4. No parking is proposed to serve the development. The proposals would therefore result in increased pressure for on-street parking, in an area of parking stress, that will be detrimental to the free flow of traffic and highway and pedestrian safety. As such the proposed development would be contrary to and policy CS9 of the Adopted Barnet Core Strategy 2012 and policy DM17 of the Adopted Barnet Development Management Policies 2012.

The vote was recorded as follows:

For (refusal) – 4

Against (refusal) – 2

Carried – the application was **REFUSED**.

21. 14 - 16 THE GROVE LONDON NW11 9SH 18/6108/HSE

Councillor Ryde left the room for this item.

The Planning Officer presented the report.

Dr Clive Coleman spoke on behalf of a group of residents in objection to the application.

Mr Joel Gray, agent for the applicant, spoke to the Committee.

Cllr Cohen moved a motion to refuse the application for the reasons below and was seconded by the Chairman:

The development, by reason of the siting, mass and scale of the proposed extensions would detract from the character and appearance of the pair of properties and be detrimental to the visual amenity of the area. As such, the proposal is contrary to Policies 3.5 and 7.4 of the London Plan (2016), Policies CS1 and CS5 of the Council's Core Strategy DPD (2012), policy DM01 of the Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016).

The vote was recorded as follows:

For (refusal) – 4
Against (refusal) – 2

Carried – the application was **REFUSED** for the above reasons.

22. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

The meeting finished at 8.35pm

Location **Finchley Reform Synagogue 101 Fallow Court Avenue London
N12 0BE**

AGENDA ITEM 6

Reference: **18/5941/FUL**

Received: 4th October 2018

Accepted: 4th October 2018

Ward: Woodhouse

Expiry 3rd January 2019

Applicant: Finchley Reform Synagogue

Proposal: Demolition and redevelopment of Finchley Reform Synagogue to provide new two-storey Synagogue including Kindergarten and associated community facilities. Provision of refuse/recycling storage, 11no. off-street parking spaces, cycle parking and landscaping

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;
3. Submission of Travel Plan
4. Monitoring of Travel Plan £10,000
5. Submission of Activities Management Plan
6. Monitoring of legal agreement £500

RECOMMENDATION II:

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

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

A00 P1 (Existing Context Plan)

A05 P1 (Location Plan)

A10 P1 (Ground Floor Plan)

A11 P1 (First Floor Plan)

A15 P1 (Existing Elevations 1)

A16 P1 (Existing Elevations 2)

A000 P1 (Proposed Context Plan)

A100 P1 (Ground Floor Plan)

A101 P1 (Mezzanine Floor Plan)

A102 P1 (First Floor Plan)

A103 P1 (Roof Plan)

A150 P1 (North Elevation: Fallow Court Avenue)

A151 P1 (East Elevation: Rear Elevations)

A152 P1 (South Elevation: Granville Road)

A153 P1 (Boundary Elevations 01 & 02)

A154 P1 (Boundary Elevation 03)

A155 P1 (Section AA & BB)

A156 P1 (Section CC & DD)

Acoustic Report and Noise Impact Assessment - Gillieron Scott 24th September 2018

Activities Management Plan

Arboricultural Impact Assessment - Landmark Trees 12th September 2018

Bat Survey Report - Greengage October 2018

Bream Survey - Verte Sustainability September 2018

Daylight/Sunlight Report - BVM September 2018

Daylight/Sunlight Report Addendum - BVM 20th December 2018

Design and Access Statement - Metropolis Planning and Design 01.10.2018

Ecology Report - Greengage August 2018

Energy and Sustainability Statement - Environmental Engineering Partnership September 2018

Planning Statement - De Metz Forbes Knight 01.10.2018

Pre-Construction Health and Safety Information Pack - Robert Martell and Partners September 2018

Statement of Community Involvement - Local Dialogue September 2018

Transport Statement - Iceni September 2018

Travel Plan - Iceni September 2018

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as

assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

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

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

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

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

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

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

Reason: In the interests of highway safety 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 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 5 a) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to occupation, 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).

- 6 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. A100 P1 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

- 7 a) Before the development hereby permitted is first occupied or the use first commences, cycle parking spaces as shown on Drawing No. A100 P1 shall be provided and marked out within the site.

b) The parking spaces shall be used only in accordance with the scheme approved as part of this condition 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 parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

- 8 Prior to the occupation, a Car Parking Management Plan detailing the following shall be submitted to and approved in writing by the Local Planning Authority:
- i. the allocation of car parking spaces;
 - ii. on-site parking controls and charges;
 - iii. the enforcement of unauthorised parking; and
 - iv. disabled parking spaces.

The car parking spaces shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development. The parking management plan shall be implemented in accordance with the approved details before the buildings hereby permitted are occupied and maintained thereafter.

Reason: To ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

- 10 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interests of good air quality with regard to London Plan (2011) policies 5.3 and 7.14

- 11 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.

- 12 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 2013) and Policy 7.15 of the London Plan 2016.

- 13 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

- b) The details approved by 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 enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2016.

- 14 No more than a maximum of 300 persons shall be present on site in connection with the Synagogue use at any one time.

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

- 15 Prior to the first occupation of the relevant part of the development, 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 Plan Policy 7.3, London Borough of Barnet's Local Plan Policy CS12 of Core Strategy (September 2012) and Policy DM02 Development Management Policies (September 2012).

- 15 The maximum number of children on the premises at any one time for the purposes of the kindergarten use shall not exceed 60.

Reason: To safeguard the residential amenities of neighbouring occupiers.

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

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

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

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

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

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

- 18 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).

- 19 a) Before the development hereby permitted is first occupied, details of solid screens and methods to be installed to prevent the overlooking of neighbouring properties from the proposed rooftop amenity area 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 the use of the amenity area is commenced and retained as such thereafter.

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

- 20 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.

- 21 The development shall proceed in accordance with the findings of the Ecological Survey submitted in support of the application (Greengage, August 2018) and the details of ecological enhancements contained within shall be incorporated into the finished scheme.

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

22 a) No site works or works in connection with the development hereby approved shall be commenced until details are provided as to how the findings of the Bat Survey, dated October 2018, by Greengage, including the supervisory removal of any roosting positions as detailed within the report, the provision of temporary bat shelter within the site and the incorporation of bat roosting provision within the building will be provided.

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

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

23 a) The non-residential development is required to meet the BREEAM 'Very Good' level.

b) Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policies 5.2 and 5.3 of the London Plan (2016).

24 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

25 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 October 2016) and Policies 5.13 and 5.14 of the London Plan 2016.

- 26 The premises shall be used for D1 (Place of Worship) and any other associated community uses, education and training in association with the main D1 use and for no other purpose (including any other purpose in D1 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.

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31.04.2019, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not provide a legal agreement to mitigate the impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Adopted Core Strategy and policy DM17 of the Adopted Development Management Policies DPD.

Informative(s):

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

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.

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.

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 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

4 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.

5 All surface water strategies should strive to utilise sustainable drainage techniques (SuDS). SuDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SuDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water

run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles.

Officer's Assessment

1. Site Description

The application site is located at the junction of Fallow Court Avenue, Montrose Crescent and Granville Road, in West Finchley. The site, in use by the Finchley Reform Synagogue, contains a mix of buildings which comprise of the main hall, foyer, kindergarten and ancillary spaces. The main hall is a part-single, part-two storey building, with the other buildings on site being single-storey.

The main entrance is currently via Fallow Court Avenue which provides a pedestrian and vehicular access and parking area, with a secondary vehicular access off Granville Road. The surrounding context is characterised by residential housing, mainly Victorian properties, with two more recent three-storey brick built blocks of flats to the east and west of the site.

2. Relevant Site History

Reference: F/05435/13

Address: Finchley Reform Synagogue, 101 Fallow Court Avenue, London, N12 0BE

Decision: Approved following legal agreement

Decision Date: 07.02.2014

Description: Variation of condition 2 (The number of children on the premises at any one time for the purposes of the kindergarten use shall not exceed 42) condition 3 (No child should be on the premises for the purposes of the proposed use on any Saturday, Sunday or Public Holiday or any other day except during the hours of 8.30am and 3.00pm) pursuant to planning permission C00043W/00 for 'Variation of condition 2 of planning permission C00043V to enable 42 children to be at the kindergarten at any one time.' dated 29/08/00. Conditions to be varied to: 2 (The number of children on the premises at any one time for the purposes of the kindergarten use shall not exceed 60) 3 (No child should be on the premises for the purposes of the proposed use on any Saturday, Sunday or Public Holiday or any other day except during the hours of 8.15am and 3.00pm)

Reference: F/05434/13

Address: Finchley Reform Synagogue, 101 Fallow Court Avenue, London, N12 0BE

Decision: Approved following legal agreement

Decision Date: 07.02.2014

Description: Variation of: condition 1 (This permission shall be for a limited period only, expiring on 1 September 2005, when the use and buildings hereby permitted shall be discontinued and the buildings and works carried out under this permission shall be removed and the land reinstated to its former state) condition 2 (No child should be on the premises as extended for the purposes of the proposed use on any Saturday, Sunday or Public Holiday or any other day except during the hours of 8.30am 3.00pm) condition 3 (The number of children on the premises as extended at any one time for the purposes of the kindergarten use shall not exceed 42) pursuant to planning permission C00043X/01 for 'Single storey extension between existing hall and 99 Fallow Court Avenue ancillary to existing use as a kindergarten.' dated 07/08/2002. Conditions to be varied to: condition 1 (This permission shall be for a limited period only, expiring on 31 December 2018, when the use and buildings hereby permitted shall be discontinued and the buildings and works carried out under this permission shall be removed and the land reinstated to its former state) condition 2. No child should be on the premises as extended for the purposes of the proposed use on any Saturday, Sunday or Public Holiday or any other day except during the hours of 8.15am and 3.00pm. condition 3. The number of children on the premises as extended at any one time for the purposes of the kindergarten use shall not exceed 60

Reference: F/02183/12

Address: Finchley Reform Synagogue, 101 Fallow Court Avenue, London, N12 0BE

Decision: Withdrawn

Decision Date: 15.01.2013

Description: Part demolition of buildings ancillary to main hall and erection of new two-storey extension to re-house existing kindergarten (including increasing children numbers from 42 to 60), function rooms and administration offices

3. Proposal

Planning Permission is sought to demolish the existing buildings on site and redevelop to provide a two-storey synagogue including kindergarten and associated community facilities. Provision would also be made for refuse/recycling storage, 11 no. off-street parking spaces, cycle parking and landscaping.

The proposed building will be a modern, two storey construction, located more centrally on the site. The structure would be finished in a mix of contrasting materials, including a rendered ground floor with timber clad upper floor, to a total height of 9.8m. The building will include a main hall, kindergarten, multi-use social spaces, offices and ancillary facilities and outdoor amenity space (as detailed in the submitted drawings), amounting to approximately 1200 sq. m of useable floorspace. 11 parking spaces would be provided on site along with 26 cycle parking spaces. A roof terrace with enclosed play area will provide additional amenity space for the kindergarten, and use by attendees at the site, and where possible existing boundary screening will be retained with additional planting proposed.

4. Public Consultation

Consultation letters were sent to 637 neighbouring properties.

284 replies were received, consisting of 80 letters of objection and 205 letters of support.

A petition containing 201 signatures from residents objecting to the proposal was also received.

The application was subject to a period of re-consultation as a result of additional documents being submitted. 9 responses have been received, consisting of 8 letters of objection and 1 letter of support.

The comments received can be summarised as follows:

Objection

- The proposal is too large, out of character and will detract from the Victorian setting;
- Over ambitious on a small site;
- The proposed design is the equivalent of a 3 storey building;
- The design is poor - proposal is monolithic and box like;
- Scale inappropriate in a residential area;
- Proposal will result in a loss of privacy to neighbouring residents;
- Proposal will lead to overshadowing and loss of light;
- Children and adults using the roof terrace garden every day will cause noise and disturbance to residents;
- Findings of Daylight/Sunlight Survey inaccurate;
- Impact on neighbouring amenity;

- Result in intrusive noise, congestion, parking problems and pollution;
- Proposal will lead to loss of outlook;
- The proposal will result in a sense of enclosure;
- Impact on sunlight on the western elevations of No.99 Fallow Court Avenue;
- Overlooking by the top storey of the synagogue;
- Concern about local parking stress, which will be exacerbated by this development- This development will result in increased and excessive noise and disturbance;
- Increased parking / congestion;
- Additional parking could not be accommodated on local roads;
- Concern about impacts on highway safety;
- Findings of transport statement inaccurate;
- The roads are too narrow for additional traffic;
- Concern about disturbance during the construction/demolition phase;
- Increased usage will result in increased disruption locally;
- Loss of landscaping to the detriment of the area;
- Synagogue has outgrown the site and should find alternative premises - plans are over ambitious for this site;
- Increase in capacity;
- Increased attendees;
- Increase in floorspace;
- Concern about a campaign to glean support from persons not residing locally;
- Concern about pollution and increased health risk from traffic;
- Potential increase in membership causing further disruption;
- Overlooking;
- Letters of support come from outside the area.

Support

- Buildings are dilapidated and need replacing;
- Proposal will allow continuation of important community resource;
- Provides much more efficient use of the space;
- Improved space to help meet the needs of the community, including the disadvantaged and poor;
- The design is sympathetic to the area and will improve the public realm;
- The new building will be more energy efficient and sustainable;
- The new parking arrangement will improve local parking and highway safety issues;
- Proposal will ensure long term viability;
- The proposal will encourage more use by the homeless and disadvantaged;
- The proposal is important for local social cohesion;
- Better and safer childcare facilities can be provided;
- Much needed redevelopment which is rational.

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 24 July 2018. 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.

Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

Barnet's Local Plan (2012)

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

Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS12, CS13, CS14, CS15.
Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM13, DM17.

Supplementary Planning Documents

Planning Obligation SPD (2013)

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of redevelopment;
- 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 issues;
- Trees and Landscaping considerations; and
- Any other material considerations.

Principle of redevelopment

The site is currently occupied by a synagogue and there is a long-standing history of such a facility being present at the property. There is therefore no conflict with Policy DM13 of the Local Plan which aims to avoid the loss of existing community facilities and there can be no dispute the site plays a significant community role locally. The existing buildings are also in a relatively dilapidated state and redevelopment with an appropriate replacement, which could consolidate the built form and bring aesthetic benefits is acceptable in principle. The proposed kindergarten has also been present at the site for a number of years and in 2013 permission was granted to extend the number of children in attendance to 60 (see planning history). Given the lawful use of the site a community led facility containing a kindergarten and associated facilities can be accepted.

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

The proposed building has drawn both support and opposition as detailed through third party representations. The building will differ significantly from the existing structures, but given their generally tired and dated state, the general principle of redevelopment is acceptable.

The proposal is more modern in appearance, and given its proposed community use, is functionally modular- like in form and detailing. The structure will consolidate built form into the centre of the site. Given the site's location at the junction of three roads, any redevelopment will take place on a prominently located site. Furthermore, the predominant character is of Victorian/Edwardian residential properties. There are also three storey flatted developments within the immediate vicinity and abutting the site.

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. Notwithstanding the predominant character, a starting point must be the existing use, the built forms poor state of repair, and policy allowance which informs that new development does not require replication of existing built form, though care should be taken when incorporating a contemporary design into the existing urban fabric.

The existing built form straddles the boundaries and the benefit of the proposed scheme is to centrally locate the development within a modern purpose-built facility. Notwithstanding the increased height a spacious layout can be maintained and the proposal respects the building line of adjoining development.

The proposed building has been designed to align with the predominate eaves height and ridge lines. It is accepted that this will include additional bulk on the upper sections of the building, compared to the pitched roofs of the houses, but given the retention of gaps to the boundaries, the existence of the three-storey flatted development adjacent (Glowhill Court), flats opposite across Montrose Crescent and the stand-alone nature of this site, it is not considered that this alternative and more modern approach would have a jarring impact or detract from the character of the area. The opportunity exists to maintain the current relationship, a community building within a residential area, but with a much more visually pleasing replacement building.

The proposed building, in terms of finished palette, references the built form in the surrounding streets and the use of contrasting materials over the floors raises no issues. As discussed, the opportunity arises to improve the visible appearance of the site and the wider streetscene. It is considered the building has sufficient visual interest to break up the mass

and given the proposed community nature of the uses and the consolidation of built form, it is considered the overall design as a "one off" within the locality is acceptable. The retention, where suitable, of existing landscaping and additional planting, agreeable as part of a landscaping scheme, will further soften any impact. Whilst the aesthetic appearance of a building will be subjective, officers have concluded that the proposed building at this location is acceptable.

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

Quite a number of objections have been received which state that the proposed development will impact on the amenity of adjoining residents in terms of loss of daylight/sunlight, overlooking, loss of privacy, outlook, sense of enclosure and overbearing impact. Concern is raised with regards to the potential for excessive noise and disturbance, particularly with reference to the roof terrace.

Overbearing Impact

The proposal will result in the volume of built form being more centrally located within the site. It is considered that this arrangement, which ensures the building retains a good separation distance to neighbouring properties, would avoid the potential for any enclosing, overbearing or unneighbourly impact.

Whilst the corner of the building would extend beyond the rear corner of Glowhill Court, it retains a gap to the boundary, and the projection of approximately 4.0m would not appear particularly overbearing. Furthermore, the removal of existing built form on this boundary would facilitate the works. The built form retains a gap of approximately 11.0m to the nearest dwelling on Fallow Court Avenue, No. 99, and located across the parking area would not result in an unneighbourly form of development. Again, existing development on the boundary would be removed. Good separation is also retained to properties on the opposite side of Fallow Court Avenue, Montrose Crescent and Granville Road, which are set behind landscaped frontages, and notwithstanding the increase in bulk and scale, it is considered that the proposal would not appear excessively overbearing or visually intrusive from these properties.

Overlooking

It is not considered that first floor windows located facing across the public roads around the site or on the entrance to the site corner of the building would result in material overlooking of neighbouring properties. There would be a separation distance of approximately 13m to the side elevation of No.99 and 20.5m across the road. An amenity area is proposed at first floor level to serve the kindergarten but it is considered that in terms of overlooking, solid screening, details of which could be agreed through a condition, could address any concern. The issue of noise and disturbance from the first-floor area will be discussed later in the report as a separate matter.

Daylight/Sunlight

A daylight /sunlight report has been provided as part of the submission using Building Research Establishment (BRE) calculations and guidelines. The report cautions that the BRE guidelines provide non-mandatory advice and are not an instrument of planning policy. Policy DM01 of the Development Management Policies 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight,

sunlight, privacy and outlook for adjoining occupiers. Nevertheless, the report concludes no significant impacts on adjoining neighbours.

An addendum to the original Daylight / Sunlight report was submitted to provide updated analysis following Officers clarification on the neighbouring rooms.

The report takes into account the potential impact on the immediate properties surrounding the site. These include nos. 99 and 114 Fallow Court Avenue, no. 36 Granville Road, Nos. 19-24 Montrose Crescent and Glowhill Court.

Daylight

As detailed in the guidance, if any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25 degrees to the horizontal, then the diffused daylighting of the existing building may be adversely affected. This will be the case if the Vertical Sky Component measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value.

In the case of the properties on the opposite side of Fallow Court Avenue, the angle of obstruction taken from the closest window at ground floor are well below 25 degrees and the report advises that there would be no adverse impact.

The daylight assessment for No.99 states that all but 1 window would comply with the BRE guidelines. This window is the ground floor kitchen window. However, the window does not meet the advised level under current conditions and is only marginally reduced by the proposed development. Therefore, the proposal is not considered to adversely harm the daylight levels of No.99.

In terms of Glowhill Court, the assessment finds that 1 ground floor window, on the ground floor will reduce marginally below the recommended level, however, the perceivable impact is considered to be marginal. This room is a kitchen window and the marginal impact is not considered to be detrimental to their amenity.

Sunlight

In terms of sunlight, the guidance states;

- i) Sunlight is only relevant to neighbouring residential windows which have a view of the proposed development and face within 90 degrees of south, i.e. south of the east west axis.
- (ii) If any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the main living room window, a vertical section perpendicular to the window, then the sun lighting in the existing dwelling may be adversely affected.
- (iii) Similarly, the sunlight availability to an existing dwelling may be adversely affected if the APSH, when measured at the centre of the window is reduced by more than 4%.
- (iv) Should the loss be greater than 4%, then sunlight availability may be adversely affected if the centre of the window receives less than 25% of the annual probable sunlight hours, of which 5% of the annual total should be received between 21 September and 21 March (winter) and less than 0.8 times its former sunlight hours during either period.
- (v) Kitchens and bedrooms are less important, although care should be taken not to block too much sun.

Due to the separation distances between the site and opposite properties and the angle of obstruction being below 25 degrees, the assessment finds that these properties would continue to receive acceptable levels of sunlight.

Comments have been raised that sunlight analysis should have been undertaken in respect of the western elevation windows of No.99 Fallow Court Road as they lie within 90 degrees of due south. Whilst the submitted Daylight and Sunlight report states that the windows of No.99 fall outside of this scope and do not require to be assessed, the original report submitted did actually undertake a sunlight analysis of the ground floor windows of No.99. The assessment undertaken found that the results for annual and winter sun complied with BRE standards. As the ground floor windows meet the requirements, it is considered that the upper level windows would also meet the BRE requirement by virtue of being positioned higher up.

A letter has been received from Right of Light Consulting on behalf of a number of residents of Fallow Court Avenue and Granville Road. The letter raises a number of concerns raised by neighbours regarding the submitted Daylight/Sunlight report. The issues raised relate to the study not considering all the habitable rooms facing out directly onto the proposal, the 3D drawings produced inaccurately show the distances between the neighbouring sites and the habitable side windows of No.99 Fallow Court Avenue are within 90 degrees of due south and should be considered for the loss of sunlight hours. However, the report provides no evidence or evaluation to justify the comments raised. The concerns raised are a summary of those issues raised by the neighbouring residents. In addition, it is considered that the comments raised have already been addressed within the assessment paragraphs above.

External terrace

The development includes, at first floor level, an outdoor terrace area, relocating the existing outdoor space which would now provide permanent parking spaces. Local concern has been expressed that this area will infringe on the amenity of existing residents bordering the site.

The applicant has submitted an Acoustic Report and Noise Impact Assessment and in turn the council's Environmental Health officer has been consulted. Whilst the play area/amenity space would now be located at first floor level, there is the benefit of its more central location within the site.

The Acoustic Report concludes that when considering the worst-case scenario, the areas used by the children, suggest a reduction in noise exposure, to surrounding properties. The use of acoustic screening and conditions which can control noise from plant would help to successfully mitigate any impact.

Furthermore, an Activities Management Plan has been submitted as part of the application. This sets out proposed events that would take place at the site and the associated number of people attending each event. The plan provides a breakdown of activities throughout the year and it is important to note no current controls on numbers attending exist. Notwithstanding this, there is a desire to ensure that existing amenity levels are maintained.

The kindergarten will still be governed by numbers attending and opening hours and the use has continued for some time now with maximum numbers of 60 children in attendance without major cause for concern or disturbance. The contents, number and event limitations and stipulations can be agreed by Section 106 Agreement. Any agreement must meet the tests that; it is necessary to make the development acceptable in planning terms, is fair and

reasonably related in scale and kind to the development and directly related to the development. In the view of officers, the agreement of the contents of the Activities Management Plan, relating to the new purpose-built development, through Section 106, meets the tests and it is advised that any permission is subject to such an agreement having been executed.

Whether harm would be caused to the free flow of traffic and parking

Much objection has been received in relation to existing issues around parking and highway safety and that the proposed development will exacerbate the current position.

The Council's Traffic and Development service has provided detailed comment and raises no objection to the proposal. There are no alterations to the public highway.

11 spaces will be retained on the site and there is no perceivable increase in numbers/attendees and current levels of attendance will be maintained through the Activities Management Plan. Furthermore, the parking spaces can now be dedicated for full time usage.

Currently, the site has a vehicular access off Fallow Court Avenue and a secondary access from Granville Road. However, due to the timings of the kindergarten, the use of the car park is restricted for health and safety purposes. The proposed relocation of the kindergarten outdoor space will allow for the use of all of the proposed parking spaces throughout the day, as there will no longer be a conflict with the use by the children. Staff using the parking facilities will be able to park on the site instead of on the street.

The advice suggests a parking management strategy. This document should look at the operation of the development in the future and seek to manage the day to day impact of parking by putting procedures in place to either reduce car usage or practice safe and considerate parking. The parking management strategy should also consider the impact of parking on the days of large events and seek to mitigate these impacts from parking.

On the issue of parking for the kindergarten, it is stated;

"The existing site has eleven parking spaces (two of which are disabled parking spaces) these spaces will not be available during kindergarten operating times, this is the same with the current use. Vehicles associated with nursery drop off will continue to be present on the surrounding highway network. The applicants have undertaken a parking survey to illustrate the level of operation and the current impact on existing residents parking amenity. At peak times of development operation there is sufficient kerb side space available to protect exiting residents parking amenity. It should be noted that peak times of development operation do not correlate with peak times of residential parking demand".

The future arrangement for cycle parking and waste disposal are considered acceptable. The advice also states that impact from service vehicles attending the site is likely to be minimal.

The highway advice summarises that the proposed development can be accepted from a highway/parking perspective. The proposals will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users, as such a recommendation for approval is supported;

- The proposed development will not generate a significant increase in trip generation.

- Cycles can be stored in the designated ground floor storage spaces.
- Refuse stores have been provided within close proximity to the highway.
- Any future impact of on street parking by the development is mitigated by a parking management strategy.
- Any future impact of service vehicles has been mitigated by a service management plan/strategy.
- A travel plan will seek to reduce the future impact of private vehicle usage associated with the development.

Trees and Landscaping considerations

The proposed development includes the retention of trees and landscaping at the boundaries, where appropriate, and owing to the central location of the new building, there will be increased space for additional planting along the site frontages and at first floor level. This will help soften any impact of the development. The majority of trees can be retained, some low-quality specimens would be removed, none are subject to TPO's, and generally a more verdant use of the ancillary space around the building could be achieved.

Ecological considerations

The applicant has submitted a Bat Survey (Greengage) which confirms the presence of bats on site and within the existing building. The structures will be demolished and as such this will result in the destruction of existing roosts. As bats are protected under EU law a licence from Natural England will be required and any removal should be overseen by a qualified ecologist. Mitigation in the form of bat roosting facilities within the new building and as a temporary measure bat boxes hung from trees within the site. Such measures identified within the Greengage report can be secured by way of condition. The remainder of the site has low ecological value and the proposed development, including additional planting, offers the opportunity for ecological enhancement.

Accessibility and Sustainability

For major developments, Barnet supports the use of BREEAM which is used to measure the environmental performance of non-residential buildings. It is expected that the proposal should achieve a minimum 'Very Good' rating. The applicant's submission confirms that a "very good" rating can be achieved (63.2%).

5.3 Response to Public Consultation

It is considered the majority of issues raised have been addressed in the main report. The concerns being, impact on the amenity of existing residents, noise and disturbance and parking/highway related matters. The findings of the relevant reports, supported by the council's own technical advice, suggest that the scheme can be accepted relative to these matters.

It is evident that some local residents have concerns which have been relied to the council. It is stated that support for the proposal has been garnered for the scheme beyond the immediate area, however there is no restriction in terms of where third-party representations can be issued from, and showing support for what is a popular local resource is to be expected.

An increase in landscaping of the site is proposed and on the subjective matter of design, officers have concluded that the proposed building is appropriate having regard to the character and site-specific circumstances relating to this proposal.

The Activities Management Plan can control the level of activity on the site, a position currently absent, and it is not considered that noise and disturbance would be to an excessive level.

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;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation

The proposed development would provide considerably improved new facilities for an existing community use.

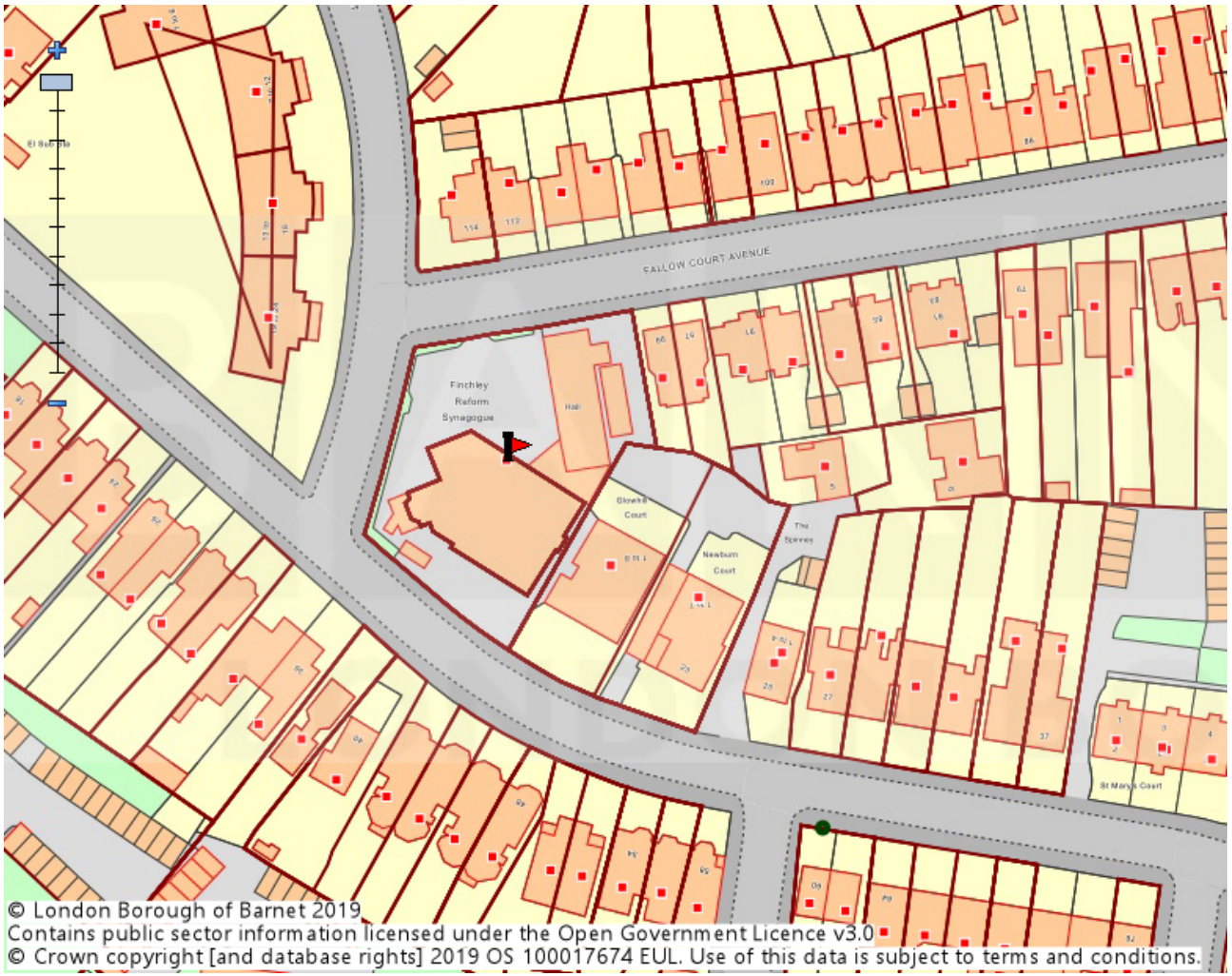
In terms of likely negative impacts, the application has attempted to address these through the design proposal and submission of technical documents. It is suggested that the majority of these impacts can be mitigated through conditions and S106 agreement and that any impacts are unlikely to disproportionately affect any one group with a protected characteristic.

With the S106 and conditions recommended, the proposal is found to accord with development plan policies as they relate to the relevant equalities and diversity matters by providing a high quality inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development. The development would therefore have a positive effect in terms of equalities and diversity matters.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

7. Conclusion

In light of the above appraisal it is considered that the proposed development, is acceptable in policy terms and has positive attributes including providing a potentially high-class facility at a site which provides social interaction for a large number of the borough's residents. The concerns that have been raised in third party representation are noted, relate to valid material considerations, but it is considered that the use of Section 106 to secure the contents of the Activities Management Plan and the use of appropriate conditions should ensure a development which will exist in relative harmony within this residential area. It is therefore recommended that consent is granted subject to a S106 Agreement securing the Activities Management Plan and conditions.



Location **931 High Road London N12 8QR**

Reference: **18/6537/CON**

Received: 31st October 2018

Accepted: 31st October 2018

Ward: Woodhouse

Expiry 26th December 2018

Applicant: Berkeley Homes (Oxford & Chiltern) Ltd

Proposal: Submission of details of condition 43 (Car Park Management Plan)
pursuant to planning permission F/02217/13 dated 05/12/13

AGENDA ITEM 7

Recommendation: Approve

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)

Informative(s):

1 The plans accompanying this application are:

O.396.PL.120 Rev. B

Cover Letter, Berkeley Homes (dated 31.10.18)

Parking Occupancy Survey Report, Glanville Consultants (dated 22.10.18)

Officer's Assessment

1. Policy Context

Relevant Development Plan Policies:

- London Plan (2016)
- Relevant Core Strategy DPD (2012): Policies CS NPPF, CS9
- Relevant Development Management DPD (2012): Policies DM17

2. Planning History

Reference: 18/1442/CON

Address: 931 High Road, London, N12 8QR

Decision: Refused

Decision Date: 30.07.2018

Description: Submission of details of condition 43 (Car Park Management Plan) pursuant to planning permission F/02217/13 dated 05/12/13

Reference: F/04982/14

Address: 931 High Road, London, N12 8QR

Decision: Approve

Decision Date: 16.10.2014

Description: Submission of details for conditions 22 & 23 (Air Pollution Mitigation Measures), 41 (Security and crime prevention measures), 43 (Car parking management plan and allocation plan), 46 (Cycle storage plan), 47 (Car parking allocation plan) and 48 (Electric vehicle charging facilities plan) pursuant to planning permission F/02217/13 dated 05/12/13.

Reference: F/02217/13

Address: 931 High Road, London, N12 8QR

Decision: Approved following legal agreement

Decision Date: 06.12.2013

Description: Demolition of existing buildings on the site and the construction of new buildings between three and five storeys in height, to provide 84 self-contained flats and 11 houses (all Use Class C3), together with associated access, parking facilities, private amenity space, communal amenity space and landscaping

3. Public Consultation

Those residents who previously made representation to application reference 18/1442/CON were formally consulted as part of this application.

5 responses have been received, comprising of 5 objections.

The letters of objection raise the following issues:

- After the CPZ is delimited, 6 residents will have no parking space to park our car, obviously 3 parking spaces are not enough;
- Provision of three unallocated spaces in the development does not resolve the breach of the original planning permission;
- Further the 'ad hoc' nature of the proposed allocation may result in existing owners taking up these spaces;

- Shared ownership occupiers are discriminated by not having an allocated space as per the original plans;
- Six residents affected are having to pay for on street parking, if available and this position is discriminatory, unfair and impractical and further adds to on street parking congestion in the area;
- Disagree with Berkeley Homes statement that 'would be' shared ownership purchasers were advised, in advance, that there would be no parking, would not be entitled to use on-street CPZ parking and an alternative option to purchase a space at the nearby Trinity Court development;
- Original condition requires a parking space to be provide to all dwellings within the development;
- Proposal does not overcome reason for refusal of ref: 18/1442/CON;
- The situation is now no different to the time Barnet refused the recent application;
- Residents without spaces within the development can continue to park in Highwood, outside of CPZ hours, unnecessarily adding pressure on Highwood.
- The situation is discriminatory to certain residents of the new development;
- The provision of 3 non-allocated places for any resident to park does not assist the 6 Catalyst residents affected. There is no guarantee of access to parking;

4. Assessment of proposal

Application reference F/02217/13 was approved on 6 December 2013 for the '*Demolition of existing buildings on the site and the construction of new buildings between three and five storeys in height, to provide 84 self-contained flats and 11 houses (all Use Class C3), together with associated access, parking facilities, private amenity space, communal amenity space and landscaping.*' The application proposed 114 spaces and was considered to comply with the parking requirements of the Barnet Local Plan. In addition, it was considered in the absence of any further controls, the proposal could result in overspill parking and increased demand for on-street parking spaces in the surrounding area. As such, the application was subject to the completion of a legal obligation to restrict the occupiers of the new development from purchasing parking permits within North Finchley Controlled Parking Zone (within which the application site is located).

Condition 43 of the approved planning permission stated:

Before the development hereby permitted is occupied a Car Parking Management Plan detailing the allocation of car parking spaces, all on-site parking controls and charges and enforcement measures to be put in place to deal with any unauthorised parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be managed in accordance with the approved Car Parking Management Plan from the first occupation of the building and in perpetuity thereafter.

A conditions application, reference F/04982/14, was submitted and approved in October 2014 to satisfy the requirements of condition 43. A Car Parking Management Plan and Car Parking Allocation Plan (drawing no. O.396.PL.120) was submitted as part of this conditions application. The plan illustrated parking allocated to apartments (Min.1 space per apartment), parking allocated to houses (Min.2 spaces per house) and disabled parking bays (11 Num). The Council's Traffic and Development service raised no objections to the proposed details.

The development has since been fully constructed and occupied. Following occupation of the units, a number of occupiers from the development have complained that they have not been allocated parking spaces. Following discussions between the Council and the

applicant, it is acknowledged from all parties that deviations from the allocation plan have arisen, notably only 6 spaces were transferred with the 12 affordable units.

On the 1 March 2018, the Council issued a Breach of Condition notice requiring the on-site parking be reallocated in order to accord with the scheme approved as part of planning permission reference F/04982/14 dated October 2014 and as shown on plan 0.396 PL 120 included as part of that application. That approved plan required no less than one parking space being provided to the occupiers of each of the approved dwellings.

In March 2018, Berkeley Homes submitted a new condition discharge application with revised Car Parking Allocation Plan which illustrated that the then proposed plan did not provide minimum numbers per flat or house. The overall number of parking spaces had not been altered and was still in accordance with the original planning permission granted in 2013. In the assessment of that application it was determined that the as built provision was acceptable but the issue was the non-allocation of parking spaces to all the residential units. The complaints relating to the non-provision of parking following occupation and the objections received within that application are that the shared ownership units are unfairly disadvantaged and discriminated against as they are the ones who have not been allocated at least one space.

In setting out their position, Berkeley Homes stated that the permission included the provision of 12 shared ownership properties, which were purchased by Catalyst. The 12 shared ownership units comprised of 2-bedroom units. Six parking spaces were also purchased which meant that only half of the apartments were offered with parking. The applicant states that this Catalyst sought based on their experience and local knowledge.

Planning Officers previously consulted with the Council's Parking and Infrastructure service who have commented that it was expected that the development would provide parking for all residents and a Traffic Management Order (TMO) was implemented because the neighbouring streets could not accommodate the parking needs of the large development or any potential overspill parking. They comment that the strain of the surrounding streets has remain unchanged and still unable to take the vehicles from the development. There is no rationale to allow some residents from the development to park within the TMO.

In considering the previous application, the Council considered that the revised car park management plan would conflict with the original planning permission and details approved within the original conditions application, failing to provide car parking spaces to all residents within all tenures. The failure to provide parking spaces to all residents was considered to give rise to an exclusionary effect.

Since the refusal of the above conditions discharge application, Berkeley Homes have been engaged in discussions with the Local Planning Authority to find an agreeable solution to address the parking situation and the enforcement notice. Berkeley Homes have advised that they are unable to provide the six units with individual parking spaces.

Berkeley Home are advising that 3no. spaces within the development have not been allocated to date. A revised Car Park Management Plan has now been submitted which seeks to make these unallocated spaces available to anyone who lives within the development. These spaces are identified on the revised Car Park Management Plan as unallocated spaces.

In addition, Berkeley Homes has undertaken and submitted a parking occupancy survey report to identify the current utilisation of the parking spaces and whether the current parking

provision is sufficient for the number of vehicles within the site. This survey was undertaken over the course of two weekdays and a weekend (9th/10th October and 13th/14th October 2018). The surveys were undertaken between 6am and 10pm so that the level of overnight parking could be established. The results of this survey determined that the maximum week usage was 67 of the 89 spaces (75% stress) which reduced to 37 spaces (42%) during the daytime. Over the weekend survey, the highest occupancy was recorded at 70 spaces (79%) of the spaces being occupied. The survey demonstrates that the current parking provision will accommodate all of the existing apartment residents who park within the site.

The requirements of the enforcement notice are noted, however, Officers have been advised that full compliance with the notice is not achievable and therefore consider it necessary to consider alternative solutions. The provision of three unallocated spaces in perpetuity is an improvement to the previous refused application. In addition, the current parking area is not fully occupied and therefore all residents can park within the development at this stage.

5. Response to Public Consultation

It is evident that there are strong objections against any deviation from the original plans and that the proposed parking arrangements will not provide any meaningful benefit to all existing residents. However, on balance, Officers feel that an improved solution has been presented since the previous refused application. The applicant has engaged with the Local Planning Authority in order to find an agreeable solution and address the 'Breach of Condition' Notice.

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;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation

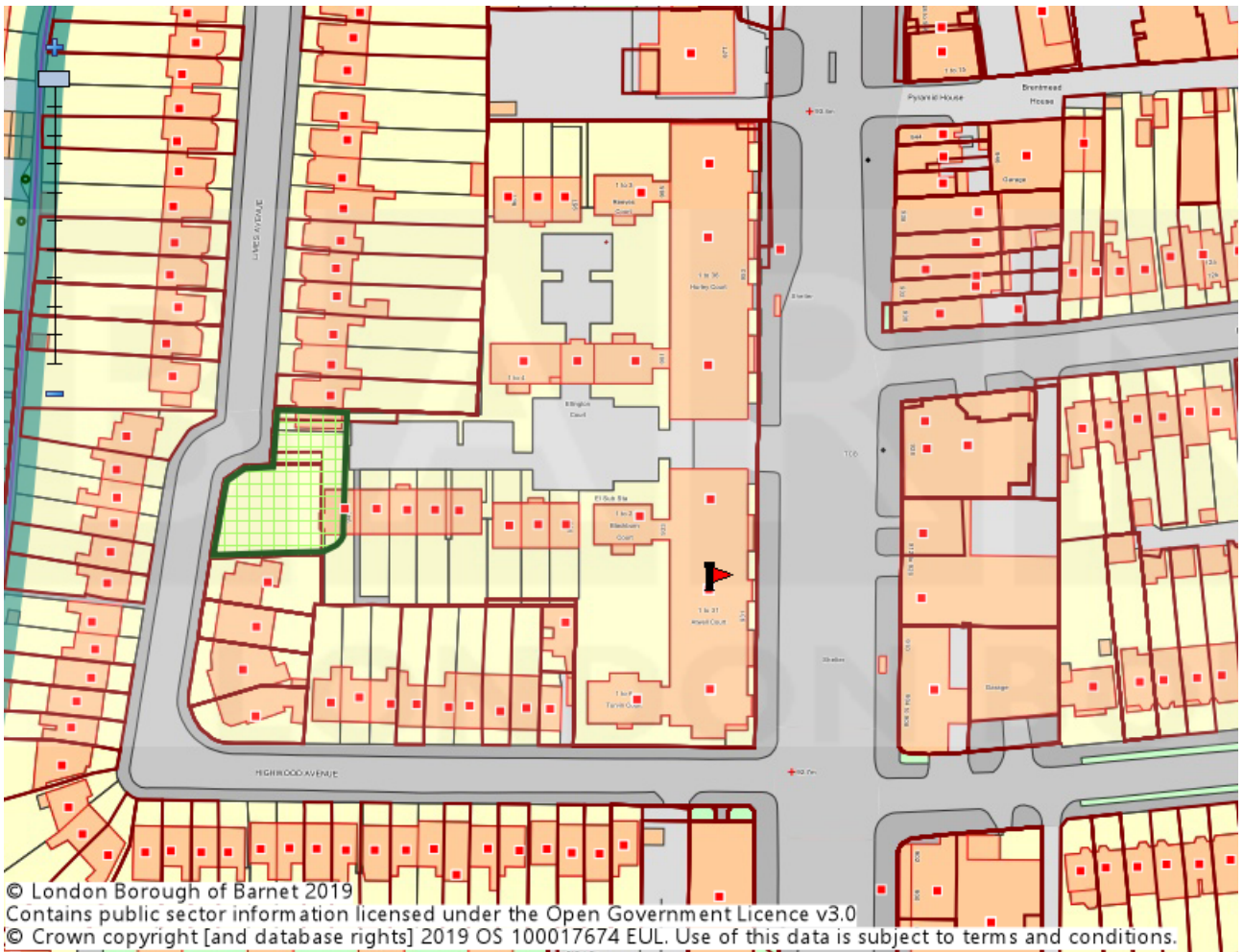
The revised car park management plan offers the existing residents further opportunity for car parking provision. Whilst the applicant has stated that future residents were informed of the parking situation, residents dispute this statement. However, this is not a planning matter.

With the provision of 3 spaces and current capacity within the car park for all residents to park, it is not considered that the proposal will have a detrimental harmful effect in terms of equalities and diversity matters.

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

7. Conclusion

In summary, it has been advised that compliance with the original permission and conditions plan is not possible and that parking for the shared ownership units was dictated by Catalyst. Following discussions between parties, a revised Car Park Management Plan has been submitted which provides 3 unallocated spaces to existing residents which remain unallocated in perpetuity. In addition, the car park is not operating at full capacity and therefore all residents are currently able to park within the development. The details submitted are considered to meet the requirements of condition 43.



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Location **290 - 294 Golders Green Road London NW11 9PY**

Reference: **17/7568/S73**

Received: 29th November 2017

Accepted: 30th November 2017

Ward: Golders Green

Expiry 1st March 2018

Applicant: Golders Green Properties Ltd

Proposal:

Variation of condition 1 (Plans) pursuant to planning permission 16/3806/FUL dated 05/09/2016 for "Erection of a part two, part four, part five, part six storey building with lower ground floor and basements providing 60 residential flats with ancillary spa facility; associated car and cycle parking, landscaping and associated other works with access from Golders Green Road." Variation includes re-configuring the layout of the building at basement and basement mezzanine level, including the removing an area from the south-east end of the building and removal of basement level two. Removal of spa to enlarge approved 4no flats at lower ground floor level. Reduction in the width of the front foyer area to increase the size of 4no flats (8, 9, 10 & 11) at ground floor level. New lightwells and soft landscaping to south-east end of building.

AGENDA ITEM 8

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;
3. A financial contribution of £428,400 towards Affordable Housing and a late stage review mechanism
4. Provision of a Residential Travel Plan
5. Monitoring costs of £5,000 for the Residential Travel Plan and £250 for the legal agreement.

RECOMMENDATION II:

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

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

AD-00-00-06-01 PL6 ELEVATION 01,
AD-00-00-06-02 PL6 ELEVATION 02,
AD-00-00-06-03 PL6 ELEVATION 03,
AD-00-00-06-04 PL6 ELEVATION 04,
AD-00-00-06-05 PL6 ELEVATION 05,
AD-00-00-06-06 PL6 ELEVATION 06,
AD-00-00-06-11 PL6 E1 WITH OUTLINE,
AD-00-00-06-12 PL6 E2 WITH OUTLINE,
AD-00-00-06-13 PL6 E3 WITH OUTLINE,
AD-00-00-06-14 PL6 E4 WITH OUTLINE,
AD-00-00-06-15 PL6 E5 WITH OUTLINE,
AD-00-00-06-16 PL6 E6 WITH OUTLINE,
AD-00-00-06-21 PL6 SECTION 01,
AD-00-00-06-22 PL6 SECTION 02,
AD-00-00-06-23 PL6 SECTION 03,
AD-01-00-01-01 PL6 1ST FLOOR PLAN,
AD-02-00-01-01 PL6 2ND FLOOR PLAN,
AD-03-00-01-01 PL6 3RD FLOOR PLAN,
AD-04-00-01-01 PL6 4TH FLOOR PLAN,
AD-05-00-01-01 PL6 5TH FLOOR PLAN,
6135-PL-001 Rev. C GROUND FLOOR AS PROPOSED
6135-PL-002 Rev. C LOWER GROUND FLOOR AS PROPOSED
6135-PL-003 BASEMENT MEZZANINE AS PROPOSED
6135-PL-004 Rev. A BASEMENT 1 AS PROPOSED
6135-PL-025A SECTIONAA AS PROPOSED
AD-RF-00-01-01 PL6 ROOF PLAN,
AD-LC-00-01-01 PL6 LOCATION PLAN,
AD-ST-00-01-01 PL6 SITE PLAN,
AD-ST-00-01-02 PL6 SITE PLAN DIMENSIONED,
Air Quality Assessment,
Arboricultural Assessment,
Archaeology,
Design and Access Statement,
Ecological Assessment,
Energy Statement,
Flood Risk Assessment sm1,
Site Investigation Report,
Transport Statement,
Travel Plan,
Utility Statement,
Ventilation Strategy,
Acoustic Assessment Report,

Urban Landscape Design Strategy & Visual Impact Assessment,
Soil Survey
Hours in Sun report
Planning Statement
SCI

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 2 This development must be begun within three years from the date of the original permission ref: 16/3806/FUL dated 05/09/2016

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

- 3 The development hereby permitted shall not commence until a parking management plan is approved that includes details of parking spaces, details of visitors/servicing, allocation of parking spaces per units, controlling and monitoring of parking areas, including enforcement for non-correct use of parking areas, details of Electric Vehicle Charging points. All parking spaces shall be provided and permanently used only for residential accommodation within the development thereafter.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

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

- 5 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.

6 a) The site shall not be brought into use or first occupied until details of the means of enclosure and sub-division of amenity spaces 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).

7 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).

- 8 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 6.00 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).

- 9 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

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

Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2016.

- 10 a) No development other than demolition work shall take place until details of the location within the development and specification of the 6 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.

- 11 a) Prior to the occupation of the hereby approved development, details of a Landscaping Scheme and 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.

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

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

- 13 Before the development hereby permitted is occupied a scheme of ecological improvement shall be submitted in writing to the Local Planning Authority with an appropriate timetable. These measures shall be implemented in accordance with the approved details and timetable, and shall be permanently maintained thereafter.

Reason: To ensure that ecological improvements are secured in accordance with policy DM16 of the Development Management Policies DPD (adopted September 2012).

- 14 Before the development hereby permitted is occupied, details of proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with these details.

Reason: To safeguard local amenity in accordance with policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012) and policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012).

- 15 Prior to the commencement of the development hereby approved a Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- Details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- Site preparation and construction stages of the development;
- A Site Waste Management Plan and details of provisions to be made for recycling of materials.
- The provision on site of a storage/delivery area for all plant, site huts, site facilities, waste and materials.
- 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;
- The methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- 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;
- Noise mitigation measures for all plant and processors;
- Details of contractors compound and car parking arrangements;
- Details of interim car parking management arrangements for the duration of construction; and
- Details of a community liaison contact for the duration of all works associated with the development.

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 a sustainable waste management 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.

- 16 Piling or any other penetrative construction method shall not be permitted other than with the express written consent of the Local Planning Authority,. In the event that piling is sought, then a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried

out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To ensure that the piling design is protective of below ground utility infrastructure assets and controlled waters in accordance with policy DM04 of the Adopted Barnet Development Management Policies 2012.

- 17 Before the development is occupied, the proposals identified in the energy statement submitted shall be implemented in accordance with the details within this document and permanently retained thereafter.

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

- 18 Before the development is occupied, details of the designated amenity areas and how access to these will be provided 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 that residents have access to adequate amenity space in accordance with policy DM02 of the Adopted Barnet Development Management Policies 2012.

- 19 Before the development hereby permitted is occupied cycle storage and parking shall be implemented and permanently maintained in accordance with the approved details.

Reason: To ensure that the proposals have an acceptable impact on highway and pedestrian safety in accordance with policy DM17 of the Adopted Barnet Development Management Policies 2012.

- 20 Before the development hereby permitted is occupied, details of electric car charging points 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 that the development achieves satisfactory environmental performance in accordance with policy 5.2 of the Mayors London Plan 2016 and policy DM17 of the Barnet Development Management Policies DPD (2012).

- 21 Prior to the first occupation of the development a scheme detailing all play equipment to be installed in the communal amenity space shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development.

Reason: To ensure that the development represents high quality design and to accord with policy CS7 of the Adopted Core Strategy (2012) and policy DM02 of the

Development Management Policies DPD (2012) and policy 3.6 of the London Plan (2016).

22 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 (2016), and Policy 5.3 of the London Plan (2016).

23 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic 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 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 (2016), and 7.15 of The London Plan (2016).

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

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

25 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 40% 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 (2016) and the 2016 Mayors Housing SPG.

- 26 Before the development hereby permitted commences, a SuDS Construction Plan shall be submitted. The SuDS Construction Plan shall demonstrate that SuDS shall be constructed in accordance with appropriate applicable standards to ensure that there is no consequential damage to the functionality of the sewerage and drainage system. The Plan shall also address the operation and long term maintenance plan for the SuDS. The development shall be constructed in full accordance with these details.

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 October 2016) and Policies 5.13 and 5.14 of the London Plan (2016).

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

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

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been signed by 07 June 2019, unless otherwise agreed in writing, the Service Director - Planning and Building Control can REFUSE the application under delegated powers for the following reasons:

The applicant has failed to provide a financial contribution towards Affordable Housing. As a result the development would fail to provide any form of Affordable Housing either through a commuted sum or affordable units. This would be contrary to Policy DM10 of Barnets Development Management Policies (2012).

The applicant has failed to provide a Residential Travel Plan. The proposal would therefore not address the impacts of the development on the adjacent public highway network. This would be contrary to Policy DM17 of Barnets Development Management Policies (2012).

The applicant has failed to pay a monitoring fee to ensure the s.106 agreements are fully implemented. This would be 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. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

2 Waste Comments

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer 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. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses. Swimming Pools - Where the proposal includes a swimming pool Thames Water requests that the following conditions are adhered to with regard to the emptying of swimming pools into a public sewer to prevent the risk of flooding or surcharging: - 1.The pool to be emptied overnight and in dry periods. 2.The discharge rate is controlled such that it does not exceed a flow rate of 5 litres/ second into the public sewer network.

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be

carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method

statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Waters Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

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

- 3 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.

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.

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.

4 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

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

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

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

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

6 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

Officer's Assessment

1. Site Description

The site is the former Harvester site addressed 290-294 Golders Green Road. The site forms an area of approximately 0.4 hectares.

There is a tree preservation order on the site that covers a number of individual and group trees. It appears that historically some of these trees have been cut down, though this appears to have been done a considerable period of time ago and there is no suggestion that this was done by the current owners.

This application relates to an L-shaped, gap site located on the north-eastern side of Golders Green Road. The plot includes the former site of the Harvester Restaurant and part of the car park which served the Roman House office building immediately adjacent to the site.

The site is situated between Princes Park Avenue to the south-east and Golders Green Road to the south-west. This part of Golders Green Road consists of a mixture of commercial and residential buildings of varying heights, with traditional, suburban housing on the side streets and to the rear of the site. Princes Park Avenue is a residential street comprising of a mix of detached and semi-detached dwellings, which are predominantly two-storeys in height, with pitched roofs.

The site is adjacent to the four-storey commercial office block, Roman House which was built in the 1990's and to the other side, across the junction with Princes Park Avenue, is a three-storey purpose built residential block of flats known as Phildor Court. To the front of the site, Golders Green Road is characterised by commercial premises at ground floor with elements of residential accommodation above.

The topography and site levels vary, sloping down towards the North Circular Road (A406) to the north-west and Decoy Brook to the north; and upwards to Golders Green to the south-east. The ground levels therefore drop from the corner of the site at its junction with Princes Park Avenue to where it meets its western boundary with Roman House and from the front of the site bordering Golders Green Road to the rear boundary with Decoy Brook.

2. Site History

Reference: 16/3806/FUL

Address: 290-294 Golders Green Road, London, NW11 9PY

Description: Erection of a part two, part four, part five, part six storey building with lower ground floor and basements providing 60 residential flats with ancillary spa facility; associated car and cycle parking, landscaping and associated other works with access from Golders Green Road.

Decision: Approved following legal agreement

Decision Date: 5 September 2016

Reference: 15/05062/FUL

Address: Harvester Restaurants, The Prince Albert, 290 - 292 Golders Green Road, London, NW11 9PY

Description: Erection of a part two, part six, part seven storey building with lower ground floor and basements providing 67 residential flats with ancillary resident's spa facility,

associated car and cycle parking, landscaping and associated other works with access from Golders Green Road.

Decision: Refused

Decision Date: 4 February 2016

Appeal Reference: APP/N5090/W/16/3155067

Appeal Decision: Dismissed

Appeal Date: 29 November 2016

Reference: F/05593/13

Address: Harvester Restaurants, The Prince Albert, 290 - 292 Golders Green Road, London, NW11 9PY

Description: Erection of a part two, part six, part seven storey building with lower ground floor and basements providing 75 residential flats with ancillary resident's spa facility; associated car and cycle parking, landscaping and associated other works with access from Golders Green Road.

Decision: Refused

Decision Date: 6 March 2015

Reference: F/02179/10

Address: Harvester Restaurants, The Prince Albert, 290 - 292 Golders Green Road, London, NW11 9PY

Description: Extension of time limit for planning permission reference C00513Z/07 dated 05/06/2007 for construction of three storey building with basements and lower ground floors to create 62 self-contained flats and 1020sqm of health facility (D1 use) with provision for 89 cars and 80 cycle spaces with access from Golders Green Road. Associated landscaping.

Decision: Withdrawn

Decision Date: 24 August 2010

Reference: F/00247/08

Address: Harvester Restaurants, The Prince Albert, 290 - 292 Golders Green Road, London, NW11 9PY

Description: Construction of a five-storey building with basement and lower ground floor to create 41 self-contained flats and 1020sqm of health facility (D1 use) with provision for 83 cars and 80 cycle spaces with access from Golders Green Road. Associated landscaping.

Decision: Approved following legal agreement

Decision Date: 7 July 2008

Reference: C00513AA/08

Address: 290-294 Golders Green Road London NW11 9PY

Description: Construction of five storey building with basements and lower ground floor to create 45 self-contained flats and 1020sqm of health facility (D1 use) with provision for 83 cars and 80 cycle spaces with access from Golders Green Road. Associated landscaping.

Decision: Approved following legal agreement

Decision Date: 23 May 2008

Reference: C00513Z/07

Address: 290-294 Golders Green Road London NW11 9PY

Description: Construction of three storey building with basements and lower ground floors to create 62 self-contained flats and 1020sqm of health facility (D1 use) with provision for 89 cars and 80 cycle spaces with access from Golders Green Road. Associated landscaping.

Decision: Approved following legal agreement

Decision Date: 06 June 2007

Reference: C00513Y/05

Address: 290-294 Golders Green Road London NW11 9PY

Description: New three-storey building to provide 14 self-contained flats with basement parking.

Decision: Refused

Decision Date: 11 August 2006

Reference: C00513X/04

Address: Site Of 290 To 292, Golders Green Road, London, NW11 9PY

Description: Erection of a part two, part three, part four storey building to provide a synagogue and car parking at basement level, Class A2 commercial floorspace at ground floor level, 1 dwellinghouse and 12 self-contained flats. Provision of amenity space and refuse storage. Formation of vehicular access onto Golders Green Road.

Decision: Finally Disposed Of

Decision Date: 24 January 2005

Reference: C00513W/04

Address: Site Of 290 To 292, Golders Green Road, London, NW11 9PY

Description: Erection of three to five-storey building (plus basement) to provide a synagogue and off-street parking at basement level, Class A1/A2 commercial floorspace at ground level and a total of 14no. self-contained flats on the upper floors. Provision of associated amenity space, and vehicular access from Princes Park Avenue.

Decision: Withdrawn

Decision Date: 5 August 2004

Reference: C00513V/04

Address: Site Of 290 To 292, Golders Green Road, London, NW11 9PY

Description: 6no. internally illuminated hoardings.

Decision: Refused

Decision Date: 2 April 2004

Reference: C00513T/01

Address: Harvester Restaurants, The Prince Albert, 290 - 292 Golders Green Road, London, NW11 9PY

Description: Internally illuminated signs.

Decision: Approved subject to conditions

Decision Date: 15 May 2001

3. Proposal

This application seeks a variation of Condition 1 (Approved Plans) pursuant to planning permission 16/3806/FUL dated 05/09/2016 for 'Erection of a part two, part four, part five, part six storey building with lower ground floor and basements providing 60 residential flats with ancillary spa facility; associated car and cycle parking, landscaping and associated other works with access from Golders Green Road.'

Variations as part of this application include:

- Re-configuring of the internal layout of basement one and basement mezzanine level;
- Removal of basement 2 level;

- Removing an area from the south-east end of the building at basement and basement mezzanine level;
- Removal of spa to enlarge 4no. approved flats at lower ground floor level;
- Reduction in the width of the front foyer area to increase the size of 4no. approved flats (8, 9, 10 & 11) at ground floor level;
- Introduction of lightwells along part of the southern boundary and the entirety of the eastern boundary;
- Landscaping along eastern boundary.

4. Public Consultation

Consultation letters were sent to 434 neighbouring properties. 4 responses were received comprising 4 letters of objection. These can be summarised as follows:

- The development is too big, and density too high.
- Not enough parking allocated.
- Revised scheme increases the detrimental impact of the previously approved scheme on residents of Princes Park Avenue.
- Loss of light and overshadowing.
- Overlooking / loss of privacy.
- Overdevelopment of a small and awkward shaped plot of land.
- Raises highway safety and increased traffic generation concerns.
- Increased noise and disturbance.
- Loss of trees and detrimental effect on the conservation area.

The application was also subject to consultation with the following:

Highways:

The proposed alterations to the layout of the building have not altered the car parking ratio associated with the previously approved application. The alterations keep the same number of flats as the approved scheme therefore there is no increase in trip generation, service/ refuse vehicle movements, or parking ratios.

The proposals will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users, as such a recommendation for approval is supported

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) (2018) 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 Mayor's Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS9, CS10, C15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM10, DM16, DM17.

Supplementary Planning Documents

- Residential Design Guidance SPD (adopted 2016)
- Sustainable Design and Construction SPD (adopted 2016)
- Affordable Housing SPD (adopted 2007)
- Delivering Skills, Employment, Enterprise and Training from Development through section 106 (adopted 2014)
- Planning Obligations SPD (adopted 2017)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of development is acceptable;
- Affordable Housing;
- Whether the alterations detract from the character and appearance of the application site, street scene and wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate living standards will be provided for future occupiers;
- Whether the proposed development is acceptable on highways grounds;
- Whether the proposed development provides adequate refuse storage provision;
- Whether the proposed development would have an acceptable impact on site trees
- Section 106 issues.

5.3 Assessment of proposals

Whether the principle of development is acceptable

This application seeks to vary an extant planning permission (ref: 16/3806/FUL) for a part six storey building containing sixty self-contained flats. Therefore, as the previously approved permission is still extant, there is no in-principle objection to a residential development on site.

In terms of the applications materiality, it is the responsibility of each local planning authority to determine the definition of 'minor material' as there is no statutory definition. A judgment on 'materiality' in any particular case is one of fact and degree, along with taking into account the likely impact of the amendment on the local environment. Materiality is considered against the development as a whole not just part of it. The basis for forming a judgement on materiality is always the original planning permission. Section 96A of the Town and Country Planning Act 1990 states that 'in deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change, together with previous changes made under this section, on the planning permission as originally granted. In this instance, it is considered that the proposed alterations do constitute a material change and therefore a section 73 application is deemed the appropriate assessment mechanism.

Affordable Housing

As part of this application the applicants provided a revised viability assessment. This viability assessment was then independently assessed to verify the veracity of the financial assumptions made within the applicant's revised viability assessment. Following a year of lengthy discussion, document revision and analysis, the final recommendations of the independent assessor concluded that the scheme could viably provide a commuted sum payment of £428,400. This sum was agreed with the applicant along with a late stage review mechanism. This will be secured via a S106 obligation.

Whether the alterations detract from the character and appearance of the application site, street scene and wider locality

This application does not propose to alter the scale, form or siting of the previously approved scheme. Indeed, no further scale or additional units are proposed. The proposed alterations primarily centre around a rationalisation of the basement level parking arrangements, including the removal of basement level two, the removal of the spa at lower ground floor level to accommodate larger units (enlargement of existing four units - no additional units) and some minor internal alterations and introduction of light wells along part of the southern and entirety of the eastern site boundary. The proposed development also proposes to enhance the visual appearance of the application site along Princes Park Avenue via a scheme of soft landscaping. Indeed, while public comments received have raised objection to the design, scale and siting of the proposed scheme and its consequential impact on the neighbouring residential amenity, these objections are deemed to relate more to the previously approved scheme than the proposed. The proposed alterations are considered to have a limited visual impact on the character and appearance of the site and the streetscene of both Golders Green Road and Princes Park Avenue.

An assessment of the proposed changes is as follows:

Rationalisation of basement level parking, including removal of basement level two:

These changes are solely subterranean and therefore have no visual impact on the application site or streetscene of both Golders Green Road and Princes Park Avenue. Therefore, from a character and appearance perspective, these alterations are deemed acceptable.

Inclusion of lightwells along eastern site boundary to support lower ground floor units:

The principle of lightwells at the application site was established as part of the previously approved extant scheme, with lightwells serving the lower ground floor units located along Golders Green Road, adjacent to Roman House and to the rear of the site. This application proposes to introduce lightwells along part of the site's southern boundary and the entirety of the eastern. Analysis has been included within this submission to demonstrate that the siting of the lightwells would not result in a harmful level of overlooking, with soft landscaping between the public pavement and lightwells included to soften the visual impact of the lightwells. Lightwells were not previously proposed for this part of the site given a spa was located at lower ground floor level to the south / east of the site. However, with the spa to be removed and the four previously approved flats at the lower ground floor level being expanded to fill the space, there is now a need to introduce new lightwells. As the principle of lightwells has already been established on site and given mitigation measures have been included within the design to soften their visual impact on the appearance of the streetscene of both Golders Green Road and Princes Park Avenue, it is considered that they are acceptable on character grounds.

Internal alterations including increased unit sizes at lower ground floor level:

These changes are solely internal and therefore have no visual impact on the application site or streetscene of both Golders Green and Princes Park Avenue. Therefore, from a character and appearance perspective, they are deemed acceptable.

In summary, the changes proposed would have a limited and ultimately acceptable impact on the character and appearance of the application site and streetscene of both Golders Green Road and Princes Park Avenue. No additional scale, bulk or massing is proposed and no additional units have been introduced. Indeed, the main external changes concern the introduction of lightwells to part of the site along the southern boundary and along the full length of the eastern boundary. These are considered acceptable given the principle of lightwells at the application site has already been established and appropriate visual mitigation has been introduced via a scheme of soft landscaping. All other alterations are internal or subterranean. Therefore, it is considered that the proposed alterations to the previously approved extant planning permission are acceptable on character and appearance grounds and Policy DM01.

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

As outlined above, the only external alteration to the previously approved extant planning permission is the inclusion of lightwells to part of the site's southern boundary and along the entirety of the eastern boundary. It is not considered that the introduction of these lightwells would cause harm to the residential amenity of neighbouring occupiers by way of overlooking, overshadowing or loss of daylight / sunlight. No additional building scale, bulk or massing over and above the previously approved scheme is proposed. Therefore, based on the above, it is not considered that the proposed alterations would have a harmful impact on the residential amenity of neighbouring occupiers.

Whether adequate living standards will be provided for future occupiers

Floor Area:

The London Plan (2016) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum internal space requirements for residential units. A bedroom measuring 11.5m² and above is calculated as a double, and a bedroom measuring 7.5m² to 11.4m² is calculated as a single. This application proposes a reduction in the size of the ground floor foyer and therefore, consequently, there are small increases in the size of adjacent units. These increases do not result in the introduction of additional bedrooms or units. All revised unit sizes would comply with the minimum space standards outlined above.

The previously approved extant permission had four residential units at lower ground floor level adjacent to the spa. The proposed internal alterations propose to remove the spa and increase the size of each of the four units to cover the entire lower ground floor area adjacent to Golders Green Road and Princes Park Avenue. Each of the resulting units represent very large four bedroom units which exceed the minimum internal space standards as outlined above.

Floor-to-ceiling:

No changes are proposed to the previously approved floor-to-ceiling heights.

Light/outlook:

It is considered that all proposed units would receive an adequate level of daylight / sunlight and outlook. The proposed lightwells are south-facing and therefore all of the newly created windows serving habitable rooms along part of the site's southern boundary and along the entirety of the eastern boundary, are considered to receive sufficient daylight / sunlight and outlook. Again, the previously approved extant permission established the principle of lightwells at the application site for the purposes of providing daylight / sunlight and outlook to the ground floor units.

Amenity Space:

Each of the proposed units at lower ground and ground floor levels are provided with private external amenity space. External amenity space within the previously approved scheme was assessed on the cumulative amount of amenity space versus number of habitable rooms provided. Based on this approach, it is considered that the proposed scheme would provide an acceptable level of onsite external amenity space.

In summary, it is considered that the proposed alterations to the previously approved extant permission would not compromise the schemes amenity provision for future occupiers. Furthermore, given the principle of lightwells serving habitable rooms at lower ground floor level was established as part of the previously approved extant permission, it is considered that the new lightwells would provide an acceptable method and provision of daylight / sunlight and outlook for future occupiers living at the lower ground floor level.

Whether the proposed development is acceptable on highways grounds

This application seeks to rationalise the previously approved basement parking arrangement, by removing basement level two, and re-arranging the car parking spaces

and cycle storage over basement level one and the mezzanine basement level. No alterations are proposed to the access ramp and the changes do not result in a reduction in the number of car parking spaces and cycle storage units. The Council's Highways Department has reviewed this application and deemed it acceptable on highways grounds. As per the original permission (ref: 16/3806/FUL), a Residential Travel Plan will be secured via a S106 Agreement.

Whether the proposed development provides adequate refuse storage provision

No alterations are proposed to the site's refuse collection provision from the previously approved scheme. A condition requiring details of the proposed refuse storage and collection strategy will be attached to any permission.

Whether the proposed development would have an acceptable impact on site trees

The loss of site trees was assessed as part of the previously approved extant permission and considered acceptable subject to replacement landscaping. The proposed alterations would not compromise the provision of new site landscaping, but would enhance it, particularly along the site's eastern boundary fronting onto Princes Park Avenue. A landscaping condition will be attached to any permission to ensure replacement landscaping is fully implemented to the satisfaction of the Council.

Section 106 Issues

The development would be required to make contributions to Barnet Community Infrastructure Levy and Mayoral Community Infrastructure Levy.

The Council has Adopted a Supplementary Planning Document on Skills, Employment, Enterprise and Training. This would normally require that such a scheme would enter into a Local Employment Agreement as well as providing apprenticeships. In relation to the original application 16/ 3806/FUL, given the limited surplus generated by the development, it was not considered that it would be reasonable to require such measures, taking into account the proposed affordable housing and CiL contributions. There have been no changes since the date of that permission that would suggest a different approach is needed on this issue.

Response to Public Consultation

All public comments have been received and where appropriate, have been considered in the report above. The following provides clarification:

- The development is too big, and density too high:

The proposed alterations do not change the scale or fundamentally alter the density of the previously approved extant scheme.

- Not enough parking allocated.

The proposed alterations do not change or reduce the number of onsite parking spaces provided as part of the previously approved extant scheme. No additional units are proposed.

- Revised scheme increases the detrimental impact of the previously approved scheme on residents of Princes Park Avenue:

See amenity section above.

- Loss of light and overshadowing:

The proposed alterations do not change the scale or siting of the previously approved extant scheme and therefore do not impact the light received by neighbouring occupiers.

- Overlooking / loss of privacy:

The proposed alterations do not introduce any new windows overlooking neighbouring properties.

- Overdevelopment of a small and awkward shaped plot of land:

The proposed alterations do not change the site's scale or number of units over and above the previously approved extant scheme.

- Raises highway safety and increased traffic generation concerns:

The proposed alterations do not change or reduce the number of onsite parking spaces provided as part of the previously approved extant scheme. The Council's Highways Department are satisfied that the scheme is acceptable on highways grounds.

- Increased noise and disturbance:

The scheme reduces the amount of development on site by omitting the second basement level. This is expected to reduce construction time and the associated noise and disturbance at that stage of development. The scheme does not propose an increase in the number of units over and above the previously approved extant permission.

- Loss of trees and detrimental effect on the conservation area:

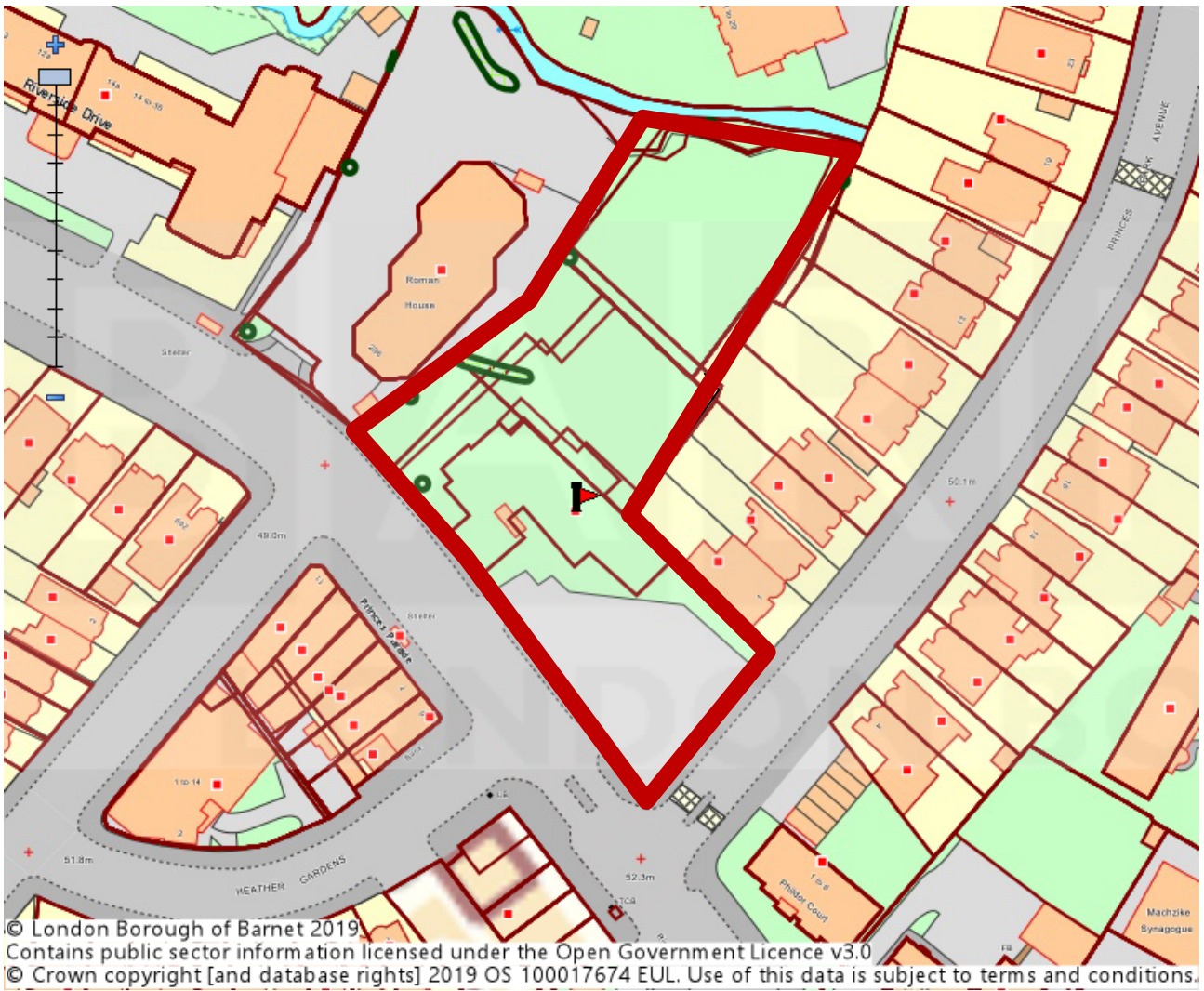
The application site is not located within a conservation area. The impact of the scheme on site trees has been addressed in the tree section above.

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 alterations would not cause harm to the character and appearance of the application site, the streetscene of both Golders Green Road and Princes Park Avenue, or the wider locality. Furthermore, it is considered that the impact on neighbouring residential amenity is acceptable, while the proposed development would provide an acceptable level of amenity for future occupiers. The proposed development is also considered acceptable on highways grounds. This application is therefore recommended for approval.



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Location Flat 70 Monarch Court Lyttelton Road London N2 0RB

Reference: 19/0162/FUL

Received: 11th January 2019

Accepted: 16th January 2019

Ward: Garden Suburb

Expiry 13th March 2019

Applicant: Mr Ashley Niman

Proposal: Replacement of single glazed windows and door with double glazed windows and door

AGENDA ITEM 9

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)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drg No's. 12301-SPEC, 12301-01, 12301-SEC1, 12301-SEC3, Site Location Plan.

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

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

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

- 3 The windows hereby approved shall match the original windows in material and style.

Reason: To protect the character of the house and the Hampstead Garden Suburb Conservation Area in accordance with policy DM06 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. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

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

Officer's Assessment

This application is presented to the Area Planning Committee as the applicant is an employee of the Council's Planning Department.

1. Site Description

The application site comprises a three storey, residential property situated towards the southern side of Lyttelton Road, which is in use as flats.

The property is not a listed building but falls within the Hampstead Garden Suburb Conservation Area.

2. Relevant Site History

None.

Neighbouring sites:

Reference: 18/2285/FUL

Address: Flat 60, Monarch Court, Lyttelton Road

Decision Date: 12.06.2018

Decision: Approved with conditions

Description: Replacement of front windows and door with steel double glazed door and window frames

Reference: 14/07518/FUL

Address: Flat 62, Monarch Court, Lyttelton Road

Decision Date: 16.01.2015

Decision: Approved with conditions

Description: Replacement of windows with double-glazed units

3. Proposal

This application seeks full planning permission for the replacement of the single glazed windows and door with double glazed window and door to the rear elevation. The dimensions of the proposed windows will remain as they currently are in situ.

4. Public Consultation

Consultation letters were sent to 35 neighbouring properties.
0 responses have been received.

Site Notice published: 24.01.2019

Press Notice published: 27.01.2019

Internal Consultation

CAAC - No objection, subject to proposed glazing pattern being the same as existing.

5. Planning Considerations

5.1 Policy Context

Revised 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 24 July 2018. 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 Revised 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 Revised 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 Mayor's Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

Barnet's Local Plan (2012)

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

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

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. Policy DM06 of the Council's Development Management Plan document deals with Barnet's heritage and conservation. Policy DM06 states that the special architectural and historic interest as well as the character and

appearance of conservation areas should be preserved and enhanced. Planning applications which fail to preserve or enhance the character or appearance of a heritage asset or conservation area will not be granted.

Supplementary Planning Documents

Hampstead Garden Suburb Character Appraisal (adopted October 2010)

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

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.

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 alterations would be a visually obtrusive form of development which would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area.
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to trees of special amenity value.

5.3 Assessment of proposals

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

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both

houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 - 1939.

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

The proposed replacement of the rear single glazed windows and door with new double glazed windows and door respects the dimensions and general principles set in the HGS Design Guidance. The existing windows are steel (crittal) windows and the replacement would be double glazed galvanised and white powder coated steel. Furthermore, the proposal would have the same overall appearance and dimensions as the windows and door as currently in situ, and have been designed with the same glazing pattern and details. Therefore it is not considered that the proposal would harm the character and appearance of the property. The proposed alterations do not detrimentally impact on the qualities of the building and would protect the character and appearance of this part of the Hampstead Garden Suburb Conservation Area.

The design and size of the replacement windows and door is such that they preserve the amenities of the occupiers of the neighbouring properties. A change to the dimensions of the replacement windows and door is not proposed and as such the proposed works are located to the rear elevation, facing in the direction of Mutton Brook and in the same position as existing fenestration.

The application is therefore recommended for approval, subject to conditions.

5.4 Response to Public Consultation

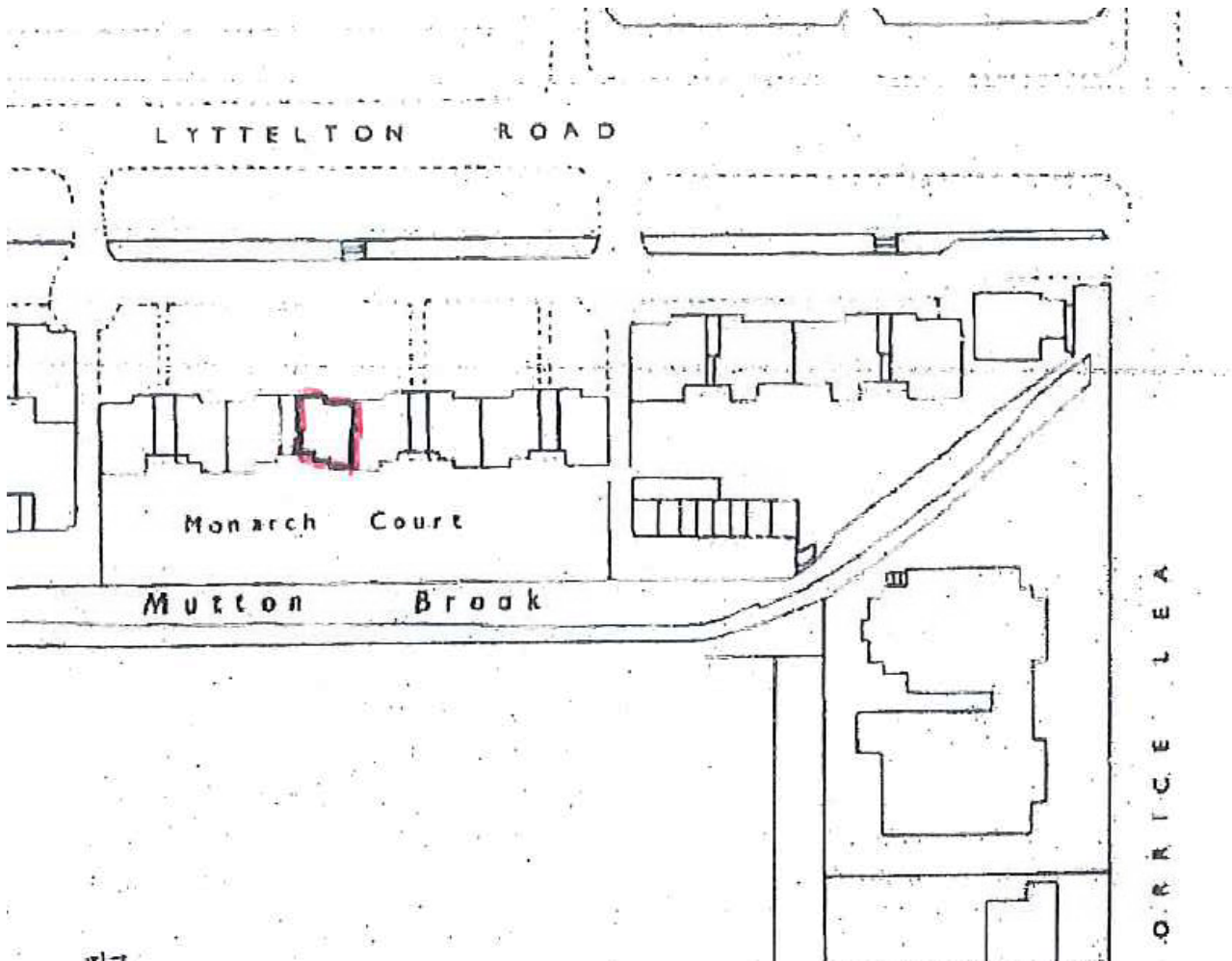
N/A.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the proposal would not detrimentally impact on the qualities of the building and would protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties. This application is therefore recommended for APPROVAL.



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(adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 Before the building hereby permitted is first occupied the proposed window(s) in the south elevation facing no 34 Long 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).

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

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

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

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

- 7 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013), and 7.15 of The London Plan 2015.

- 8 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 **** 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, and 7.15 of the London Plan 2015.

- 9 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% 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.

- 10 a) Before the development hereby permitted is first occupied, the enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers shall be provided as shown on the approved drawings.

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

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

- 11 Before the development hereby permitted is occupied, cycle parking spaces shall be provided in accordance with The London Plan Cycle Parking Standards and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

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.

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 £__ payment under Mayoral CIL.

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

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

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

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

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

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

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.

Officer's Assessment

1. Site Description

The application was deferred from the February meeting as Members considered neighbours had not been given enough time to consider the amended plans.

The application site is a two storey semi-detached building which has been subdivided into three flats. This application is submitted for the first floor flat. The property has a two storey pitched roof projection at the rear of the property.

According to the VOA website and council records, there are flats nearest the site on Long Lane at no's 31, 40, 43, 46-48, 51, 55, 57, and 72. It is noted that there are both flats and single family dwellinghouses on Long Lane, thus, the character of the area is mixed.

The application site is situated in the West Finchley area. The property is not listed and does not lie within a conservation area.

2. Site History

Reference: 17/2027/FUL

Address: 32 Long Lane Finchley, London N3

Decision Date: 16.05.2017

Decision: Approved subject to conditions

Description: Roof extension involving rear dormer window, 2no. rooflights to front elevation to facilitate a loft conversion

Reference: C04285E

Address: 32 Long Lane Finchley, London N3

Decision Date: 12 July 1989

Decision: Approved subject to conditions

Description: Single storey rear and side extension and conversion to three self-contained flats (Renewal of planning permission C04285D dated 19.12.84).

Reference: C04285D

Address: 32 Long Lane Finchley, London N3

Decision Date: 19 December 1981

Decision: Approved subject to conditions

Description: Single storey rear extension and conversion to three self-contained flats.

Reference: C04285C

Address: 32 Long Lane Finchley, London N3

Decision Date: 16 July 1979

Decision: Approved subject to conditions

Description: Single storey rear and side extension and conversion from two self-contained flats to three self-contained flats.

Reference: C04285B

Address: 32 Long Lane Finchley, London N3

Decision Date: 10 December 1973

Decision: Approved subject to conditions

Description: Conversion of ground floor into two old persons flats.

Reference: C04285A

Address: 32 Long Lane Finchley, London N3

Decision Date: 13 June 1973

Decision: Refused

Description: Erection of single-storey rear extension and self-containing two existing flats.

Reference: C04285

Address: 32 Long Lane Finchley, London N3

Decision Date: 19 March 1973

Decision: Approved subject to conditions

Description: Self-containing two existing flats and erection of single-storey rear extension.

3. Proposal

The application seeks approval for the conversion of an existing flat into two self-contained flats at first and second floor levels. Insertion of new side gable window and repositioning of existing first floor side window. Addition of one window to rear elevation. Removal of 2 chimney stacks. Associated cycle store and refuse and recycling store.

The plans were amended to show an additional first floor window to the rear elevation and removal of the second chimney stack.

4. Public Consultation

Consultation letters were sent to 182 neighbouring properties.

6 letters of objection were received one of which was located within the vicinity of the application site and the five other objections were located a distance away from the application site.

Objections raised:

- Overlooking to the street behind because of new window onto Claverley Grove.
- Discrepancies on the plans and drawings; removal of the chimney will affect the appearance of the house and neighbouring houses
- The dust bins are excessive in number, are obtrusive and will obstruct access for residents and visitors.
- The loss of a three bedroom unit, that is in short supply in the Borough, and its conversion into two one bedroom flats would be contrary to Policy DM08 of the Local Plan Development Management Policies DPD 2012
- The proposed two units on first and first/second floors in place of the existing first/second floor unit will unacceptably increase the intensity of use of the whole building and staircase traffic to the detriment of the existing occupiers of the Ground Floor units and future occupiers of the proposed first floor unit.
- The increase in the number of 4 to 3 units results in bin storage which impacts on the streetscene and impedes access to the side passage and rear garden.
- The proposed living/kitchen over the ground floor bedroom of the ground floor unit in terms of stacking is not acceptable.
- The units would not meet the London Space standards that is why a 1 bed 1 unit has been proposed and the study will be used as a bedroom which is contrary to the London Space standards.
- In the event the application is approved, the future occupiers of the proposed First and First/Second Floor units should be precluded from obtaining on-street parking permits.
- There is a mature maple tree not sure if this is to be removed.
- This figure is slightly overestimated. The actual area of Unit C (including the footprint of all internal walls, partitions, chimney breasts and skirtings) is 44.64 sq metres.

On receipt of amended plans neighbours were reconsulted. The amended plans were submitted to ensure new windows and chimney removals were shown on the floor plans and elevations. The refuse storage area was also amended following objections received.

Following this re-consultation, prior to the February committee, two further letters were received confirming the previous objections:

- loss of chimneys harmful to appearance of the area
- removal of fireplaces affects the occupiers of the ground floor flats
- overlooking of rear garden of ground floor flat
- the new location for the bin store is now acceptable, however 4 extra bins are not needed
- cycle park is too big, no cover is shown and it is too obtrusive
- harmful to character of house - external changes and increased density
- sound insulation unlikely to be adequate
- concern about structural stability due to structural changes proposed
- increased noise and disturbance to existing residents
- loss of a family sized unit
- 'study' would in practice be used as a bedroom

Following the February committee meeting, neighbours were consulted again. No further responses were received.

Internal Consultation

Environmental Health comments:

No objection, subject to conditions.

Highways

We support a recommendation for approval for the following reasons;

- o There is no off street parking facilities associated with either the existing unit or the proposed development.
- o There will be no increase in trip generation associated with the proposed development.
- o Car ownership associated with the existing and proposed development will be similar if not reduced, therefore on street car parking stress is unlikely to increase in association with the above application.
- o Cycle parking and bin storage facilities are being proposed for the existing units (ground floor flat) and proposed development.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 24 July 2018. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 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.

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, DM08, DM17.

Supplementary Planning Documents

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle of flats in this location
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposal provides satisfactory living accommodation for future occupiers
- Whether the proposed development would impact on parking and highways
- Whether the development would be sustainable

5.3 Assessment of proposals

Whether the principle of conversion to flats is acceptable and impact on the character of the area

Policy DM01 states that: 'Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate. Loss of houses in roads characterised by houses will not normally be appropriate. The policy seeks to retain single family dwellings where there is a character of single family dwellings. The continued sub division of properties into ever smaller units will alter the character of the street, by increasing noise, refuse and other activities associated with an unregulated increase in residential units. The break up into smaller units may also make the established pattern of development less permanent.'

Section 2.8 of the Development Plan Policies document addresses the issue of flat conversions with 2.8.1 stating that "the conversion of existing dwellings into flats can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of established residential areas". Further supporting guidance is provided by the Residential Design Guidance SPD (RDG SPD) adopted in 2016 (Section 15).

The application site is a two storey semi-detached building which has been subdivided into three flats. This application is submitted for the first floor flat. According to the VOA website and council records, there are flats nearest the site on Long Lane at no's 31, 40, 43, 46-48, 51, 55, 57, and 72. It is noted that there are both flats and single family dwellinghouse on Long Lane, thus, the character of the area is mixed. The council can therefore agree the principle of this conversion subject to general conformity with relevant plan policies and on consideration of all other material matters relating to this proposal.

The new windows would match the style of the existing. It is considered that the removal of the chimney stacks would not cause significant harm to the appearance of the property. The refuse/ recycling and cycle storage can be accommodated within the front garden without appearing unduly obtrusive in the streetscene. It is therefore considered that the proposal would not adversely impact the appearance of the property or character of the area.

Impact on the amenities of neighbours

The applicant is applying for the conversion of the existing upper flat into 2no. self-contained flats at first and second floor levels.

The existing property operates as a three bedroom flat and the proposal is for 2x1bed units to occupy the first and second floors. Therefore, the proposal will not intensify the use and results in a reduction of potential occupancy from 4/5 to 3 occupiers. The units will be accessed via the front of the property via a hallway. There are minimal external changes to the property. One window is proposed in the second floor study room facing south towards no 34 a sufficient distance of approx. 2.5m away from the flank elevation of no 34. One first floor side facing window is to be obscure glazed. The introduction of the new window will be conditioned to be obscure glazed and as such, mitigates any potential loss of privacy and or overlooking to occupiers at no 34.

In addition, there will be one window inserted at first floor level to the rear elevation which is set a significant distance, approx. 46m from the rear elevation of properties on Claverley Grove. The window in the rear elevation is clear glazed and given its significant distance away from occupiers on Claverley Grove and the fact view are to be at oblique angles it is considered not to significantly overlook neighbouring properties at no's 30, 34 and the ground floor of unit below no 32. There is already one window at first floor in the rear elevation and it is considered there would be no significant increase in overlooking of the garden of the ground floor flat.

Details for the refuse, storage and cycle parking storage has been provided for on drawing 315.F.033A. Environmental health officers raised no concerns subject to attached conditions. The existing mature tree will not be removed and existing shrubs/vegetation will remain as existing. The proposed bins will be sited within the front curtilage of the property and set back from the streetscene, the bins are considered not to impact on the visual amenities of the immediate streetscene. The proposal is considered acceptable on residential amenity and visual amenity grounds.

Whether the proposal provides a satisfactory living environment for future occupiers

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.

Floor Area:

The London Plan (2016) and Barnet's policies and Sustainable Design and Construction SPD (Oct 2016) set out the minimum GIA requirements for residential units. The minimum requirements are as follows:

- 1 bedroom unit for 1 person requires 39sqm
- 1 bedroom unit for 2 persons requires 58sqm

The 2 proposed flats have the following internal area (GIA)

First floor flat 1 bedroom 1 person unit: 48.2sqm

Second floor flat 1 bedroom 2 person unit: 63.6sqm

Both flats meet the London Plan standards.

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

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

All rooms meet these standards.

Floor to ceiling height: Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling.

The existing flats comply with this requirement.

Light/outlook:

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'. It is considered that all existing habitable rooms in both flats have good outlook for light and ventilation to serve the varying room sizes. In addition, both flats are dual aspect thus, benefiting from adequate ventilation and outlook. It is considered that the habitable rooms provide a suitable level of amenity for occupiers in accordance with Policy DM02 of Council's Development Management Policies.

Room stacking:

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors.

It is considered that both flats have a similar layout of rooms and the room stacking will ensure minimal noise and or disturbance to occupiers of both flats. It is noted that the living/kitchen for the first floor flat will be over the bedroom of the ground floor unit, however, the applicant is advised that sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of

implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels and an appropriate condition is proposed.

Amenity Space:

Section 2.3 of the Sustainable Design and Construction SPD (2016) states that for flats there should be a minimum of 5m² of outdoor amenity space per habitable room. The design and access statement stated there would be no amenity space provided which is the same as the existing situation. However, given the occupancy level is reduced, the site's location in a sustainable location and that there are public spaces within walking distance of the site, the lack of outdoor amenity space would not warrant reason for refusal in this instance.

Parking and Highways

Policy DM17 of the development management policies document states that normally up to 1 space should be provided for 1 bedroom units, 1-1.5 spaces should be provided for 2-3 bedroom units, 1.5-2 spaces for 4 bedroom units. Highways had assessed the proposal and raised no objections.

- o There is no off street parking facilities associated with either the existing unit or the proposed development.
- o There will be no increase in trip generation associated with the proposed development.
- o Car ownership associated with the existing and proposed development will be similar if not reduced, there for on street car parking stress is unlikely to increase in association with the above application.
- o Cycle parking and bin storage facilities are being proposed for the existing units (ground floor flat) and proposed development.

Whether the development would be sustainable

It is recommended that the application is conditioned to ensure that a maximum of 105 litres of water is consumed per person per day with 100% of the water supplied to the new dwellings by metered mains water and to achieve a reduction in CO₂ emissions. Given the minor nature of the development, this is considered to be sufficient to meet sustainability requirements.

Response to Public Consultation

- Concerns regarding overlooking due to the addition of one new first floor rear window. Given the fact the window is set a significant distance, approx. 46m from the rear elevation of properties on Claverley Grove and views will be at oblique angles and no worse than the existing first floor rear facing window, it is considered not to significantly overlook neighbouring properties on Claverley Grove or numbers 30, 34 Long Lane or the ground floor flat at the application site.
- Neighbours had been re-consulted on amended drawings and the removal of the second chimney stack is considered not to effect the appearance of the house and or neighbouring houses.

- The environmental health officer was satisfied with the number of bins and as they are sited within the middle of the front garden area of the property, this will not obstruct existing access arrangements for the ground floor flat and for users of the application site.
- The introduction of 2x1 bed units in this sustainable location will contribute to the housing need of the area.
- The objector is concerned that the proposal will increase intensity of the use of the building to the occupiers of both the first and ground floor units. However, the existing property operates as a three bed unit and the proposal is for 2x1bed units to occupy the first and second floors. Therefore, the proposal results in a reduction of potential occupancy from 4/5 to 3 occupiers. Also, a condition is proposed with regards sound insulation.
- Concerns in term of stacking - the living/kitchen for the rear first floor flat will be over the bedroom of the ground floor unit. The requirement for sound insulation is a suggested condition to ensure compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).
- The proposal complies with the London Space standards. The area shown as study does not meet the minimum bedroom size.
- The highways officer assessed the scheme and found that car ownership associated with the existing and proposed development will be similar if not reduced, therefore on street car parking stress is unlikely to increase in association with the above application. The highways officer did not see any need to restrict on-street parking permits.
- The maple tree will not be removed as shown on the amended site plan drawing no.e 315.F.033 A.
- Officers have checked the flat sizes shown on the drawings and agree with the figures set out by the applicant.
- The removal of internal chimney breasts does not require planning permission. Any such internal alterations to existing flats would be the subject of agreement between the owners and occupiers and are not planning considerations.

Conclusion

Having taken all material considerations into account, it is considered that the conversion would comply with the London Space standards 2016 and Barnet's policies and Sustainable Design and Construction SPD (Oct 2016) which sets out the minimum GIA requirements for residential units. It is considered to have an acceptable impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for Approval, subject to conditions.



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Location 27A Holders Hill Drive London NW4 1NL

Reference: 18/5787/FUL

Received: 27th September 2018

Accepted: 28th September 2018

Ward: Finchley Church End

Expiry 23rd November 2018

Applicant: Grovemile Investments Ltd

Proposal: Erection of 1no three storey dwelling including rooms in roof space following demolition of existing dwelling

AGENDA ITEM 11

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)

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

Planning statement by Henry Planning Consultancy and development

Existing elevations drwg no. HH-271

Existing ground and first floor plans drwg no. 27A

Proposed block plan drwg no. 27A

Proposed elevations drwg no. 273

Proposed plans drwg no. 272B

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

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

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

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

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

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

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

- 5 a) No development 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.

6

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.

- 7 Before the building hereby permitted is first occupied the proposed windows in the side elevation facing No29 Holders Hill Drive 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 April 2013).

- 8 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations of the dwelling hereby approved, facing 27 or 29 Holders Hill Drive.

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

- 9 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).

- 10 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).

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A-E of Part 1 of Schedule 2 of that Order shall be carried out within the area of the dwelling at 27A Holders Hill Drive hereby approved.

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

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

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

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

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

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

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

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

14 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% 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.

15 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 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 16 Before the development hereby permitted is first occupied vehicle and cycle parking spaces shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2016.

- 17 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.

Informative(s):

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

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.

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.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries.

Applications are the responsibility of the developer or householder who wish to have an address created or amended.

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

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

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

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

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

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

Officer's Assessment

1. Site Description

The application site is located at 27 Holders Hill Drive (main dwelling), a semi-detached property within the Finchley Church End ward and its side extension (27A). 27A is accessed from the front of the building and it was determined in February 2012 through the use of a Section 191 Lawful Development Certificate, on the balance of probability, to have been used as a self-contained unit for more than 4 years. The host dwelling is one of a pair of semi-detached dwellings with hipped roofs, the building has been originally extended to the side with a cat slide style roof. The area is residential in character consisting of semi-detached properties served by rear garden areas.

2. Site History

Ref: 17/3391/FUL

Address: 27a Holders Hill Drive London NW4 1NL

Decision: Refused

Date: 11.08.2018

Description: Two storey front extension to provide bay windows to first and second floor. Part single, part two storey side and rear extension with new terrace and access steps to the rear. Extension to roof including hip to gable end to 27 Holders Hill Drive, new gable end roof to 27a Holders Hill Drive with 1no. rear dormer window.

Ref: 17/2200/HSE

Address: 27a Holders Hill Drive London NW4 1NL

Decision: Withdrawn

Date: 26.05.2017

Description: Part single, part two storey side and rear extensions with rear dormer window

Ref: 16/5319/HSE

Address: 27a Holders Hill Drive London NW4 1NL

Decision: Withdrawn

Date: 28.10.2016

Description: Part single, part two storey side and rear extensions with rear dormer window

Ref: F/02521/12

Address: 27a Holders Hill Drive London NW4 1NL

Decision: Approved subject to conditions

Date: 05.10.2012

Description: Demolition of existing house at no. 27a followed by the creation of a new 2 storey house with side and rear dormer windows and a single storey rear extension to no. 27.

Ref: F/04826/11

Address: 27a Holders Hill Drive London NW4 1NL

Decision: Lawful

Date: 01.02.2012

Description: Retention of 1no. self-contained residential unit

Ref: F/02724/11

Address: 27a Holders Hill Drive London NW4 1NL

Decision: Unlawful

Date: 21.10.2011

Description: Retention of 1no. self-contained residential unit

3. Proposal

The application relates to the demolition of the existing and lawful No.27A and its replacement with a new dwelling. As detailed in the planning history, under application F/04826/11, no. 27A was deemed a lawful separate dwelling. In 2012 application F/02521/12 granted consent for the "Demolition of the existing house at No. 27a followed by the creation of a new 2 storey house with side and rear dormer windows and a single storey rear extension to No. 27".

The current application seeks to revise the previously permitted scheme with the following amendments;

- Replace dormer window with a gable on the flank elevation.
- Alterations to a rear dormer window.
- First floor rear extension.
- Rear fenestration alterations.

The house in form and fenestration would follow that of No.27 with a gabled roof tying into the existing structure. The dwelling would be served by a part single/part two storey rear projection. The single storey element would extend across the entire rear elevation (6.4m) and would be accessed by a set of steps, owing to the fall in land levels. The single storey element would project 6.0m from the main rear wall to a height of 4.3m. The roof would be flat. The first-floor element would be confined to the southern section of the property (3.0m deep x 3.4m wide), with a hipped roof tying into the main roof. The property would be served by a rear dormer window and would have a separate private amenity area to the rear. Materials would match No.27 and 4 bedrooms would be provided.

4. Public Consultation

Consultation letters were sent to 75 neighbouring properties.

10no. letters of objections were received on the following grounds:

- o At odds with the established character of 1930's semi-detached dwelling houses on Holders Hill Drive; Loss of visual amenity
- o Over development of the application site
- o Loss of privacy to neighbouring properties
- o On street parking pressures on an already cramped road
- o Increased noise resulting from its use

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.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The revised National Planning Policy Framework (NPPF) was published on 24th July 2018. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth. It is a material consideration in planning decisions.

Existing policies in Barnet's Local Plan (2012) and the London Plan (2016) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

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.

Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, 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 2016)

Residential Design Guidance SPD (adopted 2016)

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

5.2 Main Issues for Consideration

The main issues for consideration in this case are:

- Principle of development, including planning history;
- 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 or future residents.
- Highways;
- Sustainability.

5.3 Assessment of Proposals

The principle of the proposed 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.

As the planning history details, the site, 27A, benefits from a Lawful Development Certificate for use as a separate dwelling. The general principle of its replacement can therefore be accepted if the above policy aims can be addressed. In 2012 consent was granted for a replacement dwelling which further augments the general principle of replacing the existing structure. This application proposes amendments and alterations to what was agreed under that application. However, if a dwelling can be accommodated on site, in line with policy, whereby the general character of the area is preserved and neighbouring amenity is not excessively infringed, replacing the dwelling can be accepted.

The location of the proposed dwellinghouses would be in keeping with Planning Policy Guidance recommending the need for the effective use of land within urban areas.

The impact on the character and appearance of the application site and surrounding area

As detailed above the 2012 consent agreed the principle of a two-storey dwelling and concluded that such a development would not be in conflict to the general character of the

area. It is accepted that a short run of 3 terrace properties would be created in an area of semi-detached dwellings. However, the existing building line would be maintained on the street frontage. The proposed height of the new building would remain as per the neighbouring existing properties' heights, to ensure that the proposed building respects the heights of these other surrounding properties.

It is considered the design of the proposed dwelling would complement the design of neighbouring existing buildings and would not have any adverse visual effect on the character of the locality or the street scene generally. The use of matching materials would further aid successful assimilation into the existing streetscene.

As alluded to, a short terrace would be created in an area of semi-detached dwellings. The existing dwelling represents a relatively incongruous addition to the streetscene, at odds with the prevailing character. The area enjoys no additional statutory protection, is not within a conservation area, and weighed against national and local policy requirements to make more efficient use of existing land, the creation of a terrace can be justified, given the history of this particular site. It is not considered there would be a detrimental impact on the general character of the area, and the proposal is in general compliance with local plan policy DM01, the London Plan and national guidance within the NPPF.

Turning to the specific design revisions from the previous approval, the most material difference is the creation of a gable end to the dwelling. This can often be problematic visually in an area of predominantly hipped roof finishes. There are material considerations which justify the approach in this instance. Firstly No.25, effectively the other bookend of the terrace, has recently constructed a hip to gable extension. As such a gable end in this instance would balance the terrace. Furthermore, hip to gable extensions are a common feature within the area, often carried out under permitted development and often creating an unbalanced roofscape for individual pair of semi-detached properties. A gable end in this case would create a more balanced visual appearance and can be supported.

A small first floor extension would be added above a full width ground floor projection. The ground floor element is not considered excessively deep and would line up with the existing projection on No.27. Whilst some third-party representations have raised concern that the first-floor element would appear out of character with the established pattern of development, the proposal follows standard design considerations for such additions, is no closer than 2.0 metres to a neighbouring boundary and projects no more than 3.0 metres in depth, and finding aesthetic shortcomings would be difficult, notwithstanding the introduction of a first-floor addition to the immediate area. The proposed dormer window is a common feature in the immediate area, and indeed is more modest than examples nearby; the dormer would be set in from the eaves and gable and is generally acceptable.

impact on the amenity of neighbouring residents

It is a key aim of planning policy to ensure that the amenity of existing residents is safeguarded when new development is proposed. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook. In that regard, it is noted that concerns have been raised in third party representations in relation to potential impacts on amenity.

The proposal retains adequate separation distances to dwellings to the rear and there would be no significant impact on amenity. Equally the flank wall retains a suitable gap to the dwelling on the southern boundary (No.29).

The single storey element, and any potential impact on No.27, would be reduced to minimal owing to the existing projection to the rear of this dwelling which is the same depth. The first-floor element is set off the boundary by 3.10m and there would be no infringement on light to first floor windows. Whilst concern has been raised about the creation of a terrace and the impact this would have on No.27, when tested against general policy requirements on amenity, no fault is found in what would be this new relationship. First floor windows are proposed in the flank wall, but these can be reasonably conditioned as obscure glazed.

The impact on the amenity of future residents

Local Plan policies require high quality design in all new development that creates attractive places which are welcoming, accessible and inviting. Policy DM01 states that proposals should be design to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to floorspace and amenity space.

4no. bed 7no. person 3no. storey dwelling approx. 161sq.m (min. req. 121sq.m)

3.50sq.m built-in storage provided (min. req. 3.0sq.m)

Internal headroom :
(Ground floor) 2.70m
(First floor) 2.50m
(Loft Level) 2.30m

A standard of accommodation, consistent with that in the immediate area would be maintained.

The proposed internal layout and room spaces would comply with the London Plan space standards. The Sustainable Design and Construction SPD (SD&C) requires bedrooms in new units to be of a specific size, at least 7.5m GIA for single bedrooms and 11.5m for double. The proposal meets these standards.

The scheme can provide a good and suitable level of useable rear amenity space.

All proposed residential development should provide suitable outlook and daylight for future units.

All habitable rooms would benefit from suitable outlook.

Highways and Parking

Off street parking provision within the front forecourt area is currently available to serve the existing dwelling and this would be retained.

On balance, the proposal is acceptable on highway grounds.

5.4 Response to Public Consultation

The majority of the matters have been addressed above. Whilst the concerns of local residents are noted, it is considered that the proposal would not detract from the character

of the area or result in an over-development. One parking space is proposed, as existing and it is considered that the scheme will not lead to parking stress in the area.

5.5 Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The proposed development would meet this requirement, and a condition would be attached in the event planning permission is granted to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, any scheme has it be designed to achieve a 6% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition would be attached in the event planning permission is granted to ensure compliance with the Policy.

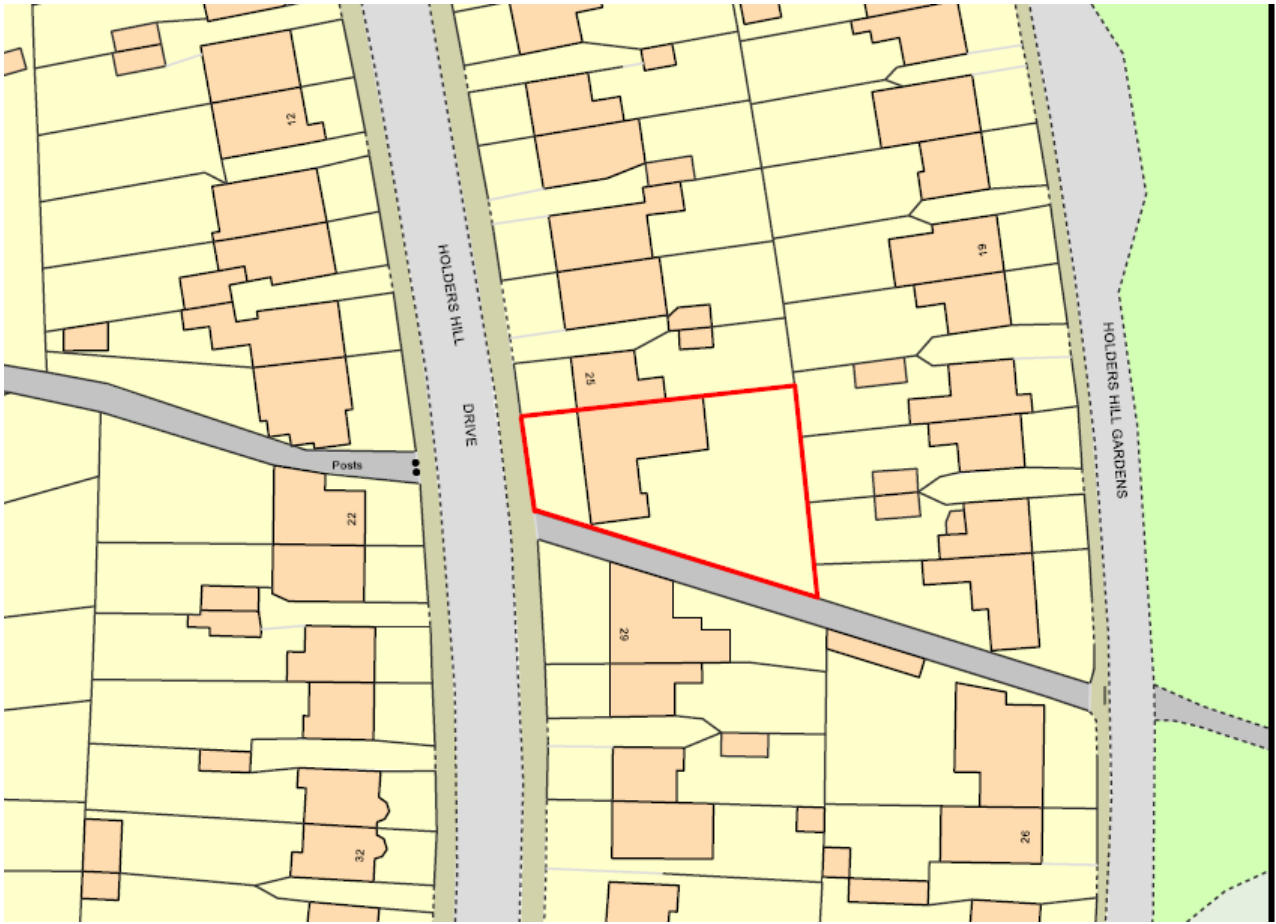
In terms of water consumption, a condition would be attached to any scheme granted consent to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

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

In light of the above appraisal, it is considered that a case for the revised scheme has been made and the general principle of a replacement dwelling is still acceptable. It is therefore recommended that consent is granted subject to conditions.



Location	Former Safari Restaurant 975 High Road London N12 8QR	
Reference:	18/7368/FUL	Received: 12th December 2018 Accepted: 2nd January 2019
Ward:	Woodhouse	Expiry 27th February 2019
Applicant:	N/A	
Proposal:	Partial change of use to ground floor of existing building and associated car park from restaurant (use class A3) to a vehicle rental premises with vehicle storage, office, vehicle wash bay, car parking and offices (Sui Generis) with associated alterations to windows and doors including a new shop front	

AGENDA ITEM 12

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)

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

- Cover letter dated 11.12.2018
- Syntegra Plant Noise Assessment Ref:18-4504 Rev B dated 12/2018
- Noise management plan (unnumbered)
- Site location plan drwg no.PL01
- Existing site block plan drwg no.PL02
- Proposed site block plan drwg no. PL03(a)
- Existing rear elevation drwg no. PL04
- Proposed rear elevation drwg no. PL05
- Existing side elevation drwg no. PL06
- Proposed side elevation drwg no. PL07
- Existing front elevation drwg no. PL08
- Proposed front elevation drwg no. PL09
- Canopy plans and elevations drwg no. PL10
- Car wash silt trap drwg no. 800341 Issue 6

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core

Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

- 3 The use hereby permitted shall not be open to members of the public before 09.00am or after 17.00pm on weekdays and Saturdays or before 9.00am or after 14.00pm on Sundays and Bank and Public Holidays.

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

- 4 The car wash facility hereby approved shall only be used in association with the ground floor use of the premises and shall not be open to members of the public before 09.00am or after 17.00pm on weekdays and Saturdays or before 9.00am or after 14.00pm on Sundays and Bank and Public Holidays.

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

- 5 The car wash operation hereby approved shall be carried out as per the Syntegra Plant Noise Assessment Ref:18-4504 Rev B dated 12/2018

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

- 6 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.

- 7 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 October 2016) and Policies 5.13 and 5.14 of the London Plan 2016.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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 developer is required apply to the Highway Authority for a Projection Licence under Highways Act 1980 for any overhanging over the public highway. The overhang must be a minimum height of 2.7 metres above the footway and 4.1 metres above the carriageway. Advice on projection licence can be obtained from Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 3 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that photographic survey shall be undertaken of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site. To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ.

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

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any

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

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

- 5 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.
- 6 Should the applicant want to make any changes or amendments to the existing vehicular access, an application must be made to the highways department to be assessed independently from the planning consent.

Officer's Assessment

1. Site Description

The application relates to the ground floor of a 3-storey mixed use building on the west side of High Road together with its associated parking areas at the front and rear of the site. The ground floor is in A3 use (Former Safari Restaurant) with residential accommodation located on floors above. The site itself is surrounded by a mixture of purpose built flats and single family dwellinghouses fronting Limes Avenue, High Road and Woodside Grove. To the north of the application site is a similar 3-storey mixed use building. The ground floor is in Sui Generis use (Europcar Rental Enterprise) with residential accommodation on floors above. The application site is not within a town centre nor is it on a designated primary or secondary retail frontage. The application site is not located in a conservation area nor is it locally/statutorily listed.

2. Site History

Reference: 18/5960/FUL

Address: Former Safari Restaurant, 975 High Road N12 8QR

Decision: Refused

Reason: The proposed development, by reason of the car wash bay and associated works, is considered to create harmful levels of noise and disturbance which would be detrimental to the amenities of the surrounding residential occupiers. The application is therefore found to be unacceptable and contrary to policies CS NPPF, CS1 and CS5 of the Barnet Core Strategy (2012), policies DM01 and DM04 of the Barnet Development Management Policies DPD (2012), policy 7.6 of The London Plan (2016) and the guidance contained in the Barnet Sustainable Design and Construction Supplementary Planning Document (2016).

Decision Date: 04.12.2018

Description: Partial change of use to ground floor of existing building and associated car park from restaurant (use class A3) to a vehicle rental premises with vehicle storage, office, vehicle wash bay, car parking, and offices (Sui Generis) with associated alterations to windows and doors including a new shop front

Reference: 18/5961/ADV

Address: Former Safari Restaurant, 975 High Road N12 8QR

Decision: Refused

Reason: The cumulative level of signs, would by reason of their size, scale and siting, result in discordant and incongruous additions within a limited area within the front forecourt area, which would be unduly obtrusive and detrimental to the visual amenities of the wider street scene, contrary to paragraph 132 of the NPPF, policy DM01 of the Barnet Development Management Policies DPD 2012, Policy CS5 of Barnet's Core Strategy (2012), and Barnet Design Guidance Note 1: Advertising and Signs.

Decision Date: 04.12.2018

Description: Installation of 1no. Internally illuminated fascia sign, 1no internally illuminated podium (mounted) sign and 1no. Non-illuminated monument sign

Reference: 17/4819/FUL

Address: Car Park Rear of Safari Bar, Highwood Court, 975 High Road

Decision: Refused - Appeal Dismissed

Decision Date: 20.09.2017

Description: Use of site as hand car wash to the rear of safari bar car park. Erection of canopy, storage unit and advertising board. Creation of 4 new parking spaces

Reasons for refusal:

The proposed use and development of the site as a car wash, including canopy and storage unit, by reason of its design of buildings, appearance and nature of use, would have a harmful impact on the character and appearance of the surrounding residential area. Accordingly, they would fail to comply with the aims of Policy DM01 of the Barnet Development Management Policies DPD 2012, Policy CS 5 of the Barnet Core Strategy 2012 and Policies 7.4 and 7.6 of the London Plan 2016

The proposed car wash would create harmful levels of noise and disturbance which would be detrimental to the amenities of the surrounding residential occupiers. The application is therefore found to be unacceptable and contrary to policies CS NPPF, CS1 and CS5 of the Barnet Core Strategy (2012), policy DM01 of the Barnet Development Management Policies document (2012), policy 7.6 of The London Plan (2016) and the guidance contained in the Barnet Residential Design Guidance Supplementary Planning Document (2016).

The nature of the proposed scheme is likely to create significant amounts of surface water and the applicant has failed to adequately demonstrate how the surface water runoff will be controlled and managed in practice, contrary to 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.

Reference: 16/6579/FUL

Address: Car Park Rear of Safari Bar, Highwood Court, 975 High Road

Decision: Refused

Decision Date: 01.12.2016

Description: Use of site as hand car wash to the rear of safari bar car park. Erection of canopy, storage unit and advertising board. Creation of 4 new parking spaces

Reasons for refusal:

The proposed use as a car wash, including canopy, advertising board and storage unit would have a harmful impact on the character and appearance of the surrounding residential area. Accordingly, they would fail to comply with the aims of Policy DM01 of the Barnet Development Management Policies DPD 2012, Policy CS 5 of the Barnet Core Strategy 2012 and Policies 7.4 and 7.6 of the London Plan 2016.

The proposed car wash would create sufficient noise and disturbance which would be detrimental to the amenities of the surrounding residential occupiers. The application is therefore found to be unacceptable and contrary to policies CS NPPF, CS1 and CS5 of the Barnet Core Strategy (2012), policy DM01 of the Barnet Development Management Policies document (2012), policy 7.6 of The London Plan (2016) and the guidance contained in the Barnet Residential Design Guidance Supplementary Planning Document (2016).

The nature of the proposed scheme is likely to create significant amounts of surface water and the applicant has failed to demonstrate how the surface water runoff will be controlled and managed in practice, contrary to 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.

Reference: F/04038/12

Address: Car Park Rear Of Safari Bar, Highwood Court, 975 High Road

Decision: Refused

Decision Date: 04.02.2013

Description: Retention of canopy at rear patio.

Reasons for refusal:

The proposed retention of the canopy due to its bulk, size, scale, design and siting is visually harmful to the application site and harms the character of the locality contrary to policy DM01 of the Development Management Policies (Adoption version) 2012, CS5 of the Core Strategy Policy (Adoption version) 2012.

The proposal results in noise, disturbance and general activity, detrimental to the residential amenity of the occupiers of the properties on the upper floors of the building and the neighbouring properties, contrary to policy DM01 and DM04 of the Development Management Policies (Adoption version) 2012, CS5 of the Core Strategy Policy (Adoption version) 2012.

Reference: C00240M/07

Address: 975 High Road London N12 8QR

Decision: Refused

Decision Date: 16.10.2007

Description: Proposed car wash area within rear open parking area.

Reference: C00240L/07

Address: 975 High Road London N12 8QR

Decision: Refused

Decision Date: 13.08.2007

Description: Retention of canopy over rear patio area.

Reference: C00240J/06

Address: 975 High Road London N12 8QR

Decision: Refused

Decision Date: 16.08.2006

Description: Erection of glazed extension and canopy to front and conservatory to rear. External alterations and erection of external fire-escape to side. Creation of decking with ramps at front. Ramps at rear.

3. Proposal

The proposal involves the partial change of use to ground floor of existing building and associated car park from restaurant (A3) to a vehicle rental premises with vehicle storage, office, vehicle wash bay, car parking (Sui Generis) with associated alterations to windows and doors including a new shop front;

The applicant has proposed the following hours of use: 09:00-17:00 Monday to Friday, 09:00-14:00 Saturday and closed Sunday and Public Holidays;

Erection of an enclosed car wash bay with acoustic absorptive and reflective panels at the sides and rear (dedicated to, and to be used for, washing of Enterprise's vehicles only within which associated equipment would be stored in noise reducing cabinets. The roof would be of a solid construction made from steel profile sheet as opposed to a canopy on the common boundary with Highwood Court (to the north) approx. 5.00m width x 7.0m depth x 3.80m max. height, 3.50m high to the eaves;

Provision of 4 new (car club) parking spaces at the front (2.40m x 4.80m each bay);

Reprovision of 27 parking spaces at the rear (1no. disabled parking bay included) (2.40m x 4.80m each bay) for the sole purpose of the car hire operation;

This is a resubmission following ref: 18/5960/FUL following revisions to the car wash unit the roof of which would be of a solid construction as opposed to a canopy and this facility would only be used by car hire vehicles.

4. Public Consultation

Consultation letters were sent to 370 neighbouring properties/occupiers. 10 responses have been received, comprising 10 Letters of objection on the following grounds:

- o Noise and disturbance to residential properties as a result of carwash activities and cumulative noise impact in addition to existing uses.
- o Light pollution from flood lights used well into the evening.
- o The car wash facility would give rise to undue harm onto the residential amenity of neighbour occupiers by way of noise and disturbance by use of noisy industrial equipment like jet washers and vacuum cleaners and increased pollution and contamination from vehicle use, oil, grease and cleaning detergents, used in car wash activities. The car wash which is an integral part of the business will cause a lot of disturbance to the residents around (the illegal car wash at the same has been shut for the very same reason).
- o Harmful to the character of the local context: There is already a car rental next door and an additional one will deteriorate the appearance of this nice residential area. We do not need to have the area full of car rental companies and cars parked on the frontage. This makes the area more industrial and ugly. There is a neighbouring car rental business run by Europcar which co-exists well as the cars are largely stored at the front facing the High Road and their associated car wash is in a dedicated brick built, insulated housing. There is no need for another car rental company.
- o Impact on access, traffic and parking
- o Involve increased artificial lighting late in the afternoon which will disturb residents
- o Increased risk of flooding: Any blockage to the drains causes flooding by the garages which has occurred in the past year and there has been an awful stench by the garage area and the rear of Highwood Court. There is also no convincing evidence from the application as to how dirty water will be drained away

Internal consultation with Highways and Environmental Health Departments was also undertaken and no objections raised subject to conditions and informatives.

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 24 July 2018. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 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.

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, CS13.
- Relevant Development Management Policies: DM01, DM02, DM04, 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 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

1. Principle of development
2. Impact on the character and appearance of the area

3. Impact on the amenity enjoyed by neighbouring properties
4. Impact on drainage
5. Impact on traffic and highways

5.3 Assessment of proposals

1. Principle of development

The applicant seeks planning consent for the change of use of part of the ground floor of the existing building formerly used as a restaurant (A3) and associated car park to car rental company with vehicle storage, wash bay, car parking and offices (Sui Generis) with minor amendments to existing elevations.

The scheme would result in the reduction in the footprint of an A3 Use of approx. 624sq.m to 264sq.m. The development would result in the split function of the application site by 2no. separate businesses. The car park at the front (4no parking bays) and rear (27no. parking bays) of the application site would serve additional parking provision for both staff and visitors of both businesses and operate between 09:00-17:00 Monday to Friday, 09:00-14:00 Saturday and closed Sunday and Public Holidays. The application site is not within a town centre nor is it part of a designated primary nor secondary retail frontage and therefore would not detract from the retail function of a town centre. The proposed use would provide employment and enhance the vitality and viability of the area and ensure the active continuation of a commercial function of the ground floor of the application site. The proposed change of use aspect of the scheme is considered acceptable in principle.

2. Impact on the character and appearance of the area

The applicant seeks planning consent for the change of use of part of the ground floor of the existing building formerly used as a restaurant (A3) and associated car park to car rental company with vehicle storage, wash bay, car parking and offices (Sui Generis) with minor amendments to existing elevations.

The car parking area to the rear of the building would be used for the storage of rental vehicles as well as provide an enclosed car wash bay . Additional spaces will be provided to the front of the building, fronting High Road, for Enterprise's Car Club scheme. The Car Club provides members with access to a choice of new cars and vans parked locally to where they live, work and study. Car Club provides local people with access to a vehicle without the need to own one. The rear of the building would be rearranged to serve 27no. car parking spaces (2.40m x 4.80m per bay); for use of both the staff and visitors of the site hence revert back to its original function.

The new car rental use of the site would involve an enclosed car wash bay with acoustic absorptive and reflective panels at the sides and rear (dedicated to, and to be used for, washing of Enterprise's vehicles only within which associated equipment would be stored in noise reducing cabinets. The roof would be of a solid construction as opposed to a canopy. The car wash use will not be open for public use) on the common boundary with Highwood Court (to the north) and measure approx. 5.00m width x 7.0m depth x 3.80m max. height, 3.50m high to the eaves. The proposed car wash bay would be located out of view from High Road and would not detract from the character or appearance of the area.

Minor alterations to the existing front, (south) side and rear elevations of the ground floor of the building are proposed as part of this application. These include the re-configuration

of the existing window, door arrangements and general improvements to bring the site up to standard for Enterprise's use.

The proposal would not affect the visual amenities of the wider street scene nor the character and appearance of the property and local context.

The scheme is therefore considered acceptable on the above grounds.

2. Impact on the amenity enjoyed by neighbouring properties

Policy DM04 'Environmental Considerations' states at part (d) that "proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted" and "proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted." The policy also states that "Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate."

This is a resubmission following ref: 18/5960/FUL. Revisions involve a change from a canopy covered rear external car wash bay to an enclosed car wash bay with acoustic absorptive and reflective panels at the sides and rear (dedicated to, and to be used for, washing of Enterprise's vehicles only within which associated equipment would be stored in noise reducing cabinets. The roof would be of a solid construction as opposed to a canopy.

This scheme therefore differs in scale, function and level of activity compared to previous planning refusal LPA ref: 17/4819/FUL / Appeal ref: APP/N5090/W/17/3192127, which would be limited in comparison to the persistent washing associated with the hand car wash operation that has been subject to significant objection. Notwithstanding this, a car washing facility would still be facilitated by a jet washer within the site. The site is located adjacent to Europcar car rental facility from which similar activities arise. Officer enquiries were made with the Europcar Premises as to their car washing activities which was understood to be approximately 20 cars per day within an enclosed garage.

In contrast to the previous unlawful industrial, use of a hand car wash, the existing car park will be used primarily for the storage of rental vehicles. Whilst there will be some limited washing of vehicles, this will be minor in comparison to the previous use. Instead, the proposed car wash function will be restricted to washing of Enterprise's rental vehicles only and will take place only within the designated enclosed wash bay - not continuously throughout the day and evening. The proposed hours of use would be Monday to Friday between 09.00am - 17.00pm and Saturday between 09.00am to 14.00pm with the exception of Sunday and bank holidays.

A noise assessment has been submitted in support of the application which has been assessed by Environmental Health and the details are considered to be acceptable subject to conditions and informatives.

Drainage:

Given the scale and level of operation combined with a site of low flood risk levels, the scheme is not likely to result in additional risk of flooding of the site or local area and will use existing drainage arrangements albeit with improvements in the form of silt traps and filtering of water prior to being discharged into the existing system. A condition has been attached 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 Policies 5.13 and 5.14 of the London Plan 2016.

5.4 Response to Public Consultation

The majority of the points raised have been addressed in the report

o "Involve increased artificial lighting late in the afternoon which will disturb residents." No external lighting is proposed as part of this development.

o "Increase in crime"

While this is a material consideration the proposed scheme is unlikely to create an increase in crime and therefore not considered as a reason for refusal in this instance.

6. Equality and Diversity Issues

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

7. Conclusion

The application is recommended for APPROVAL



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