

**MEETING**

**CHIPPING BARNET AREA PLANNING COMMITTEE**

**DATE AND TIME**

**TUESDAY 17TH JULY, 2018**

**AT 7.00 PM**

**VENUE**

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

**TO: MEMBERS OF CHIPPING BARNET AREA PLANNING COMMITTEE (Quorum 3)**

**Chairman:** Councillor Stephen Sowerby MA  
**Vice Chairman:** Councillor Wendy Prentice

Alison Cornelius	Roberto Weeden-Sanz	Laurie Williams
Tim Roberts	Reema Patel	

**Substitute Members**

Caroline Stock	David Longstaff	Paul Edwards
Thomas Smith	Jo Cooper	Pauline Coakley Webb
Lisa Rutter		

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

**Andrew Charlwood – Head of Governance**

Governance Services contact:  
Paul Frost – [Paul.frost@barnet.gov.uk](mailto:Paul.frost@barnet.gov.uk)

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Media Relations Contact: **Gareth Greene 020 8359 7039**

**ASSURANCE GROUP**

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4.	REPORT OF THE MONITORING OFFICER (IF ANY)	
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# Decisions of the Chipping Barnet Area Planning Committee

20 June 2018

Members Present:-

AGENDA ITEM 1

Councillor Stephen Sowerby (Chairman)  
Councillor Wendy Prentice (Vice-Chairman)

Councillor Alison Cornelius  
Councillor Tim Roberts  
Councillor Laurie Williams

Councillor Reema Patel  
Councillor Weeden-Sanz

## 1. MINUTES OF LAST MEETING

**RESOLVED** that the minutes of the meeting held on 24<sup>th</sup> April 2018 be agreed as a correct record.

## 2. ABSENCE OF MEMBERS (IF ANY)

None.

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

Councillor Prentice declared a non-pecuniary interest in Item 12, 1 Sunset View Barnet EN5 4LB, as she knows two of the objectors to the application.

## 4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

## 5. ADDENDUM (IF APPLICABLE)

Items contained within the addendum were considered under individual agenda items.

## 6. NEW SOUTHGATE CEMETERY AND CREMATORIUM, BRUNSWICK PARK ROAD, LONDON N11 1JJ (BRUNSWICK PARK)

The Committee received the report. Members were given the opportunity to question the officer.

A vote was taken on confirming the Tree Preservation Order, as follows:

For	7
Against	0
Abstentions	0

**RESOLVED...**

1. That the Council, under Regulation 7 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 confirms the London Borough of Barnet New Southgate Cemetery (Brunswick Park Road frontage) Brunswick Park Road, London N11 1JJ Tree Preservation Order 2018 without modification.

2. That the person(s) making representations be advised of the reasons.

7. 1 - 6 MONKSWELL COURT COLNEY HATCH LANE LONDON N10 2JH (COPPETTS)

The Committee noted that the item be WITHDRAWN from the agenda as objectors had not been notified.

8. 7 - 21 MONKSWELL COURT COLNEY HATCH LANE LONDON N10 2JH (COPPETTS)

The Committee noted that the item be WITHDRAWN from the agenda as objectors had not been notified.

9. 22 TO 27 MONKSWELL COURT COLNEY HATCH LANE LONDON N10 2JH (COPPETTS)

The Committee noted that the item be WITHDRAWN from the agenda as objectors had not been notified.

10. 44 BROOKHILL ROAD BARNET EN4 8SL (EAST BARNET)

The Committee received the report. The Planning Officer confirmed that there was a slight change to condition 8 in the published report and that this should read;

‘8. 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 permitted by any of **Classes A to E** of Part 1 of Schedule 2 of that Order shall be carried out within the area of 44 Brookhill Road as hereby approved without the express planning consent of the local planning authority first being obtained.’

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).’

Representations were heard from the applicant’s agent.

A vote was taken on the Officer’s recommendation to approve the application as follows:

For	7
Against	0
Abstentions	0

**RESOLVED that...**

**The application be APPROVED subject to conditions,**

**AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions 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).**

**11. 11 DURY ROAD BARNET EN5 5PU (HIGH BARNET)**

The Committee received the report. Members were given the opportunity to question the officers.

A vote was taken on the Officer's recommendation to approve the application as follows:

For	7
Against	0
Abstentions	0

**RESOLVED that...**

**The application be APPROVED subject to conditions,**

**AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions 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).**

**12. 1 SUNSET VIEW BARNET EN5 4LB (HIGH BARNET)**

The Committee received the report and addendum. Representations were heard from Mr Robin Bishop (Chair of the Barnet Society), Mr William Foster, and Mr Huseyin Cicek, the applicant's agent.

A vote was taken on the Officer's recommendation to APPROVE the application as follows:

For	1
Against	6
Abstentions	0

It was moved by Councillor Prentice and seconded by Councillor Cornelius that the Officer's recommendation be overturned and that the application be REFUSED for the following reasons;

1. The proposed two-storey side extension, by reason of its size, siting, height and the fenestration detailing including loss of the garage door would result in an obtrusive and uncharacteristic form of development highly visible within the streetscene which would disrupt the established character of buildings in the immediate locality, result in the

loss of the garage door which is a common feature of this part of the Conservation Area and would reduce the gaps between the neighbouring properties reducing the glimpsed views through to and from the Conservation Area which are characteristic of the area. In this regard, the proposal is considered unacceptable, and would detract from the character and appearance of the host property and the wider area and would fail to preserve or enhance the character and appearance of the Monken Hadley Conservation Area , contrary to policies CS1 and CS5 of the Barnet Core Strategy (Adopted September 2012), policy DM01 and DM06 of the Barnet Development Management Policies Document (Adopted September 2012) policy 7.4 and 7.6 of the London Plan (2016) and the advice contained in the Barnet Residential Design Guide Supplementary Planning Document (Adopted 2016).

2. The proposed two storey side extension by reason of its size, siting, height and relationship to adjoining neighbouring property would be unduly obtrusive and result in a harmful loss of outlook detrimental to the visual and residential amenities of the occupiers of N0.3 Sunset View. The application is therefore considered to be unacceptable and contrary to Policy DM01 of the Barnet Development Management Policies DPD (2012), Policy 7.4 and 7.6 of the London Plan (2016) and the guidance contained within the Barnet Residential Design Guidance Supplementary Planning Document (2016).

Informative:

1. In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

A vote was taken on the motion to REFUSE the application as follows:

For (refusal)	6
Against (refusal)	0
Abstentions	1

**RESOLVED that the application be REFUSED for the reasons detailed above.**

**13. 91 AND 91A LONGMORE AVENUE BARNET EN5 1JZ (OAKLEIGH)**

The Committee received the report and addendum. Representations were heard from Mr Tony Riley, Mrs Mary De Cruz and the applicant’s agent, Ms Mary Nagy.

A vote was taken on the Officer’s recommendation to REFUSE the application as follows:



For (refusal)	2
Against (refusal)	5
Abstentions	0

It was moved by Councillor Sowerby and seconded by Councillor Roberts that the Officer's recommendation be overturned and that the application be APPROVED (subject to conditions) for the following reasons;

The application will not have a detrimental impact on the character or appearance of the area nor the residential amenities of the surrounding neighbourhood occupiers.

Subject to the conditions detailed below;

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

The plans accompanying this application are:

- Design and Access Statement, prepared by Teal Planning
- Cover letter, dated 28 April, written by Teal Planning
- Drawing no. 2016- 580/103 Rev B

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 new flat roof area created by the removal of the pitch roof above the existing first floor rear extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

Informative:

In accordance with paragraphs 186-187, 188-195 and 196-198 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.

A vote was taken on the motion to APPROVE the application as follows:

For (approval)	5
Against (approval)	0
Abstentions	2

**RESOLVED that the application be APPROVED for the reasons detailed above.**

**14. SPRINGDENE NURSING HOME 55 OAKLEIGH PARK NORTH LONDON N20 9NH (OAKLEIGH)**

The Committee received the report and addendum. The Planning Officer highlighted to Members the requirement for a Section 106 agreement as included in the addendum.

Representations were heard from the applicant's agent, Mr Simon Wallis.

A vote was taken on the Officer's recommendation to approve the application as follows;

For	6
Against	0
Abstentions	1

**RESOLVED that...**

**The application be APPROVED subject to conditions and the completion of a S106 agreement 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. The completion of a Section 106 legal agreement to secure the following:**
- 4. The Council's legal and professional costs of preparing the Agreement and any other enabling agreements.**
- 5. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.**
- 6. A contribution of £435,076 towards affordable housing.**
- 7. A review mechanism for the proposed development to be implemented after 80% of the units have been sold if the development has not achieved the "shell**

and core" standard 24 months from the date of the grant of the Planning Permission and achieved Practical Completion of the Development by the date that is 30 months from the date of the grant of the Planning Permission.

**8. Provision of:**

One (1) Apprenticeship during the construction phase of the Development in accordance with a programme to be agreed with the Council's Skills and Enterprise team; and

One (1) Place for Progression into employment (less than 6 months);

One (1) Place for Progression into Employment (6 months or more); and

Four (4) Work Experience placements

Twenty Five (25) students from local school/college attending a site visit

Twenty Four (24) students from local school/college participating in a construction awareness workshop delivered by the site

Use reasonable endeavours to ensure that 30% of its labour force during the construction of the Development shall be Barnet residents.

**9. Meeting the Council's costs of monitoring the planning obligation - £2500**

**RECOMMENDATION II:**

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Head of Development Management or Head of Strategic Planning.

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions 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).

**15. 157A AND 157B HOLDEN ROAD LONDON N12 7DU (TOTTERIDGE)**

The Committee received the report. Representations were heard from Mrs Melanie Morley and Mrs Fenil Khroya, and the applicant's agent Mr Joe Henry.

A vote was taken on the Officer's recommendation to approve the application as follows;

For	2
Against	2
Abstentions	3

The Chairman used his casting vote to vote in favour of approving the application.

**RESOLVED that...**

The application be **APPROVED** subject to conditions,

**AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions 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).**

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

None.

The meeting finished at 20.55

**Location**                      **Wessex Court 51 West End Lane Barnet EN5 2RA**

**Reference:**                      **18/2390/FUL**

Received: 19th April 2018

Accepted: 20th April 2018

**Ward:**                              Underhill

Expiry 15th June 2018

**Applicant:**                      Mr M BISHOP

**Proposal:**                      Demolition of an existing garage and removal of existing roof and creation of a new mansard roof with front and rear dormer roof extensions to provide 8no additional flats at second floor level with balconies to front and rear elevations. Provision of additional 10no off street parking spaces. Provision of refuse, recycling and cycle storage

AGENDA ITEM 6

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management 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:

423714-2 (Existing Elevations Sections and Roof Plan), 423714-4 Rev B (Proposed Second Floor Plan and Roof Plan), 423714-5 (Site Plan), 423714-5 Rev B (Proposed Elevations and Sections), 423714-10 (Existing Floor Plans) Proposed Site Plan, Landscaping PPlan (18/08\_01 ), OS Plan, Planning Statement prepared by Alan Cox Associates.

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) 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).

- 6 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.

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

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

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be

replaced with trees or shrubs of appropriate size and species in the next planting season.

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

- 8 a) Before the development hereby permitted is first occupied, details of improvement to the amenity area(s) as detailed on the submitted Landscaping Plan (18/08\_01) 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).

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

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

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

- 10 Notwithstanding the plans submitted, before development commences, details of the operation of the gated vehicular access as indicated on the proposed site plan submitted with the planning application, including maintenance contract details if electronic ally operated gates are proposed, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details.

Reason: In the interests 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.

- 11 Before the development hereby permitted is occupied, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area



shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

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

- 12 Before the development hereby permitted is first occupied access to the parking area from the public highway, the access to the parking spaces, turning and parking spaces including a disabled space 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 2015.

- 13 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than \_\_\_ of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional \_\_\_ of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan 2015.

- 14 Before the flats hereby permitted are first occupied the proposed windows in the flank and rear elevations detailed as obscure glazed on plan number 423714-5 Rev B 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).

1. In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

## Officer's Assessment

### 1. Site Description

The site property is a two storey residential block of flats built in the 1980's as part of the redevelopment of an old factory Site. The development comprises of sixteen flats. The neighbouring properties are mainly 2 storey Victorian terraced Cottages on West End Lane. To the rear of the site are two storey developments and a 3 storey development with mansard roof fronting Bells Hill.

### 2. Site History

Reference: 17/7820/FUL

Address: Wessex Court 51 West End Lane Barnet EN5 2RA

Decision: Refused

Decision Date: 05.04.2018

Description: Demolition of an existing garage and removal of existing roof and creation of a new pitched roof with front and rear dormer roof extensions to provide 8no additional flats at second floor level. Provision of additional 10no off street parking spaces. Provision of refuse, recycling and cycle storage.

Reason(s)

1. Insufficient amenity space has been provided which would adequately serve the existing residents of Wessex Court, the Bells Hill flats and future occupiers of the new flats and the development would therefore fail to provide satisfactory living conditions for existing and future occupiers, contrary to policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and the Sustainable Design and Construction SPD (October 2016).

Reference: 17/4338/FUL

Address: Wessex Court 51 West End Lane Barnet EN5 2RA

Decision: Refused

Decision Date: 24 October 2017

Description: Demolition of an existing garage and removal of existing roof and creation of a new pitched roof with front and rear dormer roof extensions to provide 8no. additional flats at second floor level. Provision of additional 18 off street parking spaces. Provision of refuse, recycling and cycle storage

Reason(s)

1. The proposed roof due to its bulk, mass and excessive number of dormer windows would appear overly bulky, cluttered and out of scale with the prevailing character of West End Lane, relating poorly to neighbouring buildings and appearing obtrusive and incongruous. This would be detrimental to the character and appearance of the site property, streetscene and the local area contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

2. Insufficient information has been provided in respect of refuse and recycling storage facilities to demonstrate that the facilities required by the 8 additional flats, could be satisfactorily provided within the curtilage of the application site. In the absence of such

information the proposal would be detrimental to the character and appearance of the street and harm the living conditions of both neighbouring occupiers as well as future occupiers of the development contrary to policies DM01 and DM17 of the Adopted Barnet Development Management Policies DPD (2012) and CS9 and CS14 of the Adopted Barnet Core Strategy DPD (2012), the Sustainable Design and Construction SPD (adopted October 2016) and Residential Design Guidance SPD (adopted October 2016).

3. Insufficient detail has been submitted to show that the amenity space would adequately serve the existing residents of Wessex Court, the Bells Hill flats and future occupiers of the new flats and the development would therefore fail to provide satisfactory living conditions for existing and future occupiers, contrary to policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and the Sustainable Design and Construction SPD (October 2016).

Reference: 17/0453/FUL

Address: Wessex Court 51 West End Lane Barnet EN5 2RA

Decision: Refused

Decision Date: 10 May 2017

Description: Removal of existing roof and creation of a new mansard roof to provide 8no. additional flats at second floor level. Addition of 18 off street parking spaces

Reason(s)

1. The proposed mansard roof due to its bulk, mass and excessive number of dormer windows would appear overly bulky, cluttered and out of scale with the prevailing character of West End Lane, relating poorly to neighbouring buildings and appearing obtrusive and incongruous. This would be detrimental to the character and appearance of the site property, streetscene and the local area contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

2. Insufficient information has been provided in respect of refuse and recycling storage facilities together with cycle storage facilities to demonstrate that the facilities required by the 8 additional flats, could be satisfactorily provided within the curtilage of the application site. In the absence of such information the proposal would be detrimental to the character and appearance of the street and harm the living conditions of both neighbouring occupiers as well as future occupiers of the development contrary to policies DM01 and DM17 of the Adopted Barnet Development Management Policies DPD (2012) and CS9 and CS14 of the Adopted Barnet Core Strategy DPD (2012), the Sustainable Design and Construction SPD (adopted October 2016) and Residential Design Guidance SPD (adopted October 2016).

3. No additional amenity space is proposed to serve the residents of the new flats, and the development would therefore fail to provide satisfactory living conditions for existing and future occupiers, contrary to policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and the Sustainable Design and Construction SPD (October 2016).

Appeal: Dismissed on the basis of amenity space and provision of refuse and recycling facilities.

Appeal Decision Date: 07.11.2017

Reference: C04719

Address: Wessex Court Wessex Way NW11

Decision: Refuse  
Decision Date: 23 January 2017  
Description: Erection of 4 three-room flats

Reference: 16/3985/FUL  
Address: Wessex Court 51 West End Lane Barnet EN5 2RA  
Decision: Withdrawn  
Decision Date: 22 August 2016.  
Description: Removal of existing roof and creation of a new mansard roof to provide 8no. additional flats at second floor level.

Reference: C04719A  
Address: Wessex Court Wessex Way London NW11  
Decision: Refuse  
Decision Date: 28 March 1985  
Description: Single storey rear extension to form self-contained flat.

Reference: N02251K  
Address: Factory Site West End Lane; Bells Hill Barnet  
Decision: Approved  
Decision Date: 24.05.1984  
Description: Redevelopment of factory site comprising two-storey block of sixteen flats fronting West End Lane, with 16 garages and two parking spaces, part three part four-storey block of 26 flats fronting Bells Hill with 14 integral garages and 16 parking spaces.

### **3. Proposal**

The proposed development is a revised scheme and follows a number of recent attempts to develop the roof area of the building (as detailed above). The most recent application (17/7820/FUL) was refused planning permission having been referred from the Chipping Barnet sub-committee meeting to the main Planning Committee meeting (28.03.2018) as a result of concerns around private amenity space, as detailed in the planning history.

This application aims to overcome this concern by providing individual inset balconies in lieu of dormer windows for the 8 No. proposed flats in order to provide some outside space and a formal landscaping plan has also been provided detailing the layout of proposed communal amenity space.

The scheme would once again involve alterations to the roof to create a mansard style finish, including front and rear dormer windows, to provide the 8 additional units. 10 additional parking spaces would also be provided. The dwelling mix would be 3 studios, 1 x 1 bed flats and 4 x 2 bed flats.

### **4. Public Consultation**

Consultation letters were sent to 330 neighbouring properties, 28 replies were received (24 objections/4 support). The comments received can be summarised as follows;

#### *Objection*

- Concern about overlooking from balconies and loss of privacy.

- Excessive noise and disturbance from additional residents.
- Insufficient private amenity and parking space provision.
- Level of parking in real terms is insufficient.
- The proposal will put a strain on the already strained local sewage system.
- The proposal is out of keeping with the character of the area.
- The proposal and proposed amenity space does not overcome previous concerns.
- The proposal will result in an overdevelopment of the area.
- Inadequate provision is made for refuse storage.
- Amenity area proposed is already used by existing properties.
- The houses opposite will be overlooked.
- The proposal would be imposing and lead to overlooking.
- Noise impacts on the flats below.
- The proposal of 10 new car parking spaces would cause significant congestion to what is already a congested area.
- Concern about the loss of trees.
- Significant disturbance will arise during the construction phase.

#### *Representation from Barnet Residents Association*

- The density is at the upper end of what is suitable for a PTAL 2 area.
- Contrary to policy which outlines the harm flats can do to the character of an area.

#### *Support*

- The proposal will have minimal impact on the area.
- This is a minor development in comparison to other approved schemes.
- This area is hardly an architectural or visual utopia - Tidying up Wessex Court will improve the aesthetic.
- If hospital / non-resident parking is prevented with barriers, there is (and will continue to be) ample parking for residents.
- The building will be lower than the existing height.
- I am not a planning officer, so I defer to actual experts on issues like sewage, etc. which have been covered ad-nauseam and were not raised as issues by the planning officer.
- Garden improvements look amazing and would make the communal space more useful and pleasurable for residents.
- I fully support this application and believe it will only enhance the building and the surrounding area.

## **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 27 March 2012. 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. 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 2017

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, DM08, 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

Residential Design Guidance SPD (adopted 2016)

Sustainable Design and Construction SPD (adopted 2016)

- Provide 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 the development - Site history/recent applications/appeal
- Whether the proposals would have a harmful impact on the character and appearance of the streetscene and general locality
- Whether the proposals would have an acceptable impact on the amenities of neighbouring and future occupiers
- Whether the proposals would have an acceptable impact on highway and pedestrian safety.

## 5.3 Assessment of proposals

### Principle of the development - Site history/recent applications/appeal

As discussed and detailed above there has been a recent planning history to develop the site by extending the roof. This has included committee and appeal determinations. The planning history of a site is a material consideration as is the recent history of similar developments. It is important that the Local Planning Authority take account of this in terms of the way that they deal with this current application.

Whilst there has been some frustration expressed within third party representations in relation to repeat applications, this is not an uncommon scenario and there is nothing that the Council can do apart from to consider the new proposals on their own individual merits. Previous reasons for refusal related to the design of the extension to the roof, inadequate refuse storage facilities and insufficient amenity space. The concerns about amenity space and refuse facilities were subsequently upheld when the application was taken to appeal. The overall principle of extending the building to provide 8 residential units has never been resisted or mentioned as a specific reason for refusal and the most recent decision which refused planning permission had a single reason for refusal which related to the insufficient detail to demonstrate that the level of private amenity space would adequately serve existing and future residents.

Any future decision taken must be mindful of the recent planning history and recent determinations, whilst recognising that some planning issues have been raised in the past and others have not. This application amounts to an attempt to address the reason for refusal such that it would now be reasonable to grant planning permission as a result of the additional information. Obviously, it could be the case that the alterations could create additional considerations which require further assessment. Notwithstanding this, the general principle of the development has generally been settled.

### Whether the proposals would have a harmful impact on the character and appearance of the streetscene and general locality

The Appeal Inspector (APP/N5090/W/17/3179632) concluded that "the proposed development would not have a negative impact on the character and appearance of the area". The previous report to committee (177820/FUL) records the Appeal Inspector's conclusion, on what is a very similar scheme, thus;



"The Inspector was of the opinion that the proposed dormer would transform the buildings somewhat institutional appearance into one that would be more recognisably domestic, and would relieve its massing".

Furthermore, he expressed the view that "the part of the building with the bulkiest appearance would be the side elevations but, as these would not directly face West End Lane and would be close to the side boundaries, their impact on the street scene and surrounding properties would be limited. When viewed in the context of the street scene, the building would not appear out of character with the varied styles of its surroundings. Although it would be clearly visible and noticeable, it would not appear incongruous or obtrusive, and would represent an improvement to the building's current appearance".

These views, whilst not likely to be shared by all parties, are now material for all future submissions. In this context, it should be noted that Members at the main Planning Committee meeting in March 2018 when considering the most recent application did not refuse consent on design, despite previous objections, and accepted the Inspector's findings on this point. It is not considered that the addition of small inset balconies would materially affect the overall design of the building and the aesthetic appearance is deemed acceptable.

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

One of the core principles set out in the National Planning Policy Framework is that planning should always seek to secure a high standard of amenity for all occupants of buildings. The proposed alterations retain the same distance to the terrace properties across West End Lane, and owing to the separation distance there would be no significant impact. Whilst balcony areas could increase a perception of overlooking it is not considered that any impact would be excessive or amount to a reason to refuse consent. It is not considered that any overlooking of front garden areas across the road would seriously impact on existing amenity. In the majority of cases it is the rear private amenity space that provides the most useful and useable space. In this particular case the rear garden areas of nearby houses would be unaffected.

Once again it is considered that neighbour concerns in relation to noise and disturbance could be addressed with a construction management plan and sound insulation condition.

#### Amenity of future occupiers

The scheme does not impact on the recent conclusions that;

- The application complies with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan 2016 and is considered to provide adequate internal space.
- The proposed internal stacking is considered appropriate and acceptable, helping to ensure a minimum of noise disturbance between the units. However 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). The applicant would have been required to achieve the required sound insulation levels and an appropriate condition has been attached.

#### *External Amenity Space*

The single reason for refusal related to the level of private amenity space provided, recorded as such in the Committee Report;

*More amenity space has been shown in the proposed plans in response to the reasons for refusal which was also upheld by the appeal Inspector. The Appeal Inspector dismissed the appeal on the basis that the amenity space represents an under provision and the intensification of use of the current space could detrimentally affect the privacy of existing residents as a result of the communal space directly abutting the ground floor windows of habitable rooms.*

*The proposed amenity space would be 1017sqm.*

*Currently Wessex Courts has 6 x 1 bed and 10 x 2 bed flats resulting in 48 habitable rooms*

*Bells Hill development has 13 x 1 bed and 13 x 2 bed resulting in 65 habitable rooms.*

*The proposal for Wessex Court is for 2 studies, 1 x1 bed and 4 x 2 bed flats, resulting in 20 habitable rooms. Council policy requirement is 5sqm per habitable room. The amount of communal amenity space that would be required for 133 habitable rooms would be 665sqm.*

*Although the space shown takes into account all residential flats in Wessex Court and Bells Hill Flatted development and the provision would exceed the space standard, the additional area of grass to the side of the building next to the road way is not considered useable space providing the quality of outside space that the Council would normal seek in residential developments. In view of this, to ensure that the proposed communal space would meet the need of existing and future occupiers the applicant has agreed to a condition being attached (if approved) requesting that the quality of the amenity space should be improved by planting shrubs in the area near the roadway, providing benches in the area nearest to Bell Lane block of flats as this is considered to be the most useable space.*

As detailed above, Members refused the application in relation to a lack of private amenity space. In light of the refusal, the applicant has submitted a Landscape Plan (drawing number 18/08\_01), which provides in depth detail of how the existing areas of open space would be transformed to provide useable areas of private amenity space. The amenity space exceeds the policy requirement for the extended Wessex Court and Bells Hill developments. Furthermore the inclusion of formalised landscaped communal areas would be more user friendly than the existing areas. The submission also adds private balcony areas for occupants of the extended roof flats. It is considered that the proposed development provides a policy compliant level of private amenity space for existing and future occupants of the site. Although these areas are not large they do add to the overall offer for residents and when considered alongside the improvements to the communal areas outlined above overcome previous concerns. It is considered that it is difficult to justify a refusal on the point of the size of the balconies, bearing in mind that flatted developments often struggle to meet the policy requirement on amenity space provision.

Once again refuse and recycling storage facilities would be by the existing access to the parking area. The proposal is to provide a formal refuse storage area for the existing and proposed flats in Wessex Court. The proposed provision is for 3 x 1100 litre recycling bins) and 3 x 1100 litre refuse bins.

The Council's requirement for refuse and recycling bin storage would be met and would be an improvement to the existing arrangement. A condition requesting details of the storage area will be attached.

A garage will be demolished to provide 12 cycle storage places.

#### Impact on on highway and pedestrian safety

The application has previously been assessed by Highways, and they have indicated that the 26 parking spaces proposed for the existing and proposed use will be in accordance with the DM17 Policy. This application proposes no changes

Furthermore, the proposed application with the revised access arrangement with 4.2m wide access is acceptable on highway grounds. However information is required as to how the gated access is to be operated. Highways preference is for an electronic operated gate as it would ensure that vehicles will not be waiting on public highway whilst the gated has to be opened manually. Further information regarding the gated access will be required and a condition to this effect would be attached.

In addition Highways have requested that Electrical Vehicle Charging Points and Disabled Parking provision should be provided in accordance with the London Plan Parking Standards

In view of the above, the proposal is once again recommended for approval on Highways ground subject to conditions and informatives.

#### 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 applicant has confirmed that the proposed development would meet this requirement, except for the provision of a lift due to layout and ownership of the existing flats, the viability and service charge implication associated with providing a lift. A request has been made that there should be some flexibility given in this case. As the issues mentioned relates to control outside of the planning regime, the applicant is advised to liaise with Building control in seeking concessions in complying with the condition which is attached and to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 10% 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 is attached to ensure compliance with the Policy

In terms of water consumption, a condition is attached 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).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

## **5.4 Response to Public Consultation**

The letters of support and objections are noted and are taken into account in the sections above. It is not considered the proposal would result in an overdevelopment and the Barnet Residents Association concern about the effect flats could have on the character of the area is unfounded in an area where flats are part of the established character. There is no substantive evidence to suggest the development could impact on the existing sewerage system to any great degree. Whilst the loss of trees is regrettable they are not statutorily protected and it is considered, on balance, that there will be a net gain in relation to what the trees would be replaced with - a formalised garden area for the benefit of residents.

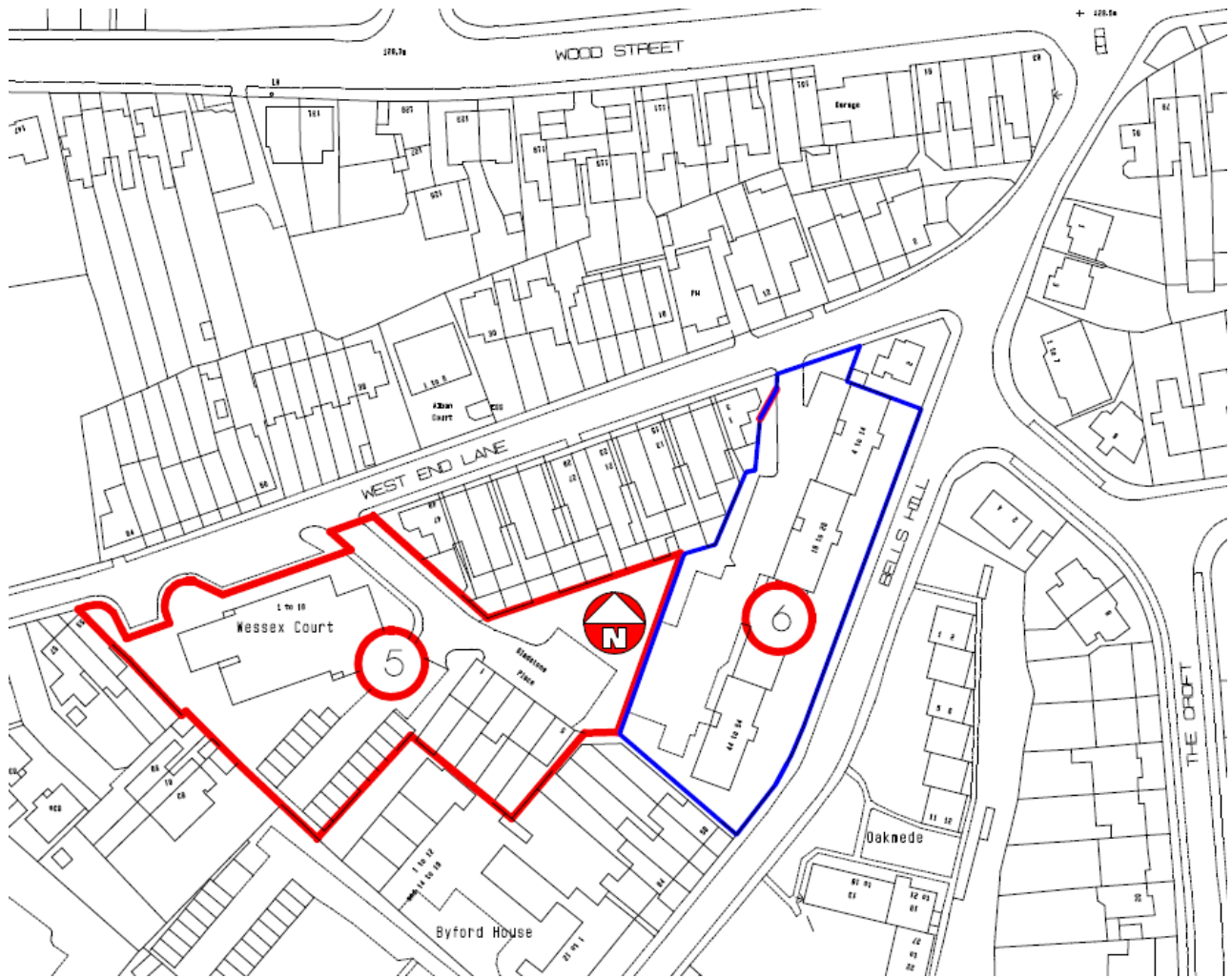
## **6. Equality and Diversity Issues**

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 the previous shortcoming identified by Members (inadequate amenity space) has been clarified by the submission of a landscaping plan identifying the provision of a formalised private amenity space, which would be supplemented by balcony areas. The submission does not raise other issues that have not previously been raised and assessed. The proposed unit sizes, car parking provision and layout are policy compliant, in keeping with the character of the area and would not impact adversely on existing residents. It is, therefore, recommended that consent is granted subject to conditions.

# Site Location Plan



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**Location**                      **Fountain Lodge 32 Barnet Road Barnet EN5 3ET**

**Reference:**                      **18/1140/FUL**

Received: 20th February 2018

Accepted: 8th March 2018

Ward:                              High Barnet

Expiry 3rd May 2018

Applicant:                      Mr Lask

Proposal:                      Demolition of existing single family dwelling. Erection of 3no two storey dwellings with rooms in roofspace. Erection of garage and associated parking, refuse and recycling

AGENDA ITEM 7

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management 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:

Drawing 1554.P1.OS Revision E dated 24/04/2018 - Site Location Plan

Drawing 1554.P1.01 Revision A dated 24/04/2018 - Existing Site Plan and Site Photos

Drawing 1554.P1.02 Revision E dated 24/04/2018 - Proposed Site Plan, Proposed Store - Plans and Elevations

Drawing 1554.P1.03 - Proposed Floor Plans

Drawing 1554.P1.04 - Proposed Elevations

Drawing 1554.P1.05 Revision E dated 24/04/2018 - Proposed and Existing Block Plans

Drawing 1554.P1.06 Revision E dated 24/04/2018 - Proposed Vehicle Vision Splay Diagram

Drawing 1554.P1.07 dated 03/11/2017 - Existing Floor Plans

Drawing 1554.P1.08 dated 03/11/2017 - Existing Elevations

Design and Access Statement, Andrew Scott Associates, 27th October 2017

Tree Protection Plan, GHA Trees, July 2017

Arboricultural and Planning Integration Report, GHA Trees, 12th July 2017.

Preliminary Ecological Assessment, Coyne Environmental, June 2018.

Preliminary Roost Assessment, Coyne Environmental, June 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 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 2015.

- 5 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 and biodiversity enhancements as recommended in the submitted PEA



and PRA reports shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

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

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

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

6 a) No development shall take place until details of the access road to be constructed as part of this scheme, including confirmation that a minimum width of 3.7m can be achieved in order to accommodate a fire pumping appliance in order to comply with part B5 of building regulations, have been submitted to and approved in writing by the Local Planning Authority. Highways Engineering Drawings and detailed Construction Specifications shall be submitted, with a minimum scale of 1:200.

b) The access road to be constructed as part of this development shall be implemented in accordance with the details approved under this condition before the site is first occupied or the use first commences and retained as such thereafter.

Reason: To ensure a safe form of development and to protect the amenities of the area, in accordance with Policies DM01 and DM17 of the Development Management Policies DPD (adopted September 2012).

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

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

8 Prior to occupation of the development hereby permitted the vehicular access shall allow for 2.4 metre by 2.4 metre pedestrian visibility splays to the left and to the right of the access from 2m setback from the back of footway and shall thereafter be maintained free of any visibility obstructions including fencing or planting of shrubs to provide clear visibility between heights of 0.6 metre and 1 metre above the level of the adjoining highway.

Reason: 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 Prior to occupation of the development the proposed parking spaces within the parking area as shown on Drawing. 1554.P1.02 Rev.E submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

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

- 10 Prior to occupation of the development, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

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

- 11 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).

- 12 Prior to the occupation of the development a Waiver of liability and indemnity agreement must be signed by the developer and be submitted to and approved in writing by the Local Planning Authority. This is to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

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

- 13 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).

- 14 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).

- 15 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).

- 16 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.

- 17 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.

- 18 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.

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of

Classes A to F of Part 1 of Schedule 2 of that Order shall be carried out within the area of Plots A, B and C, Fountain Lodge, 32 Barnet Road hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 20 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 flank elevations of Plots A, B and C.

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).

- 21 Before the buildings hereby permitted are first occupied the proposed first floor window(s) in the flank elevations 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).

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of 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 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this

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

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

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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

4 The applicant is advised that the council will not adopt the access road. However, if the councils refuse vehicles are required to enter the site, the access road must be constructed to adoptable standards. Details of the road construction requirements can be obtained from the Traffic and Development Section in Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

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

6 The pond was not considered to be optimum breeding habitat for Great Crested Newts (GCN). However, please ensure that Reasonable Avoidance Measures are adhered to during site clearance: 1. All contractors to be aware of the possibility of GCN and what they look like and in the event of one being found, work must stop

while it is moved to safety and ecological advice sought. Licensing from Natural England will be necessary in this eventuality. 2. Any existing piles of material, debris, wood should be moved by hand to check for GCN sheltering there. 3. Building materials should not be left around overnight in a manner where newts could take shelter there 4. All litter to be cleared from the field at the end of each day. 5. Suitable plans to be made to deal with any pollution e.g. a petrol leak.

- 7 If any dense vegetation (trees, shrubs, and hedgerow) is to be removed, this should be conducted outside of the bird nesting season (of March to September inclusive) or immediately after a suitably qualified ecologist has confirmed the absence of any nests. If present, any nests must be protected from works until they are no longer in use.
- 8 We recommend that lighting must be designed and used to minimise impacts on bats and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014) advice is at <http://www.bats.org.uk/>.
- 9 In line with the National Planning Policy Framework (NPPF) in aiming to achieve sustainable development and the obligations on public bodies to conserve and enhance biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006, it is advised that the following recommendations are incorporated:
  1. Tree species for replanting should be native and typical of the local area and of UK provenance. The use of heavy standards would be beneficial to reduce establishment time.
  2. Bat roosting provision could be incorporated into the fabric of new structures. Suitable examples of integral roosting provision include Schwegler 1FR tubes or habitat bat boxes.
  3. Inclusion of bird nesting provision in the form of bird boxes.
  4. Using native plants in the landscaping design, which can provide habitat for wildlife.



## **Officer's Assessment**

### **1. Site Description**

The application site comprises a detached property on a generous plot along the north side of Barnet Road, in the ward of High Barnet.

It is a brownfield development and is served by its own access road from Barnet Road.

To the east of the site is Kerri Close and to the south and west is Garden Close. To the north of the site is Oaklands Lane footpath and an area of open space. This acts as a buffer from the Green Belt beyond.

The site is not located within a conservation area and the existing house is not a locally or statutory listed building.

There is a Tree Preservation Order (T26 - Horse Chestnut) along the rear (northern) boundary. There is also a TPO group along the western boundary adjacent to Uplands Cottage (G21) which includes 10 Pine, 4 Firs, 1 Willow, 1 Walnut and 5 Cypress.

### **2. Site History**

Reference: 17/7036/FUL

Address: Fountain Lodge, 32 Barnet Road, Barnet, EN5 3ET

Decision: Withdrawn

Decision date: 31st January 2018

Description: Erection of 3 no two storey dwellings with rooms in roof-space. Erection of garage to provide parking, associated refuse and recycling

Reference: N00085Z/03

Address: Fountain Lodge, 32 Barnet Road, Barnet, EN5 3ET

Decision: Refused

Decision date: 29 October 2003

Description: Erection of 3 no. detached houses (Outline application)

Reasons for refusal:

1. The proposed development would cause damage/loss to trees of Special Amenity Value and will detract from the existing character of the area, contrary to policies G18, T1.1 and E2.1 of the Adopted Barnet Unitary Development Plan (1991) and policies GBEnv4, D2, D4, D7, D12 and D13 of the Revised Deposit Draft Unitary Development Plan (2001).

2. The proposal fails to provide adequate access and manoeuvrability for refuse vehicles and will be detrimental to pedestrian and highway safety, contrary to policies M6.1 of the Adopted Barnet Unitary Development Plan (1991) and policies M12 and M17 of the Revised Deposit Draft Unitary Development Plan (2001).

Reference: N00085Y/00

Address: Fountain Lodge, 32 Barnet Road, Barnet, EN5 3ET

Decision: Refused

Decision date: 2 November 2000

Description: Demolition of existing house and erection of three detached houses with access onto Barnet Road.

Reference: N00085X/00

Address: Fountain Lodge, 32 Barnet Road, Barnet, EN5 3ET

Decision: Refused

Decision date: 20 June 2000

Description: Demolition of existing house and erection of four detached houses with access onto Barnet Road. (Outline application).

### **3. Proposal**

This application seeks planning permission for:

"Demolition of existing single family dwelling. Erection of 3no two storey dwellings with rooms in roofspace. Erection of garage and associated parking, refuse and recycling."

The proposal includes the following elements:

- o 3 no detached dwelling houses
- o 6 no. car parking spaces (2 per house)
- o Garage/store block (1 per house)
- o Refuse and recycling collection area to driveway

Amended drawings were received on 26th April 2018. The amendments related to corrections to the site boundary.

The 3 no detached houses would be of similar traditional design, all 2 storeys with accommodation in the roofspace. The houses would have front and rear dormer windows and balconies and would provide 4 double bedrooms and a cinema room in the roofspace.

A total of 6 no car parking spaces are proposed, 2 no for each house, located in front of each dwelling.

The garage/store block would measure 11.7m wide, with a maximum height of 3.6m to the top of the hipped roof, 2.4m to eaves and would provide 1 no garage/store per house.

The refuse and recycling collection area would be located at the end of the driveway to allow bins to be collected from Barnet Road.

### **4. Public Consultation**

Consultation letters were sent to 62 neighbouring properties. The same properties were re-consulted on the amended drawings received 26th April 2018.

20 responses were received, comprising 20 objections which can be summarised as follows:

- Bats have been sighted in the vicinity of the application site. The existing house may contain a bat roost. A bat survey should be submitted. Impact on wildlife.
- The application drawings don't correctly reflect the legal land ownership position.

- The proposed refuse and recycling collection area will have a detrimental impact on the existing boundary hedge and my visual and residential amenity.
- The accessway is only one lane wide. There is not enough width for a car and pedestrian to use it at the same time. Visibility is poor.
- An environmental report has not been submitted even though the development borders a bridleway and fields. The development will impact wildlife.
- Sewage problems suffered by Fountain Lodge have plagued my neighbours and my family over the years. Mechanical diggers have made multiple holes in my garden. What are the plans for sewage removal?
- It is not clear which trees on the boundary are to be removed.
- The proposal will increase the traffic in the local area.
- Negative impact on house prices.
- Overdevelopment
- Loss of privacy to neighbouring properties
- Out of character, cramped form of development
- Impact on Trees including TPO protected trees. Removal of trees will result in loss of screening.
- Noise impact of cars coming and going and parking in close proximity to our rear garden.
- Impact on the Oaklands lane bridle path
- Will impact on Highways safety and the free flow of traffic, including impacting Emergency vehicles using Barnet Road
- Gates opening and closing will have a noise impact
- An application as above had been made in 2003 and been refused on the grounds that the proposed development would cause loss and/or damage to trees of special amenity value and detract from the existing character of the area. It was also found by the council that the proposal failed to provide adequate access and manoeuvrability for refuse vehicles and would be detrimental to pedestrian and highway safety. This present application is little different to the same application as in 2003 (and last November) and I request that the council should find the same reasons to refuse such application.

A letter was also received from The Rt Hon Teresa Villiers MP, which reads as follows:

"My constituent has sent me a copy of his objections to the further application relating to Fountain Lodge. I understand that his objections to this application remain the same as to the previous one.

However, as you will be aware from his latest comments, he is particularly concerned about removal of the shrubs and trees which he points out will reduce wildlife, increase noise and reduce security. He also mentions the lack of visitor parking on the site and believes that this will impact on Garden Close which will be used for parking.

I also note that my constituent disputes the ownership of the land as it is currently shown on the plans because the developer is claiming that the land bounding the pavement and 7 Garden Close is his. He is apparently intending to clear the shrubs to aid vision when exiting from the site on to Barnet Road. My constituent believes that this will have no beneficial effect and that the extra traffic these developments would generate could cause problems on Barnet Road which is already very busy.

I would be grateful if my constituent's comments, and those of other residents, could be taken into consideration before a decision is reached about this planning application."

## 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 27 March 2012. 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 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

The relevant planning policies are: Policies 3.4; 3.5; 3.8; 3.14; 5.2; 5.3; 6.13; 7.4.

#### Draft London Plan 2017

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.

- Relevant Development Management Policies: DM01, DM02, DM03, 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:

- Principle of development
- Whether harm would be caused to the character and appearance of the street scene and the wider locality
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposals would provide suitable living conditions for future occupiers of the proposed dwellings.
- Highways considerations
- Trees and landscaping considerations
- Ecology considerations
- Refuse and recycling
- Access for Fire Service

### **5.3 Assessment of proposals**

#### Principle of development

The existing property is an example of backland development. There are also other examples of backland and tandem development in the surrounding area. Although the proposal would result in a net gain of two additional houses, the site layout and form would not appear out of keeping with the established pattern of development. The principle of backland development is therefore acceptable in this particular instance.

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

The proposed dwellings would be set well within this backland site and therefore not visible from Barnet Road. There are no designated heritage assets for the site which would influence or preclude the redevelopment of the site.

The dwellings would not be dissimilar in style and form to other examples of 'executive homes' seen in the surrounding area. The dwellings would maintain gaps of 2.5 metres between each other and would retain areas of landscaping around the dwellings. This would maintain a degree of spaciousness and avoid the development appearing cramped.

For these reasons, it is not considered the dwellings would detrimentally impact the character and appearance of the surrounding area.

A garage / store block is proposed on the southern boundary of the site. This would be a brick structure under a hipped, clay tiled roof measuring 11.7m wide, 5.6m deep with a maximum height of 3.6m, 2.4m eaves height. The proposed garage block is located in a similar position and is of a similar footprint and scale to the existing garage (which would be demolished) and would have minimal visibility from outside of the site. As such it is not

considered that the proposed garage block would cause harm to the character or appearance of the surrounding area.

In summary, it is not considered that the proposed development would cause harm to the character or appearance of the street scene or surrounding area and is therefore acceptable in this respect.

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

In the absence of an immediate neighbour to the north, it is not considered the dwellings would cause harm in this regard.

Plot A would be sited 9.3 metres from the boundary of Uplands Cottage, Garden Close, and therefore not unacceptably harm the amenity of the occupiers of this property. Plot A's front elevation would be sited 17.0 metres from the rear of No. 4 Garden Close. No. 4's first floor rear windows are sited approximately 15 metres from this boundary, giving a total distance between facing habitable room windows of 32 metres. These distances are adequate to preserve the privacy of the occupiers of No. 4 Garden Close.

Plot C is sited 1.5 metres from the boundary adjacent to 4 Kerri Close in a similar position to the existing house. Whilst the existing house is also built in close proximity to this boundary, the proposal would result in increased built form along the boundary. However there is substantial vegetative screening along this boundary (including mature Cypress trees which are in the control of 4 Kerri Close) and the dwellinghouse at 4 Kerri Close is set well away from the boundary. A single first floor bathroom window is proposed in the northern flank wall of Plot C and this would be obscure glazed. As such it is not considered that the proposal would have a harmful impact upon the visual and residential amenities of the occupiers at 4 Kerri Close.

Plot B sits between Plots A and C as therefore no additional impact considerations apply to this house that have not already been discussed in relation to Plots A and C above.

The garage/store block would be sited adjacent to the rear boundary of Nos. 4 and 5 Garden Close. The building would measure 11.7m wide, with a maximum height of 3.6m to the top of the hipped roof, 2.4m to eaves. The structure would be located north of the rear gardens of Nos. 4 and 5 Garden Close meaning that no loss of sunlight to the gardens to the south would arise.

The Topographic survey (confirmed by a site visit to 4 Garden Close and the application site) shows that there is a significant levels difference between the application site and 4 Garden Close at the site of the proposed garage/store block; with the application site being 1.55m lower than the garden land level at 4 Garden Close. This combined with the existing 1.8m high close boarded timber to the rear boundary of 4 Garden Close means that approximately 3.35m of the proposed garage block would be screened from view as seen from 4 Garden Close with only the top part of the roof visible over the fence. Existing and proposed trees and landscaping on both the application site and within the garden of 4 Garden Close would provide additional screening of the proposed garage/store block and as such it is not considered that the proposed garage/store block would have a harmful impact on the visual or residential amenities of the occupants of any neighbouring properties.

In summary, it is not considered that the proposed development would have a harmful impact on the residential or visual amenities of the occupiers of any neighbouring properties and is therefore acceptable in this respect.

#### Whether the proposals would provide suitable living conditions for future occupiers of the proposed dwellings

All of the proposed houses meet the minimum London Plan spaces standards (4 bed 8 person over 3 storeys - minimum 130 sq m) as follows:

Plot A, 4 bed 8 person, 285 sq m

Plot B 4 bed 8 person, 284 sq m

Plot C, 4 bed 8 person, 283 sq m

All bedrooms meet the required minimum sizes.

Each house has 8 habitable rooms and is therefore required to provide a minimum of 85 sq m of outdoor amenity space.

Amenity space is provided in the form of rear gardens as follows:

Plot A, over 260 sq m

Plot B, 130 sq m

Plot C, 110 sq m

All three gardens exceed the minimum requirement of 85 m<sup>2</sup> of space for houses with seven or more habitable rooms. The proposed private amenity space provision is therefore considered to be acceptable.

All habitable rooms benefit from reasonable levels of outlook and the proposal is acceptable in this respect.

In summary, it is considered that the proposed development would provide suitable living conditions for future occupiers of the proposed dwellings.

#### Highways considerations

Policy DM17 of Barnet's Development Management policies Document DPD (2012) states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

i. 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms).

The application proposes 2 no. off street car parking spaces per house (6 in total) along with a garage block (one per house) to be used for storage.

As such the proposal complies with policy DM17.

The Highways department have reviewed the application drawings and concluded that the proposed development is acceptable subject to the following conditions:

- Details of the access road to be submitted and approved

- Visibility splay details
- Parking spaces to be laid out as per the application drawings
- Demolition and Construction Management Plan
- Cycle parking.

It is noted that previous applications for similar developments on this site have been refused on highways grounds.

Application reference N00085Z/03, refused 29 October 2003, proposed a similar site layout and was refused on the basis that the development failed to provide adequate access and manoeuvrability for refuse vehicles.

The current application overcomes this by providing a refuse collection area at the end of the driveway, meaning that refuse vehicles won't need to enter the site.

Application reference N00085Y/00 dated 31 October 2000, was refused on inadequate visibility at the junction of the proposed access with Barnet Road.

The access road is existing and serves the existing dwellinghouse on the site. Notwithstanding this, a planning condition is proposed requiring visibility splay details to be submitted and proposed.

The proposed development is considered to be acceptable in Highways terms, subject to conditions.

#### Tree and Landscaping considerations

There is a Tree Preservation Order (T26 - Horse Chestnut) along the rear (northern) boundary. There is also a TPO group along the western boundary adjacent to Uplands Cottage (G21) which includes 10 Pine, 4 Firs, 1 Willow, 1 Walnut and 5 Cypress. Hedges run along both sides of the driveway.

The Council's Arboricultural Consultant visited the site and provided the following comments:

"The footprint of the proposed 3 new houses does not directly impact on trees. The tree protection plan shows six trees to be removed to accommodate revised site infrastructure and valued as category U or C, low value. T27 (applicants plan) is T26 on the Tree Preservation Order, this tree has significant stem decay and it's assessed value of U is appropriate, the tree should be removed regardless of any development.

The loss of all other trees is broadly acceptable (T9, T11, T14, T15 and G17) if replacement tree planting is provided.

Plot A is positioned close to a group of mature trees protected by the TPO G21 and includes trees T19 to T24 on the applicants plan. The species of the group is made up of pine, holly, yew, and cypress trees.

There are around 4 large and mature pine trees within this group (T20, G22 & T23) that make up the upper story. Below is the (shrub layer) a dense planting of evergreen trees consisting of yew, holly, cypress and other species.



The foot print of the Plot A does not impact on the root protection areas. The property will be approximately 10m away from the larger pine trees. As the pine trees have a flank wall aspect, concerns that they will be overbearing on the property is lessened. The dense shrub layer is likely to be overbearing and does take up much of the proposed garden area of the plot. They do provide a significant level of screening between neighbouring properties Uplands Cottage and 1 to 5 Garden Close.

A sensitive management plan must be provided for this area that will balance the likely needs of the new property owner's use of the space and the obvious screening value.

T1 a category B sycamore located at the entrance to the site may be affected by sightline proposals. The arboricultural impact assessment needs to make comment on this and recommend mitigation measures if any are required.

#### Landscaping:

The general landscape layout provides for buildouts and traffic islands to provide space for tree and shrub planting around the site infrastructure. This approach is acceptable. A detailed landscape plan showing herbaceous, trees and shrubs species proposed must be submitted. As a guideline, plants that encourage wildlife such as nectar and fruit producing plants are preferred over more ornamental plantings.

Bin stores are located at the end of the driveway and will require the loss of a section of laurel hedge. The loss of hedgerow is broadly acceptable but the store will require additional soft plantings to reduce its visible impact to an acceptable level (screening needed).

#### Recommendations:

No objection

A Management plan must be provided that will sensitively balance the likely needs of the new property owners and the screening values along the flank of Plot A.

Scot's pine (*pinus sylvestris*) 14-16cm girth heavy standard must be planted to replace the removed TPO tree T26. This tree must also be detailed on the landscape plan.

A detailed landscape plan showing all species of plant proposed, size and density of planting. Details of the arrangements for maintenance in the short and long term should also be submitted.

#### Conditions:

The applicant must submit a site specific arboricultural method statement and tree protection plan for the approved design. This must follow guidance set out in BS5837: 2012 Trees in relation to demolition, design and construction- recommendations.

Reason: To ensure the retained and protect trees are not harmed during the construction phases of the development in accordance with DM01.

Apply the standard soft and hard landscaping condition that will assist the new build to settle into the local environment and replace trees removed to facilitate the development and management reasons. Including the replacement of TPO tree T26 removed for health and safety reasons, the TPO will transfer to the newly planted tree.

Reason: To ensure removed trees are replaced and the new buildings have a high quality environment to help the new properties settle into the local environment in accordance with policy DM01.

Informative:

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

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

The proposed development is considered to be acceptable in Tree and landscaping terms, subject to the recommended conditions and informative.

### Ecology considerations

Correspondence was received from neighbours stating that Bats have been seen in the vicinity of the application site and it was suggested that the existing house to be demolished could contain a bat roost.

Consequently, advice was sought from the Council's Ecology Consultant and the applicant was invited to provide a Preliminary Ecological Assessment (PEA) and Preliminary Roost Assessment (PRA).

These documents were received from the applicant's agent on 15th June 2018 and forwarded to the Council's Ecology Consultant for review.

The PRA concludes that there is no evidence of bats having been present in the building and that it has negligible potential for roosting or hibernation.

The PEA concludes that there is a low probability of protected wildlife presence on the application site. It also recommends that the new development could incorporate measures to increase the biodiversity of the area.

Having reviewed the submitted PEA and PRA documents, Council's Ecology Consultant confirmed that they have no objection to the proposed development subject to a condition to secure biodiversity enhancements as recommended by the submitted PEA and PRA documents, along with associated informatives.

### Refuse and Recycling

Refuse and recycling bins would be stored alongside each of the proposed dwellings. A collection point is proposed at the end of the driveway and bins would be moved to this

point on collection day. A planning condition will be added to any planning permission issued to secure details of the refuse and recycling area.

### Access for Fire Service

A consultation response was received on 4th May 2018 from the London Fire and Emergency Planning Authority. The response states that the Brigade is not satisfied with the proposals for fire fighting access as compliance with part B5 of Building Regulations (Access for Fire Service) is not shown.

The letter also states that the Authority also strongly recommends that sprinklers are considered for new developments.

The planning application drawings show that the minimum roadway width of 3.7m required in order to accommodate a pumping appliance (max width 2.5m) and comply with part B5 of building regulations can be achieved through thinning of the existing hedges to the boundaries either side of the accessway. A condition is attached requiring submission of further details to confirm that a minimum width of 3.7m can be achieved in order to accommodate a fire pumping appliance.

Once into the main part of the site a fire appliance would have access to within 45 metres of all points within each of the proposed dwelling houses as required by part B5 of Building Regulations and could turn within the site.

An informative will be added to any planning permission issued advising the applicant that the London Fire and Emergency Planning Authority strongly recommends that sprinklers are considered for new developments.

## **5.4 Response to Public Consultation**

Main issues addressed elsewhere in this report. Specific responses as follows:

- A Preliminary Ecological Assessment (PEA) and a Preliminary Roost Assessment (PRA) have been carried out. The PRA concludes that there is no evidence of bats having been present in the existing house and that it has negligible potential for roosting or hibernation. The PEA concludes that there is a low probability of protected wildlife presence on the application site.
- Land ownership issues have been resolved and the correct land ownership position is reflected on the amended drawings received 26th April 2018.
- The proposed planning conditions relating to soft landscaping, refuse and recycling storage area and boundary treatments will ensure that visual and residential amenity of neighbouring properties is protected.
- The Highways department has assessed the application and consider that parking and access arrangements are satisfactory, subject to conditions.
- Impact on house prices is not a material planning consideration
- It is considered that the current application has addressed previous reasons for refusal of historic planning applications.
- Tree documents have been submitted and assessed by the Council's Tree Officer who has concluded that the proposed development is considered to be acceptable subject to conditions.
- It is not considered that the proposed development would have an unacceptable impact on the Oaklands Lane bridle path.

- It is not considered that the noise impacted associated with cars coming and going, gates opening and closing would be materially different to the existing position.

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

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

## **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers and the quality of the living accommodation is satisfactory. The proposal would not have a harmful impact on TPO trees and highways and refuse collection arrangements are satisfactory. This application is therefore recommended for approval.

**Location** 1 - 6 Monkswell Court Colney Hatch Lane London N10 2JH

**Reference:** 18/1588/FUL

Received: 12th March 2018

Accepted: 12th March 2018

**Ward:** Coppetts

Expiry 7th May 2018

**Applicant:** Mr Gavin Bass

**Proposal:** Replacement of the existing timber doors to the front and rear entrances with new access control door entry systems to the front and rear entrances incorporating flat concrete landings and steps to the front and ramp to the rear of the block with associated replacement railings.

AGENDA ITEM 8

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management 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:

-Site Location Plan

- Planning statement, prepared by Capital; dated March 2018

-478/MC/01

-478/MC/02 Rev A

-478/MC/03

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 colour of doors shall be as per the email confirmation received from the agent George Plakides in an email dated 4 June 2018 and retained as such thereafter.

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).

**Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

## **Officer's Assessment**

### **1. Site Description**

The application site relates to the north-eastern building located at Monkswell Court on Colney Hatch Lane; the subject building is three storeys and is occupied by 6 apartments.

The surrounding area can be defined by two storey terraced dwellings with private amenity space to the rear, and three storey apartment blocks, particularly those in the immediate vicinity of Monkswell Court.

The application site is not listed, nor does it fall within a conservation area. The application site is not within close proximity to an area of archaeological importance.

As the subject building is a flatted development, the proposal site does not benefit from permitted development rights.

### **2. Site History**

Reference: 16/6285/LIC

Address: Monkswell Court, Colney Hatch Lane, London, N10 2JH

Decision: Exempt

Decision Date: 17 October 2016

Description: Installation of cabinet, box, pillar, pedestal or similar apparatus with dimensions of 400mm (Width), 1210mm (Height) and 370mm (Depth)

Reference: 18/1590/FUL

Address: Monkswell Court, Colney Hatch Lane, London, N10 2JH

Decision: Pending Consideration

Description: Replacement of the existing timber doors to the front entrance with new access control door entry systems to the front and rear entrances incorporating flat concrete landings with steps to the front and ramp to the rear of the block

Reference: 18/1591/FUL

Address: 7 - 21 Monkswell Court, Colney Hatch Lane, London, N10 2JH

Decision: Pending Consideration

Description: Replacement of the existing timber doors to the front entrances with new access control door entry systems to the front and rear entrances incorporating flat concrete landings with steps to the front and ramps to the rear of the block.

### **3. Proposal**

This application seeks planning permission for the replacement of the existing timber doors with new powder coated aluminium access control door entry systems to the front and rear entrances, incorporating flat concrete landings with steps to the front and a ramp to the rear of the block at 1 - 6 Monkswell Court, Colney Hatch Lane.

The alterations of the proposal are as follows:

Front Elevation:

- o Front door to be replaced with powder coated aluminium door with side window panel;
- o Five new steps leading to front door, a landing area with a depth of 1.4 metres in front of the doorway; and,
- o Handrails approximately 1m in height above the finished floor level of the remodelled steps and landing, leading to the doorway.

Rear Elevation:

- o Handrails approximately 1 metre in height leading to doorway;
- o New ramp leading to rear doorway and a new step down to the left of the exit; and
- o Rear door to be replaced with powder coated aluminium door with side window panel.

**4. Public Consultation**

Consultation letters were sent to 31 neighbouring properties.

A total of 8 letters of objection were received.

The concerns raised through these submissions are summarised as follows:

- o The view out of flat 7 will be impacted with people walking right next to the sitting room window
- o The value of the unit and/or rent income will be impacted due to walkways running next to windows of flat 7
- o The amendments will alter the historic look and the uniformity of Monkswell Court
- o Development is not in keeping with the characteristics of the property.
- o Concerns regarding the design and material to be used.
- o Is the additional work and costs required? Nothing wrong with the existing rail.
- o Removal of the hedges will affect privacy of ground floor flats.
- o Been contributing to garden services, waste of money.
- o Prefer a simple intercom system.
- o Strongly object to all three applications.
- o Concerns regarding the fire escape system.

**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 27 March 2012. 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.

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft National Planning Policy Framework. Although this weight will increase as the Draft National Planning Policy Framework progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2012 National Planning Policy Framework.

#### 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 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

#### The 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 and DM03.

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 DM03 states the Council's desire for all development to meet the highest standards of accessible and inclusive design.

#### Supplementary Planning Documents

##### Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. The SPD states that

large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity it states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted 2016)

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

## **5.2 Main issues for consideration**

Officers consider that the main planning considerations are as follows:

- o Design and Integration
- o Impact upon residential amenity

## **5.3 Assessment of proposals**

### Design and Integration

Due to the size and scale of the proposed development officers are of the opinion that it does appear to be subordinate in scale when compared with the main property, and doesn't appear as a bulky or prominent feature, nor does it result in an alteration to the location of access into units 1-6.

Objectors have raised concerns regarding the materials proposed to be used, stating that the use of aluminium would be out of character and detract from the historic character of the buildings. It is noted that the buildings are not subject to either local or statutory listings and therefore the impact on heritage is not a relevant consideration. This proposal is one of three, the other two being under reference nos. 18/1591/FUL and 18/1590/FUL, with all applications seeking to install the same doors on all of the three blocks within Monkswell Court, and therefore the applicant's intention to replace all front and rear doors to match is clear. On this basis, the introduction of aluminium powder coated front and rear access doors is considered acceptable, noting that these will be green to be consistent with other joinery in the buildings, and match the existing doors.

Additionally, the proposed ramp and railings are not considered to detract from the character or function of the building containing units 1-6, noting that there are similar railings, ramps and means of access that are present on the site and the locality. Therefore, the proposed development would not have a detrimental impact upon the property. Furthermore, the proposed ramp access into the rear of the property will enable

universal access into the ground floor units of this building, thereby being an improvement to the universal design of the building.

Overall, Officers are of the view that the proposal would make a positive contribution to the front and rear elevation of 1-6 Monkswell Court, and the materials would compliment the main property. It is therefore considered that the proposed development would not have a detrimental impact upon the character of the area.

### Impact upon Residential Amenity

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites and the amenity of residents within the subject site. This approach is echoed under Policies CS5, DM01, DM02 DM04 of the Barnet Council Development Plan Document. These policies seek to manage the impact of new developments and ensure that there is not an excessive loss of amenity in terms daylight/sunlight, outlook and privacy for existing residential occupiers or gardens.

As the proposal only seeks to replace the doors to the front and rear entrances and the access-ways into the building whilst occupying the same position/location, it would not be detrimental to the amenity of the surrounding residential properties.

### Third Party Representations

In addition to the above assessment, the following comments are made in response to remaining matters raising through consultation:

- o Is the additional work and costs required? Nothing wrong with the existing rail. The cost of the development is not a material planning consideration. Furthermore, whether the replacement is necessary is not a matter to be considered.
- o Removal of the hedges will affect privacy. No vegetation will be removed as a result of this proposal.
- o Been contributing to garden services, waste of money. This not a material planning consideration.
- o Prefer a simple intercom system.

The LPA can only consider the merits of what is being proposed.

- o Concerns regarding the fire escape system.

This is not a material planning consideration, and is something that would be assessed by the building regulations team.

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

The existing development 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. As previously mentioned, the proposed alterations are considered to improve the universal access to the ground floor units of the subject

building, thereby bringing the existing building into greater alignment with the Equalities policy.

## **7. Conclusion**

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

Site Location Plan



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**Location** 22 To 27 Monkswell Court Colney Hatch Lane London N10 2JH

**Reference:** 18/1590/FUL

Received: 12th March 2018

Accepted: 12th March 2018

**Ward:** Coppetts

Expiry 7th May 2018

**Applicant:** Mr Gavin Bass

**Proposal:**

Replacement of the existing timber doors with new access control door entry systems to the front and rear entrances incorporating flat concrete landings and steps to the front and ramps to the rear of the block with associated hand railings. (Amended)

AGENDA ITEM 9

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management 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 prepared by Capital; dated March 2018

-478/MC/01

-478/MC/02 Rev A

-478/MC/06

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 colour of doors shall be as per the email confirmation received from the agent George Plakides in an email dated 4 June 2018 and retained as such thereafter.

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).

**Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.



## **Officer's Assessment**

### **1. Site Description**

The application site relates to the western building located at Monkswell Court on Colney Hatch Lane; the subject building is three storeys and is occupied by apartments 22- 27.

The surrounding area can be defined by two storey terraced dwellings with private amenity space to the rear, and three storey apartment blocks, particularly those in the immediate vicinity of Monkswell Court.

The application site is not listed, nor does it fall within a conservation area. The application site is not within close proximity to an area of archaeological importance.

As the subject building is a flatted development, the proposal site does not benefit from permitted development rights.

### **2. Site History**

Reference: 16/6285/LIC

Address: Monkswell Court, Colney Hatch Lane, London, N10 2JH

Decision: Exempt

Decision Date: 17 October 2016

Description: Installation of cabinet, box, pillar, pedestal or similar apparatus with dimensions of 400mm (Width), 1210mm (Height) and 370mm (Depth)

Reference: 18/1591/FUL

Address: 7 - 21 Monkswell Court, Colney Hatch Lane, London, N10 2JH

Decision: Pending Consideration

Description: Replacement of the existing timber doors with new access control door entry systems to the front and rear entrances incorporating flat concrete landings and steps to the front and ramps to the rear of the block with associated hand railings.

Reference: 18/1588/FUL

Address: 1-6 Monkswell Court, Colney Hatch Lane, London, N10 2JH

Decision: Pending Consideration

Description: Replacement of the existing timber doors with new access control door entry systems to the front and rear entrances incorporating flat concrete landings and steps to the front and ramps to the rear of the block with associated hand railings.

### **3. Proposal**

This application seeks planning permission for the replacement of the existing timber doors with new powder coated aluminium access control door entry systems to the front and rear entrances, incorporating flat concrete landings with steps to the front of the block and replacement railings to the rear of the block at 22 - 27 Monkswell Court, Colney Hatch Lane.

The alterations of the proposal are as follows:

Front Elevation:

- o Front door to be replaced with powder coated aluminium door with a side window panel;
- o 3 new steps leading to the front door, with a landing area with a depth of 1.4 metres in front of the doorway; and,
- o Handrails approximately 1m in height above the finished floor level of the remodelled steps and landing, leading to the doorway.

Rear Elevation:

- o Handrails to be replaced with approximately 1 metre high railings adjoining the step access towards the doorway;
- o Rear doors to be replaced with powder coated aluminium door with side window panel.

**4. Public Consultation**

Consultation letters were sent to 61 neighbouring properties.

A total of 8 letters of objection were received.

The concerns raised through these submissions are summarised as follows:

- o The view out of flat 7 will be impacted with people walking right next to the sitting room window
- o The value of the unit and/or rent income will be impacted due to walkways running next to windows of flat 7
- o The amendments will alter the historic look and the uniformity of Monkswell Court
- o Development is not in keeping with the characteristics of the property.
- o Concerns regarding the design and material to be used.
- o Is the additional work and costs required? Nothing wrong with the existing rail.
- o Removal of the hedges will affect privacy of ground floor flats.
- o Been contributing to garden services, waste of money.
- o Prefer a simple intercom system.
- o Strongly object to all three applications.
- o Concerns regarding the fire escape system.

**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 27 March 2012. 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.

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft National Planning Policy Framework. Although this weight will increase as the Draft National Planning Policy Framework progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2012 National Planning Policy Framework.

#### 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 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

#### The 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 and DM03.

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 DM03 states the Council's desire for all development to meet the highest standards of accessible and inclusive design.

#### Supplementary Planning Documents

##### Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. The SPD states that

large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity it states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted 2016)

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

## **5.2 Main issues for consideration**

Officers consider that the main planning considerations are as follows:

- o Design and Integration
- o Impact upon residential amenity

## **5.3 Assessment of proposals**

### Design and Integration

Due to the size and scale of the proposed development officers are of the opinion that it appears subordinate to the main property, and doesn't appear as a bulky or prominent feature, nor does it result in an alteration to the location of access into units 22 - 27.

Objectors have raised concerns regarding the materials proposed to be used, stating that the use of aluminium would be out of character and detract from the historic character of the buildings. It is noted that the buildings are not subject to either local or statutory listings and therefore the impact on heritage is not a relevant consideration. This proposal is one of three, the other two being under reference nos. 18/1588/FUL and 18/1591/FUL, with all applications seeking to install the same doors on all of the 3 blocks within Monkswell Court, and therefore the applicant's intention to replace all front and rear doors to match is clear. On this basis, the introduction of aluminium powder coated front and rear access doors is considered acceptable, noting that these will be green to be consistent with other joinery in the buildings, and match the existing doors.

Additionally, the proposed steps, ramps and railings are not considered to detract from the character or function of the subject building, noting that there are similar railings, ramps and means of access that are present on the site and in the locality. Therefore, the proposed development would not have a detrimental impact upon the property or the amenity of the individual units.

Overall, Officers are of the view that the would make a positive contribution to the front and rear elevations of 22 - 27 Monkswell Court, and the materials would compliment the main property, it is therefore considered that the proposed development would not have a detrimental impact upon the character of the area.

### Impact upon Residential Amenity

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites and the amenity of residents within the subject site. This approach is echoed under Policies CS5, DM01, DM02 DM04 of the Barnet Council Development Plan Document. These policies seek to manage the impact of new developments and ensure that there is not an excessive loss of amenity in terms daylight/sunlight, outlook and privacy for existing residential occupiers or gardens.

As the proposal only seeks to replace the doors to the front and rear entrances and the access-ways into the building whilst occupying the same position/location, it would not be detrimental to the amenity of the surrounding residential properties.

### Third Party Representations

In addition to the above assessment, the following comments are made in response to remaining matters raised through consultation:

- o Is the additional work and costs required? Nothing wrong with the existing rail. The cost of the development is not a material planning consideration. Furthermore, whether the replacement is necessary is not a matter to be considered.

- o Removal of the hedges will affect privacy. No vegetation will be removed as a result of this proposal.

- o Been contributing to garden services, waste of money. This not a material planning consideration.

- o Prefer a simple intercom system.

The LPA can only consider the merits of what is being proposed.

- o Concerns regarding the fire escape system.

This is not a material planning consideration, and is something that would be assessed by the building regulations team.

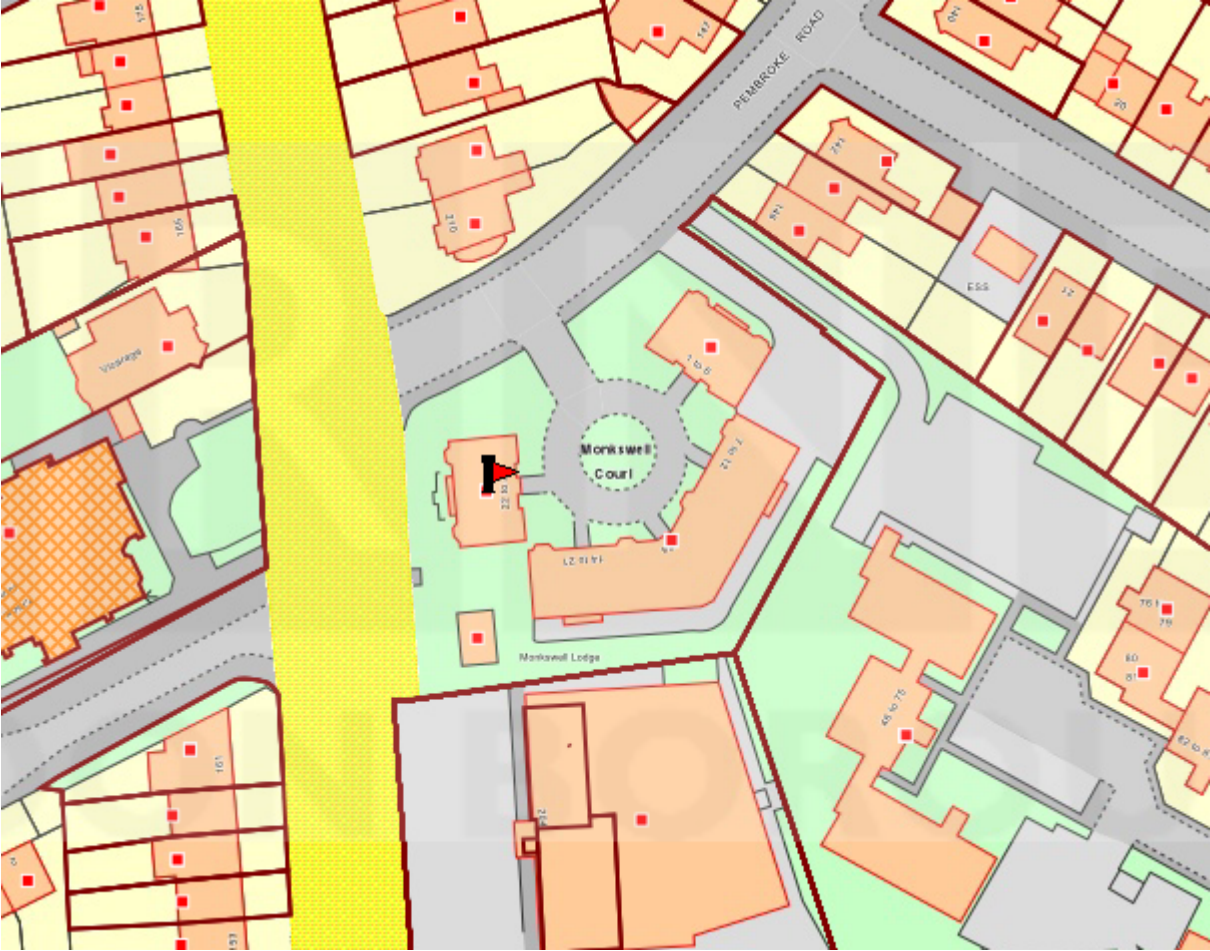
## **6. Equality and Diversity Issues**

The existing development 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. The proposed alterations maintain the existing universal access to the ground floor units of the subject building through the retention of the existing ramp at the rear of the property.

## **7. Conclusion**

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

Site Location Plan



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**Location** 7 - 21 Monkswell Court Colney Hatch Lane London N10 2JH

**Reference:** 18/1591/FUL

Received: 12th March 2018

Accepted: 12th March 2018

**Ward:** Coppetts

Expiry 7th May 2018

**Applicant:** Mr Gavin Bass

**Proposal:**

Replacement of the existing timber doors with new access control door entry systems to the front and rear entrances incorporating flat concrete landings and steps to the front and ramps to the rear of the block with associated hand railings. (Amended)

AGENDA ITEM 10

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management 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 prepared by Capital; dated March 2018

-478/MC/01

-478/MC/02 Rev A

- 478/MC/04

-478/MC/05 Rev A

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 colour of doors shall be as per the email confirmation received from the agent George Plakides in an email dated 4 June 2018 and retained as such thereafter.

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).

**Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

## **Officer's Assessment**

### **1. Site Description**

The application site relates to the southern building located at Monkswell Court on Colney Hatch Lane; the subject building is three storeys and is occupied by apartments 7-21.

The surrounding area can be defined by two storey terraced dwellings with private amenity space to the rear, and three storey apartment blocks, particularly those in the immediate vicinity of Monkswell Court.

The application site is not listed, nor does it fall within a conservation area. The application site is not within close proximity to an area of archaeological importance.

As the subject building is a flatted development, the proposal site does not benefit from permitted development rights.

### **2. Site History**

Reference: 16/6285/LIC

Address: Monkswell Court, Colney Hatch Lane, London, N10 2JH

Decision: Exempt

Decision Date: 17 October 2016

Description: Installation of cabinet, box, pillar, pedestal or similar apparatus with dimensions of 400mm (Width), 1210mm (Height) and 370mm (Depth)

Reference: 18/1590/FUL

Address: 22 - 27 Monkswell Court, Colney Hatch Lane, London, N10 2JH

Decision: Pending Consideration

Description: Replacement of the existing timber doors with new access control door entry systems to the front and rear entrances incorporating flat concrete landings and steps to the front and ramps to the rear of the block with associated hand railings.

Reference: 18/1588/FUL

Address: 1-6 Monkswell Court, Colney Hatch Lane, London, N10 2JH

Decision: Pending Consideration

Description: Replacement of the existing timber doors with new access control door entry systems to the front and rear entrances incorporating flat concrete landings and steps to the front and ramps to the rear of the block with associated hand railings.

### **3. Proposal**

This application seeks planning permission for the replacement of the existing timber doors with new powder coated aluminium access control door entry systems to the front and rear entrances incorporating new flat concrete landings with steps to the front access points and ramps to the rear of the block at 7 - 21 Monkswell Court, Colney Hatch Lane.

Since the application was submitted, the front access arrangements have been altered to remain in the same position as the existing access; i.e. the steps to the front of the building will not go past the window of unit 7 as it previously was proposed to do.

The alterations of the proposal are as follows:

#### Front Elevation:

- o Front doors to be replaced with powder coated aluminium doors with side window panels;
- o New steps leading to the 3 front doors, with landing areas in front of the doorways; The access to units 7 - 12 will include 7 steps, with a landing area with a depth of 1 metre. The access to both units 12A - 15 and units 16-21 will include 6 steps and landing areas with depths of 1.4 metres.
- o Handrails approximately 1m in height above the finished floor level of the remodelled steps and landing, leading to the doorways.

#### Rear Elevation:

- o Replacement ramps leading to rear doorways;
- o Handrails along the edge of the ramps approximately 1 metre in height leading to doorway; and,
- o Rear doors to be replaced with powder coated aluminium door with side window panel.

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

Consultation letters were sent to 61 neighbouring properties, on 13 April and again on the 07 June due to revisions to the access layout to units 7 -12. A total of 8 letters of objection were received.

The concerns raised through these submissions are summarised as follows:

- o The view out of flat 7 will be impacted with people walking right next to the sitting room window
- o The value of the unit and/or rent income will be impacted due to walkways running next to windows of flat 7
- o The amendments will alter the historic look and the uniformity of Monkswell Court
- o The proposed doors and ramps to the rear of the blocks are limited in safeguarding residents
- o Development is not in keeping with the characteristics of the property.
- o Concerns regarding the design and material to be used.
- o Is the additional work and costs required? Nothing wrong with the existing rail.
- o Removal of the hedges will affect privacy of ground floor flats.
- o Been contributing to garden services, waste of money.
- o Prefer a simple intercom system.
- o Strongly object to all three applications.
- o Concerns regarding the fire escape system.
- o The re-consultation period was not long enough to enable residents to comment on something that has so much financial impact
- o The base of the external rear stairway can be quite dark due to the overhang of balconies. Restricted light caused by the insertion of a heavy security door and frame will darken this area further. This will have an impact on natural light entering through the back kitchen doors of kitchens for flats 7 and 8, 12A, 16 and 17
- o The long ramps also presents an invasion of privacy and the right to a peaceable quiet life as residents or workmen pass windows of the units

#### **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 27 March 2012. 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.

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft National Planning Policy Framework. Although this weight will increase as the Draft National Planning Policy Framework progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2012 National Planning Policy Framework.

### 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 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

### The 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 and DM03.

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 DM03 states the Council's desire for all development to meet the highest standards of accessible and inclusive design.

### Supplementary Planning Documents

#### Residential Design Guidance SPD (2016)

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

- States developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity it states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

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

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

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

Officers consider that the main planning considerations are as follows:

- o Design and Integration
- o Impact upon residential amenity

### **5.3 Assessment of proposals**

#### Design and Integration

Due to the size and scale of the proposed development officers are of the opinion that it appears subordinate to the main property, and doesn't appear as a bulky or prominent feature, nor does it result in an alteration to the location of access into any of the units due to the amendments that have been made to the entrance to units 7-12.

Objectors have raised concerns regarding the materials proposed to be used, stating that the use of aluminium would be out of character and detract from the historic character of the buildings. It is noted that the buildings are not subject to either local or statutory listings and therefore the impact on heritage is not a relevant consideration. This proposal is one of three, the other two being under reference nos. 18/1588/FUL and 18/1590/FUL, with all applications seeking to install the same doors on all of the 3 blocks within Monkswell Court, and therefore the applicant's intention to replace all front and rear doors to match is clear. On this basis, the introduction of aluminium powder coated front and rear access doors is considered acceptable, noting that these will be green to be consistent with other joinery in the buildings, and match the existing doors.

As amended, the reinstated ramps and railings are not considered to detract from the character or function of the building containing units 7-21 as these will be in the same position/location as the existing access ways into the building. As such, the proposal would not have a detrimental impact upon the property or the individual units. Furthermore, the proposed ramp access into the rear of the property will enable universal access into the ground floor units of this building, thereby being an improvement to the universal design of the building.

Overall, Officers are of the view that the proposal would make a positive contribution to the front and rear elevations of 7-21 Monkswell Court, and the materials would compliment the main property, it is therefore considered that the proposed development would not have a detrimental impact upon the character of the area.

#### Impact upon Residential Amenity

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites and the amenity of residents within the subject site. This approach is echoed under Policies CS5, DM01, DM02 DM04 of the Barnet Council Development Plan Document. These policies seek to manage the impact of new developments and ensure that there is not an excessive loss of amenity in terms daylight/sunlight, outlook and privacy for existing residential occupiers or gardens.

As the proposal only includes the replacement of doors to the front and rear entrances and the access-ways into the building whilst occupying the same footprint/location, it would not be detrimental to the amenity of the surrounding residential properties.

#### Third Party Representations

In addition to the above assessment, the following comments are made in response to remaining matters raising through consultation:

o Is the additional work and costs required? Nothing wrong with the existing rail. The cost of the development is not a material planning consideration. Furthermore, whether the replacement is necessary is not a matter to be considered.

o Removal of the hedges will affect privacy. The applicant has clarified that the only vegetation that was to be removed was as a result of the alterations to the front access to units 7-12; these alterations have since been removed from the proposal and no vegetation will be removed as a result.

- o Been contributing to garden services, waste of money.  
This not a material planning consideration.

- o Prefer a simple intercom system.

The LPA can only consider the merits of what is being proposed.

- o Concerns regarding the fire escape system.

This is not a material planning consideration, and is something that would be assessed by the building regulations team.

- o The re-consultation period was not long enough to enable residents to comment on something that has so much financial impact

The additional re-consultation was done to make residents aware that the access arrangement to units 7-12 that was disputed in previous objections, had been amended to then occupy the same location/position as the existing access. Due to the perceived impact of this amendment, it was not considered necessary to undertake a full re-consultation period.

- o The base of the external rear stairway can be quite dark due to the overhang of balconies. Restricted light caused by the insertion of a heavy security door and frame will darken this area further. This will have an impact on natural light entering through the back kitchen doors of kitchens for flats 7 and 8, 12A, 16 and 17

The insertion of a door in an already enclosed, access space, is not considered to impact on natural light in a manner that is acceptable.

- o The long ramps also presents an invasion of privacy and the right to a peaceable quiet life as residents or workmen pass windows of the units

The ramps being proposed occupy existing access locations and therefore do not present any new impacts on the privacy of units.

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

The existing development 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. As previously mentioned, the proposed alterations are considered to improve the universal access to the ground floor units of the subject building, thereby bringing the existing building into greater alignment with the Equalities policy.

## **7. Conclusion**

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



# Site Location Plan



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**Location** 155 Chanctonbury Way London N12 7AE

**Reference:** 18/2073/HSE

Received: 4th April 2018

Accepted: 6th April 2018

**Ward:** Totteridge

Expiry 1st June 2018

**Applicant:** Mr & Mrs Rusta

**Proposal:** Ground floor outbuilding (Summer house) with storage (basement level)

AGENDA ITEM 11

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management 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:

PA\_001 RevA Site plan/block plan

PA\_002 REV A

PA\_003

PA\_004

PA\_005

PA\_006

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 indicated in the submitted application form.

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 use of the outbuilding hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

**Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

## **Officer's Assessment**

The application has been called in by Councillor Caroline Stock, the reason being due to concerns with the size of the structure.

### **1. Site Description**

The application site contains a semi-detached dwellinghouse, located on the south of Chanctonbury Way, which is a predominantly residential area. The proposed development will be located to the rear of the site. The property backs on to the London equestrian centre.

The property is not located within a conservation area, and is not listed.

The property is currently undergoing building works following recent planning approvals and also including the proposed outbuilding.

There has been a number of joint applications for 155 and 157 Chanctonbury Way, this proposal is for 155 Chanctonbury Way only.

### **2. Site History**

Reference: 17/6065/HSE

Address: 155 Chanctonbury Way, London, N12 7AE

Decision: Approved subject to conditions

Decision Date: 14 December 2017

Description: Part single, part two storey side and rear extension following demolition of existing attached garage. Extension to roof including hip to gable end, 1no rear dormer window and 2no roof lights to front elevation. Basement excavation below footprint of ground floor. Associated changes to windows and door including relocation of front entrance to 155 Chanctonbury Avenue. Part single-part two-storey side and rear extension following demolition of existing side/rear extension and garage. Association changes to windows and door including relocation of front entrance to 157 Chanctonbury Avenue

Reference: 18/0129/FUL

Address: 155 Chanctonbury Way, London, N12 7AE

Decision: Approved subject to conditions

Decision Date: 28 February 2018

Description: Demolition of no 155 and erection of 1no dwelling. Part single-part two-storey side and rear extension following demolition of existing side/rear extension and garage. Association changes to windows and door including relocation of front entrance to 157 Chanctonbury Avenue

Reference: 18/1981/CON

Address: 155 Chanctonbury Way, London, N12 7AE

Decision: Approved

Decision Date: 17 May 2018

Description: Submission of details of conditions 3 (Materials) 13 (Demolition and Construction Method Statement) pursuant to planning permission 18/0129/FUL dated 28/02/18

Reference: 17/0497/HSE

Address: 155 and 157 Chanctonbury Way, London, N12 7AE

Decision: Refused

Decision Date: 12 April 2017

Description: Part single, part two storey side and rear extension following demolition of existing attached garage. Extension to roof including hip to gable end, 1no rear dormer window and 2no roof lights to front elevation. Associated changes to windows and door including relocation of front entrance to 155 Chanctonbury Avenue. Part single-part two-storey side and rear extension following demolition of existing side/rear extension and garage. Association changes to windows and door including relocation of front entrance to 157 Chanctonbury Avenue

Appeal Reference: APP/N5090/D/17/3177417

Address: 155 and 157 Chanctonbury Way, London, N12 7AE

Decision: Appeal Allowed

Date: 8 September 2017

Reference: 17/2939/HSE

Address: 155 and 157 Chanctonbury Way, London, N12 7AE

Decision: Approved subject to conditions

Decision Date: 30 June 2017

Description: Part single, part two storey side and rear extension following demolition of existing attached garage. Extension to roof including hip to gable end, 1no rear dormer window and 2no roof lights to front elevation. Associated changes to windows and door including relocation of front entrance to 155 Chanctonbury Avenue. Part single-part two-storey side and rear extension following demolition of existing side/rear extension and garage. Association changes to windows and door including relocation of front entrance to 157 Chanctonbury Avenue

### **3. Proposal**

This application seeks planning permission for:

Summer house and storage building at lower ground floor level

Single storey outbuilding is to measure 5 metres in depth, 11 metres in width, the basement level will have a height of 2.5 metres and the ground level will have a maximum height of 3 metres to a slight sloped roof.

### **4. Public Consultation**

Consultation letters were sent to 8 neighbouring properties. 1 response has been received and can be summarise below:

- Working hours
- Comments relating to other works on the site

Re-consultation was carried out due to a change in description. The initial consultation was carried out with the description of development being for a single storey outbuilding. To provide clarity the description of development was amended to make it clear that a basement level for storage also forms part of the development. No additional comments were received following the second round of consultation.

## **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 27 March 2012. 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 (MALP)

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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

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

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

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

#### Supplementary Planning Documents

### Residential Design Guidance SPD (adopted 2016)

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

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

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Assessment of proposals**

It should be noted that various works have been carried out the site to implement existing permissions relating to the main dwellinghouse. Further to this works have begun to erect the outbuilding to the rear of the site, however, works have stopped whilst permission is sought.

Currently on site is a framework for the outbuilding and excavations for the basement level have taken place. Although part of the site works to the main property do not affect the proposal for the outbuilding and due consideration of the planning merits of the outbuilding should be considered separately.

### Character and Street Scene

The Council's SPD 'Residential Design Guidance' states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant.

The proposed outbuilding is located to the rear of the site and not visible from the streetscene. The host site benefits from a large garden and the proposed outbuilding will be set away from all boundaries. The outbuilding would be sited a sufficient distance from the rear elevation of the main property and surrounding boundaries to retain a degree of openness and ensure the proposal does not result in an overdevelopment of the site when



taking into consideration other consented works relating to the main property. Given the distance of separation between the proposed outbuilding and the dwelling house and the relative sizes between both buildings, it is considered that the proposed development would not appear as an overly large building in this context. It is noted that the building will have 2 storeys, however, there will be no visual manifestation of the basement level which is to be used as a store with access being from within the building. At ground level the building will appear as single storey. The proposed outbuilding would appear as subordinate and proportionate structure in the context of the site. A substantial garden area would remain ensuring adequate amenity space provision for the occupiers of the property and the building will not disrupt the wider character of the area.

It is acknowledged that the construction works for the proposal have begun, the visible structure is single storey in height. It is considered to be subservient to the character of the original building and will not detract from the character of the building and the relationship established character of the area or the site of which it relates.

For the above reasons, it is not considered the proposal would have a detrimental impact to the character of the host dwellinghouse or the surrounding area.

### Residential Amenity

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

The host property benefits from a large size garden which increases in width at the rear due to the location of the property location on the turning head of Chanctonbury Way. The proposed outbuilding will be set away 3 metres from the boundary with no. 153, 16m from the boundary with no.157 and 4 metres from the rear boundary where there are no residential properties being adjacent to the London Equestrian Centre. Given the height of 3 metres and the structure is set away from the boundaries, it is not considered this proposed development would cause harm to the amenity of the neighbouring properties by way of overbearing or overshadowing.

it is noted that permitted development for rear outbuildings indicates that outbuildings set 2m from all boundaries can extend up to a height of 4m, accordingly, a height of 3m set off all neighbouring boundaries is not considered to be harmful to the neighbouring amenities.

The proposed outbuilding would be used as a summer house/ store and the basement level to be used as a store room it is not considered the bi-folding door facing the north elevation would create any overlooking for neighbouring properties being set a sufficient distance from the neighbouring properties.

## **5.4 Response to Public Consultation**

- Working hours - concern relating to out of hours construction works is not a planning consideration. Neighbours can report noise nuisance to environmental health

- Comments relating to other works on the site - This application can only assess the proposal for the outbuilding. any unauthorised work can be reported to the planning enforcement team.

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

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

## **7. Conclusion**

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



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**Location** Garage Block Rear Of, 3 Normandy Avenue Barnet EN5 2HU

**Reference:** 18/2210/FUL

Received: 11th April 2018

**AGENDA ITEM 12**

Accepted: 13th April 2018

**Ward:** Underhill

Expiry 8th June 2018

**Applicant:** Mr S. Bond

**Proposal:** Demolition of existing garages and erection of two storey detached building to provide 177sqm of Class B1 office space with associated refuse storage, cycle parking and provision of 1no. parking space

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management 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:

- Drawing No. PL06
- Drawing No. PL07
- Drawing No. PL04
- Drawing No. PL03
- Drawing No. PL02
- Drawing No. PL05
- Drawing No. PL01

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

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

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

- 3 a) Notwithstanding the details shown on the hereby approved plans, no development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced

areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and 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 Prior to occupation of the development the proposed parking spaces within the parking area as shown in PL02 submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason:

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

- 6 Prior to occupation of the development, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason:

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

- 7 a) A scheme of hard and soft landscaping, including details of green walls, existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

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

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

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

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

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

- 9 The premises shall be used for offices and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

- 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 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 11.43 % 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.

- 12 The number staff occupying the hereby approved application building at any time shall not exceed 8 people.

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

- 13 a) 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.

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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 Highways Informatives**

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

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

## Officer's Assessment

### 1. Site Description

The application site relates to a backland area comprising of a set of sectional garages located to the rear of no.3 Normandy Avenue. Access is gained from Bedford Avenue. The site is bounded on both sides by a service yard entrance and parking area, serving existing commercial uses for office workers and the delivery of goods.

Several houses and their gardens adjoin the application site, however the site itself is located within the vicinity of an existing commercial area which services the rear of shops on the High Street (A1000) but also other commercial uses within this backland site.

The garage buildings are not statutorily listed structures and the site is not located within a designated conservation area. The applicant has stated that the garages are vacant and have not been used for several years.

### 2. Site History

B/02789/12 – Erection of a two-storey building to provide two self-contained units following demolition of existing garages. – Refused: 11.09.2012

(i) *The proposed development by reason of its size, design, bulk and siting would result in a cramped form of development, which would be out of keeping with the established character and appearance of the surrounding locality, contrary to policies GBEEnv1, D1, D2 and H16 of the adopted London Borough of Barnet Unitary Development Plan 2006, policies CS NPPF, CS1 and CS5 of the emerging Local Plan Core Strategy (Adoption Version) 2012 and policies DM01 and DM02 of the emerging Local Plan Development Management Policies DPD (Adoption Version) 2012.*

(ii) *The proposal would provide a poor level of amenity and privacy by reason of its siting close to the service road. The use of the service road by pedestrians and vehicles would result in undue noise and disturbance as well as overlooking into the ground floor habitable room windows serving Flat 1, detrimental to the future occupiers of this unit, contrary to policies D5 and H16 of the adopted London Borough of Barnet Unitary Development Plan 2006, policy CS5 of the emerging Local Plan Core Strategy (Adoption Version) 2012 and policy DM01 of the emerging Local Plan Development Management Policies DPD (Adoption Version) 2012.*

(iii) *The proposed development does not include private amenity space which would be detrimental to the residential amenities of the future occupiers of these units contrary to policies H16 and H18 of the adopted London Borough of Barnet Unitary Development Plan 2006 and policies DM01 and DM02 of the emerging Local Plan Development Management Policies DPD (Adoption Version) 2012.*

(iv) *The proposed residential units do not have adequate access to a public highway resulting in inability to access the development and the proposed off-street parking contrary to policies M13, M14 and H16 of the adopted London Borough of Barnet Unitary Development Plan 2006, and policy DM17 of the emerging Local Plan Development Management Policies DPD (Adoption Version) 2012.*

(v) *The proposed parking area by reason of its proximity to ground floor habitable room windows would lead to vehicles causing disturbance by virtue of associated noise and lighting materially impacting upon the living conditions of the future occupiers of Flat 1 in terms of noise and light disturbance, detrimental to the residential and visual amenities of these occupiers, contrary to policies D5 and H16 of the adopted London Borough of Barnet Unitary Development Plan 2006, policy CS5 of the emerging Local Plan Core Strategy (Adoption Version) 2012 and policy DM01 of the emerging Local Plan Development Management Policies DPD (Adoption Version) 2012.*

(vi) *The proposed parking area by reason of its proximity to ground floor habitable room windows would lead to vehicles causing disturbance by virtue of associated noise and lighting materially impacting upon the living conditions of the future occupiers of Flat 1 in terms of noise and light disturbance, detrimental to the residential and visual amenities of these occupiers, contrary to policies D5 and H16 of the adopted London Borough of Barnet Unitary Development Plan 2006, policy CS5 of the emerging Local Plan Core Strategy (Adoption Version) 2012 and policy DM01 of the emerging Local Plan Development Management Policies DPD (Adoption Version) 2012.*

(vii) *Insufficient information has been submitted in respect of the impact of the proposed development on trees on adjacent sites which provide important screening. In the absence of any information relating to the trees, the development is likely to cause damage to these trees which would then result in the proposed development being overbearing to the occupiers of No.3 and No.5 Normandy Avenue, resulting in a sense of enclosure to the rear gardens of these properties, detrimental to the amenities of the occupiers of these neighbouring properties, contrary to policies D5, D11 and H16 of the adopted London Borough of Barnet Unitary Development Plan 2006, policy CS5 of the emerging Local Plan Core Strategy (Adoption Version) 2012 and policy DM01 of the emerging Local Plan Development Management Policies DPD (Adoption Version) 2012.*

(viii) *The proposed development fails to provide adequate refuse facilities to the detriment of the residential and visual amenities of neighbouring residents and future occupiers of the units, contrary to policy H16 of the adopted London Borough of Barnet Unitary Development Plan 2006.*

(ix) *The development does not include a formal undertaking to meet the extra education, health and libraries services costs together with associated monitoring costs arising as a result of the development, contrary to policies CS2, CS8, IMP1 and IMP2 of the Adopted Barnet Unitary Development Plan 2006, Supplementary Planning Document- Planning Obligations, Supplementary Planning Document - Contributions to Education, Supplementary Planning Document - Contributions to Libraries and Supplementary Planning Document- Contributions to Health Facilities and policies CS10 and CS15 of the emerging Local Plan Core Strategy (Adoption Version) 2012 and policy DM13 of the emerging Local Plan Development Management Policies DPD (Adoption Version) 2012.*  
*Appeal Dismissed.*

N01996H/07 – Demolition of existing garages and erection of new 2 storey office development. – Refused: 27.06.2007

(i) *The proposed development by reason of its size, bulk, siting, design and inappropriate location would be a cramped form of development of the site that would be overbearing and visually obtrusive, detrimental to the residential and visual amenities of neighbouring residents and would be detrimental to the established character and appearance of the area contrary to Policies GBEnv1, GBEnv2, D1, D2 D3, D4, D5, D7 and D13 of the London Borough of Barnet Adopted Unitary Development Plan 2006.*

Appeal Allowed.

N01996F/04 – Demolition of existing garages and erection of 2no. two-storey dwellings with two off-street parking spaces. – Refused: 17.02.2005

(i) *The proposed development by reason of its size, bulk, siting, design and inappropriate location would be a cramped over-development of the site that would be detrimental to the established character and appearance of the area and appear unduly obtrusive to the detriment of the visual and residential amenities of future occupiers and occupiers of surrounding properties contrary to Policies G1, G18, T1.1. H1.2. H3.2. and H3.3 of the Barnet Adopted Unitary Development Plan (Adopted 1991) and Policies GBEEnv1, GBEEnv2, D1, D2 D3, D4, D5, D7 and H16 and H18 of the of the Barnet Revised Unitary Development Plan (Revised 2001).*

Appeal Dismissed.

### **3. Proposal**

This application proposes to demolish the existing garages and replace them with a two-storey building to be used for B1 (office) Use. The scheme makes provision for one parking space, integral to the design of the building (open car port).

It would have a footprint of 114.5 sqm - comprising of a width of 16m, a depth of 7.3m, a min. height of 5.4m and a max. height of 6.2m, supporting a mono-pitch roof. It would feature rooflights and photovoltaic panels which would sit 5.8m and 6.4m in height.

The scheme is not dissimilar in design, bulk, mass and layout to the Office scheme that was allowed on appeal under Planning application reference: N01996H/07.

### **4. Public Consultation**

Consultation letters were sent to 109 neighbouring properties and a site notice was displayed on 19.04.2018)

10 responses have been received, comprising XX letters of objection.

The objections received can be summarised as follows:

- Loss of privacy and overlooking.
- Loss of sunlight / daylight due to size of the development.
- Increased noise, disturbance and pollution from Office workers / Office use.
- Impact on parking in the area.
- Nuisance and disturbance during the construction phase.
- Does not benefit the local community.
- The development is not in keeping with the character and appearance of the area.
- Loss of trees.
- Adverse impact on nature conservation interests and biodiversity.
- The proposals are an overdevelopment of the site.
- The proposals would result in a loss of a view from the neighbouring residential properties.
- The site is not suitable for another business as it is already overcrowded.
- Loss of property value as a result of the development.
- The refuse arrangements are not appropriate.
- Loss of security in the area.

- Children exposed to foul language, smoking and other anti-social behaviour.
- Illegal operation of businesses outside of controlled hours.
- Unlikely to meet its energy and sustainability requirements.
- Increased noise and air pollution.
- Does not consider or accord with London Plan Policy D8 (Tall Buildings).
- The planning appeal process is not fair.
- The proposals are larger / taller than the previous scheme.
- No controls over how the building would be used.
- No detail on the number of Office workers to use the building.
- Increased traffic congestion generated by the proposed Office use.

#### **4.1 Internal/Other Consultation**

##### Highways Officer:

Raises no objections, subject to conditions.

##### Arboricultural Office:

Raises no objections, subject to conditions.

### **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 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

##### The Mayor's London Plan 2016

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

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

The London Plan is currently under review. 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 adopted London Plan

London Plan Policies: 2.7, 4.2, 5.7, 7.6

### 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, CS6, CS8, CS9, CS12, CS13, CS14 and CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM11, DM14 and DM17

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

### Supplementary Planning Documents

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 in the assessment of this application are considered to be the:

- Principle of providing office (use class B1) floorspace at the site.
- Impact on the amenities of neighbouring occupiers.
- Impact of the proposal on the character and appearance of the existing site and wider area.
- Refuse and recycling, parking facilities and the impact on highway and pedestrian safety
- Impact on trees

## **5.3 Assessment of proposals**

### i) Principle of providing office (use class B1) floorspace at the site

As noted in the site history section of this report, an application under reference: N01996H/07 was previously made in 2007 for the "*demolition of existing garages and erection of new 2 storey office development*" which was subsequently refused by the Local Planning Authority on 27.06.2007. An appeal was made by the applicant to the Planning Inspector, which was allowed on 01.04.2008 under the planning inspectorate appeal

reference: A/07/2057228/NWF. Officers consider that this decision, albeit determined under a superseded Local Plan policy set (Barnet Unitary Development Plan), bears significant weight in respect of the Local Planning Authority's assessment of the principle of Office development in this location.

Since the appeal decision, the National Planning Policy Framework (NPPF, 2012) has been introduced promoting the principles of sustainable development - outlining the National commitment to securing economic growth in order to create jobs and prosperity. It places significant weight on the need to support economic growth through the planning system. Section 2 is clear in stating that *it is important that needs for retail, leisure, office, and other main town centre uses are met in full and are not compromised by limited site availability*. At present in Barnet, it is recognised that there is a declining Office availability (LB Barnet Employment Land Review - October 2017), and that reducing stock, leading to rising rents, together with a lack of new investment, could encourage businesses to move away. Such is the situation that the Local Planning Authority has opted to propose an Article 4 direction on Prior Approval Office to Residential conversions in a bid to prevent the further diminishment of strategically important office space.

The applicant has suggested that the building would be suitable for 6-8 staff, although final occupancy cannot be determined at this stage. Given the size and floor space of the development, Officers consider it unlikely to provide capacity for a larger number of employees. Officers therefore make the recommendation that a condition be applied in the event of the application's approved limiting staffing numbers of the proposed building to 8 people.

It is considered that this Office (B1 Use) development would be sustainable development in accordance with the NPPF and would therefore provide a valuable employment space for a small-to-medium enterprise, located within the Chipping Barnet Town Centre - an appropriate strategic location that is well served by Public Transport (close High Barnet London Underground Station 0.1 mile / High Street-Barnet Hill main bus route). The development is complicit with the principles of policy DM14 of the Barnet's Local Plan Development Management policies, which seeks to ensure that development of this type is located in within strategically appropriate locations.

#### ii) Impact on the amenities of neighbouring occupiers

Similar to the previously allowed scheme the development would be 6.2m maximum in height (0.2m taller than the previously allowed scheme), with the ground floor being 16m in length (0.7m less than the previously allowed scheme) and the first floor the same, adjacent to no. 3 & 5's Normandy Avenue's boundaries.

Dimensionally, the proposed building would be marginally larger than the allowed scheme. This results from a 0.2m height increase in the tallest part of the mono-pitch roof (front facing edge); a first floor length that matches the ground floor - a 1.6m increase in length over the first floor of the approved scheme; and, a change in the roof form from the mansard to a mono-pitch roof, resulting in an infill on the rear side edge, as indicated by the dotted line in the plans. It is considered that these dimensional increases are not demonstrable to the extent that it would have a significant impact on the appearance of the development to the extent that the amenities of the neighbouring residents would be affected over and above the previously allowed scheme.

As noted by the Appeal Inspector, *both No. 3 and 5 Normandy Avenue are located some 18m away on elevated land due to the areas topography... the development would be*

*situated on a lower level to these properties. I am unconvinced that the development would have an overbearing effect on no. 3 and 5's rear elevations, due to its distance and location. Furthermore, the Inspector went on to acknowledge that the development would be visible from both no. 3 and 5's private amenity space, but its impact would be at the lower end of the gardens. I saw the existing garage block from within no. 5's garden due to differences in ground levels. The garden is reasonably wide and deep, enclosed by a 2m high close-boarded fence and there is a garden shed. There is existing vegetation and trees which heavily screen the view of the appeal site. Thus, despite the application site being visible from No. 5's garden, it is considered that its impact would not be dissimilar to other solid enclosures.*

It is therefore considered that the proposals would not amount to an overbearing form of development to the adjacent neighbours. Whilst the building and its siting would be more prominent than the existing garage buildings, as per the Appeal Inspector's conclusion, its location would not accentuate a sense of enclosure or appear unduly oppressive to the neighbouring residents as a result of its shape, size, bulk scale and form. As such, none of its dimensional aspects would give rise to loss of light and overshadowing to an extent that would warrant the application to be refused on these grounds.

### iii) Impact of the proposal on the character and appearance of the existing property and wider area

The proposed building is of contemporary design, much like the appeal scheme which neither the Local Planning Authority or the Appeal Inspector raised any objection to. The development would only be visible to the existing commercial premises and neighbouring residential occupiers who currently overlook the site. The development would therefore have no notable impact on the main street scene of the High Street, Normandy Road or Bedford Avenue; and, due to the ground levels of the site, would not be overly prominent where it is sited. As per the Appeal Inspector's conclusion, the site would be read in close association with the adjoining commercial units rather than the wider residential area. Being similar to the allowed appeal scheme, it is considered that the development would not appear unduly cramped or overdeveloped within its plot. The siting, position, size and shape are all reasonably modest - relative to the appeal scheme - and it is also lower in height than the other commercial buildings nearby. As such, it is considered that the proposed scheme does not detract from the character and appearance of the site and its vicinity.

### iv) Refuse and recycling, parking facilities and the impact on highway and pedestrian safety

The Council's Highways department was consulted on the proposed scheme in respect of refuse provisions, vehicle and cycle parking, and the impact on the local highway network. No objections were raised on the basis that the site lies within a PTAL 5 zone, which means that there is very good public transport accessibility to and from the site. The site also lies within a Controlled Parking zone (D) in operation Monday-Friday between the hours of 2-3pm.

Taking into account the proposed level of staffing in conjunction with good access to public transport and local amenities in the town, it is not considered that the development would result in unsafe highway conditions or an unacceptable level of congestion to the local Highway network.



#### iv) Impact on Trees

The Council's Arboricultural Officer was consulted on the application in respect of trees on site and around the site and raised no objections. Advice was offered that the loss of trees could be offset with replacement planting around the site resulting in minimal impact on visual tree amenity. A condition was recommended for the submission of a landscape plan showing ways to help 'green' the building' to add significant visual amenity value to the building in the longer term. Officers are in agreement with the Arboricultural Officer's advice and will recommend a condition accordingly, to ensure the development maintains a satisfactory appearance and accords with Policy DM01.

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

Officers have reviewed and considered all of the comments received through public consultation and have addressed these where possible in the above Officer assessment of the scheme. Other concerns can be addressed as follows:

- The capacity of the Office, determined by its reasonable size, is unlikely to result in a large number of workers going to and from the site and causing disturbance. It will provide local benefit by providing additional employment opportunities to the local area, which the current garages do not achieve.
- Loss of property value is not a material planning consideration and therefore outside the scope of consideration.
- The development is not considered to demonstrably increase the level of anti-social activity and crime within the area - but rather increase the level of natural security.
- Policy D8 (Tall Buildings) of the Mayor's London Plan is not intended for sites of this height and is therefore not applicable.
- Noise, pollution and general disturbance during the construction phase are not material planning considerations and are therefore outside the scope of consideration for this assessment.
- The planning appeal process is undertaken independent of the Local Planning Authority by the Planning Inspectorate. The Local Planning Authority therefore cannot comment on the on the processes and practices of this Government body.
- Anti-social behaviour and crime was not identified as a material planning issue previously in the approved scheme and therefore is not likely to be a materially significant matter in this scheme.

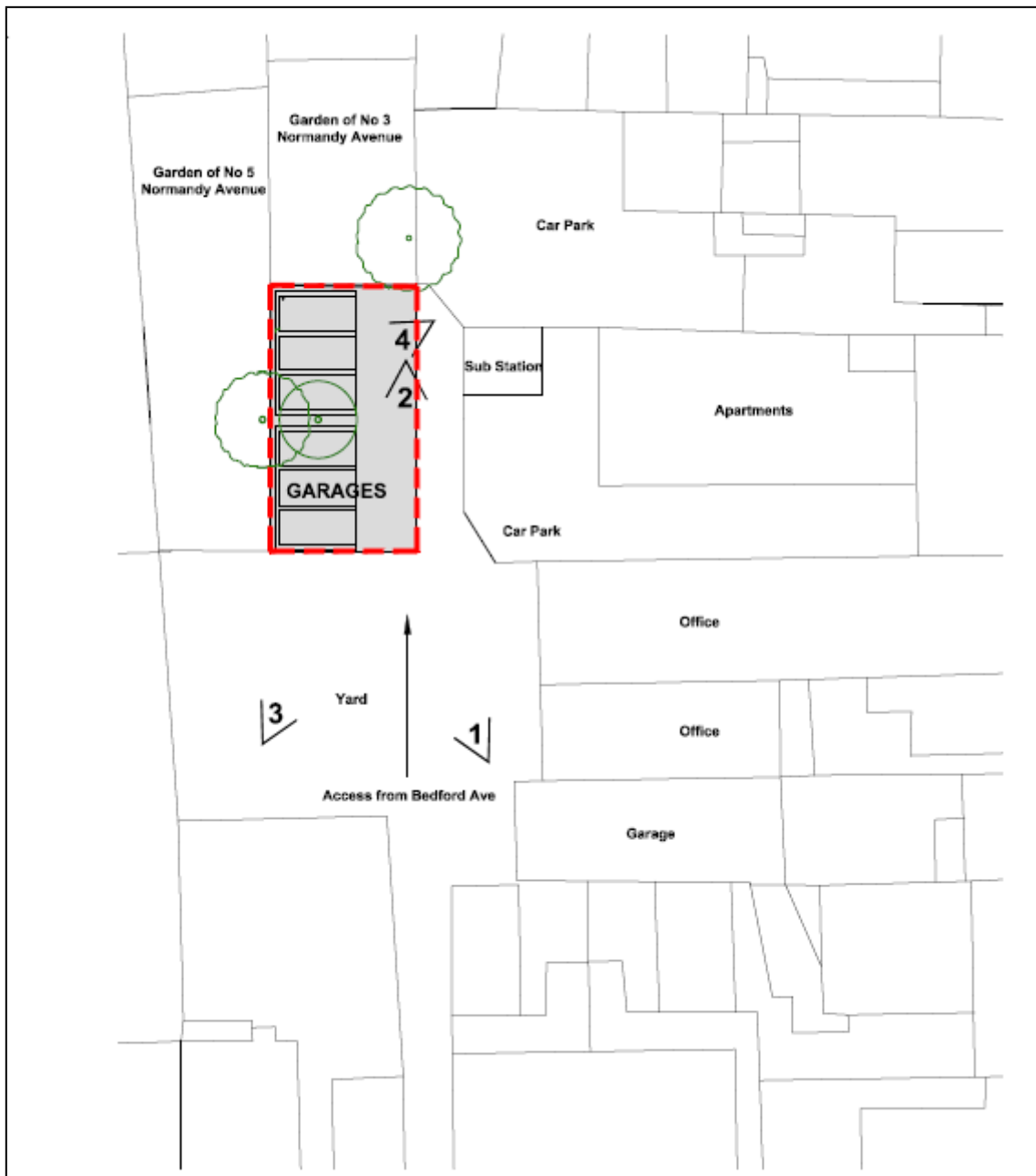
### **6. Equality and Diversity Issues**

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

### **7. Conclusion**

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

## Site Location Plan



**Location**                      **Land At 49 And 51 Beresford Avenue London N20 0AD**

**Reference:**                      **18/2526/OUT**

Received: 25th April 2018

Accepted: 4th May 2018

Ward:                              Brunswick Park

Expiry 29th June 2018

Applicant:                      Millen

Proposal:                      Erection of 6 Passive Semi-detached houses on land to the rear of 49 and 51 and provision of new access

AGENDA ITEM 13

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management 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:

Location Plan, BAB/001 R0 (dated April 2018). Biodiversity Enhancement Plan, Local Character Plan, NOISE IMPACT ASSESSMENT prepared by Hepworth Acoustics Ltd March 2016, Tree Survey Report Prepared by Patrick Stileman Ltd (February 2016), Extended Phase 1 Ecological Habitat Survey Report prepared by Hone Ecology (February 2016), Design and Access Statement prepared by Andrew King & Associates, CGI showing street view, Sustainability Appraisal prepared by Britscape Planning , Highways Statement prepared by Abington Consulting Engineers (March 2016), Vibration Report by Able Acoutics (August 2017).

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 NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 2 Application for the approval of the reserved matters must be made before the expiration of three years from the date of this permission.

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

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

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

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

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

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

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

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

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

- 6 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 2015.

## 7 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 April 2013) and 5.21 of the London Plan 2015.

8 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 2015.

9 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 railway; 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.

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

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted

September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

- 11 a) No development shall take place until details of the location, extent and depth of all excavations for foundations and services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to the railway tunnel shaft on site, and a method statement for implementation have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the amenity of future residents in accordance with Policy CS5 of the Local Plan Core Strategy (adopted September 2012) and Policy 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).

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

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

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

- 14 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).

- 15 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).

- 16 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 Polices document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 17 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.

- 18 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, B, C, D, E, F of Part 1 of Schedule 2 of that Order shall be carried out within the red line area of the application site hereby approved.



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

- 19 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse (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.

- 20 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.

- 21 a) The proposed development shall proceed in accordance with the mitigation strategy and Biodiversity Enhancements detailed in Section 8 of the Ecological Habitat Survey Report prepared by Hone Ecology (February 2016) report and Biodiversity Enhancement Plan (Drawing BIO- BARNET 2017/RO).

b) The site clearance and any mitigation measures shall be implemented in full in accordance with details with the submitted report.

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 Notwithstanding the parking provision submitted with planning application, prior to construction of the development; a revised scheme showing parking provision in accordance with the Parking Policy DM17 including the access to the parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 23 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 20% of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.
- b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan 2015.

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

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

- 25 No development shall take place until details of the junction(s) between the proposed service/access road(s) and the highway has been submitted to and approved in writing by the Local Planning Authority; and the development hereby approved shall not be occupied until the junction(s) have been constructed in accordance with the approved details.

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

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

- 26 Prior to occupation of the development details of refuse collection must be submitted to and approved in writing by the Local Planning Authority. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to be designed in accordance with the Council's adoptable standards. The applicant will be expected to sign a Waiver of Liability and Indemnity Agreement to indemnify the Council against any claims for damage caused to private roads arising from and/ or in connection with the collection of waste by the Council vehicle from the premises.

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

- 27 Prior to the occupation of the development a Waiver of liability and indemnity agreement in relation to the non-adopted roads in each phase within the development must be signed by the developer and be submitted to and approved in writing by the Local Planning Authority. This is to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

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

- 28 Prior to the commencement of the development hereby approved, details and statutory orders of any highways required to be stopped up to facilitate the development shall be made under Section 247 of the Town and Country Planning Act 1990. These shall be submitted to and agreed with the Local Planning and Highway Authority.

Reason: To ensure that adequate public access is provided throughout the development.

**Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

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

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

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

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

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

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

## Officer's Assessment

### 1. Site Description

The site is occupied by 49 and 51 Beresford Avenue, a pair of semi-detached dwellings, located at the top end of the cul-de-sac, in the Brunswick Park ward. The gradient of the land drops away from the turning head in front of the dwellings. The site includes a substantial area of land to the rear of these dwellings, the garden land serving the houses, which extends back to the rear garden areas of Weirdale Avenue. A railway tunnel passes under the site. The property is not located within a Conservation Area nor is any part of the property considered to be a listed building.

### 2. Site History

15/06599/OUT

Proposal: Demolition of No 51 to facilitate new access drive and a residential redevelopment comprising 13 houses (6 x semi-detached, 7 x terraced) and a replacement garage and driveway to No 49

Decision: Refuse

Decision Date: 01.02.2016

16/3054/OUT

Proposal: Demolition of No 51 to facilitate new access drive and a residential redevelopment comprising 9 houses (2 detached 4x semi-detached, 3 x terraced) and a replacement garage and driveway to no 49

Decision: Deemed Refusal

Decision Date: 28.02.2017

Appeal Decision: Dismissed

Appeal Decision date: 17.02.2017

17/2208/OUT

Proposal: Demolition of no 51 and erection of 4no detached dwellings at no 49 and 51. New access road.

Decision: Refusal

Decision Date: 02.06.2017

17/3663/OUT

Proposal: Demolition of no existing buildings at 49 and 51 and erection of 5no detached dwellings at no 49 and 51. New access road.

Decision: Refused.

Decision Date: 08.01.2018

Appeal Decision: Dismissed - APP/N5090/W/17/3191245

Appeal Decision date: 19.01.2018

Reasons for refusal:

1. The proposed development by reason of its siting, layout, size and scale would represent a cramped form of back-land development and an overdevelopment of the site that is out of keeping with and harmful to the character and appearance of the area, contrary to policies 3.5, 7.4 and 7.6 of the London Plan (Adopted 2016), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policy DM01 of the Barnet Development

Management Policies Document (Adopted September 2012) and the advice contained in the Barnet Residential Design Guide Supplementary Planning Document (Adopted October 2016).

2. The proposed loss of No's 49 & 51 Beresford Avenue would have a detrimental impact on the streetscene setting of Beresford Avenue disrupting the harmonious and tradition cul-de-sac layout, a positive character trait of this sub-urban area, and out of keeping with the existing pattern of development. As such the proposal would be contrary to Policies 7.4 and 7.6 of the London Plan 2016, Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

3. Insufficient information has been submitted in respect of highway safety, parking, trip generation, cycle parking provision and highway logistics such as refuse storage provision and collection points. In the absence of this information the proposed development would be detrimental to highway safety and the free flow of traffic. Furthermore the proposed pedestrian access to plots 3, 4 and 5 is considered to raise issues of highway safety. The proposal would therefore be contrary to Policies CS NPPF, CS1 and CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012).

### **3. Proposal**

Outline consent is sought for the erection of 6 No. dwellings within the application site. The submitted plans and documentation indicate that access would be along the flank boundary of No's 47 and 49 Beresford Avenue. Under the submitted layout the proposal involves 3 sets of semi-detached dwellings, 6 properties in total, served by individual garages and a central estate road, forming a cul-de-sac. The application seeks to have matters relating to the access and layout determined at outline stage.

### **4. Public Consultation**

Consultation letters were sent to 147 neighbouring properties - 613 objections were received and 2 letters of support were received.

#### *Objection*

- Concern this proposal will lead to highway safety issue
- Proposal will be out of character
- Excessive impact on the amenity of neighbours
- The proposal will lead to parking stress
- Concern about potential flooding issues
- Excessive noise and disturbance during the construction phase
- No access for emergency vehicles
- The proposed access does not belong to the developer
- Refuse collection will be an issue
- The proposal will put extra pressure on infrastructure
- Loss of privacy for neighbours

- Concern about impact on habitat/protected species
  - Overdevelopment, cramped and out of character
  - Excessive impact on the established streetscene
  - Contrary to adopted planning policy
  - Contrary to findings at appeal
  - Would result in an unconnected street, divorced from neighbouring development- - -
- Further applications should be turned away
- Previous concerns have not been overcome
  - The proposed access at 4.1m is too narrow- We would like the opportunity to address the committee
  - This is a garden grabbing proposal which will set an undesirable precedent

### *Support*

- The scheme will provide much needed housing

## **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 27 March 2012. 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 2015

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, CS9,
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, 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 April 2013)

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

#### Residential Design Guidance SPD (adopted October 2016)

Part 2 of the SPD sets out the general guidelines for new residential development.

- All new proposed design should relate to its setting and local character and be of an appropriate density;
- All proposals for new development should complement or improve the character of the area through its appearance, architectural detailing, siting, use of materials, layout and integration with surrounding land, boundaries, building lines, setbacks, fronts and backs; and
- Be designed to ensure the provision of sufficient privacy, minimisation of overlooking between surrounding dwellings and orientation of buildings to maximise sunlight and daylight and do not reduce the amenity value of neighbouring occupiers.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the living conditions of future residents;
- The effect of the proposal on highway safety and the free flow of traffic;

- The impact of the proposal on landscape features, biodiversity and protected species habitats;
- The comments of consultees and public responses;
- The planning history of the site.

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

As detailed in the Delegated Report for the most recently refused application (17/3663/OUT) and dismissed on appeal, the site has been the subject of intensive activity which was only intensified with the last application and its subsequent dismissal on appeal for 6 residential units. The recent planning history does however provide a background of material and the recent appeal determination is a particularly important material consideration.

To recap, application 17/3663/OUT was refused for the reasons highlighted above. The council's decision was upheld on appeal (18.01.2018). The first application (15/06599/OUT) sought consent to redevelop the site to provide 13 dwellings, with No.51 demolished to accommodate the scheme and provide access. The planning application was refused for 7 reasons which included concern about the layout and over-development, which would be out of keeping with the existing pattern of development.

Application 16/3054/OUT sought consent to provide 9 houses (2 detached, 4 semi-detached and a terrace of 3 dwellings) and the demolition of No.51. This application was appealed on non-determination and the appeal dismissed. One of the concerns cited by the Inspector was the impact on the character of the area.

Application (17/2208/OUT) sought consent to erect 4 dwellings with No.51 demolished to accommodate the works. 4 reasons to refuse consent were recorded on the Decision Notice and again concern with regards to character/over-development was included as a reason to refuse planning permission. Other concerns related to the demolition of No.51 leading to character issues, potential parking/highway safety problems associated with the proposed scheme and concerns about vibration from the railway tunnel and its potential impact on future residents.

The rear gardens of these properties are considerably large and previous deliberations on potential development have centred on gaining an access which would maintain the character of the area and achieving a development which would further maintain the general character of the area. Previous schemes have failed to resolve these key aims.

This application proposes utilising an existing laneway (between 47 and 49) which the applicant, through the submitted location plan, demonstrates ownership of. The access would be widened to 4.1m and would serve as an access/egress to 6 No. semi-detached dwellings from the turning head of Beresford Avenue.

The most recent appeal scheme had proposed demolishing No's 49 & 51 Beresford Avenue to gain access. The council had highlighted the important role that cul-de-sacs provide in creating a sense of place in the suburban residential areas of the district. The Inspector agreed that their removal would have a detrimental impact. The acceptability of the current proposed access in terms of highway and pedestrian safety, refuse collection and its general layout are issues the council take professional technical advice on. These will be discussed later in the report. On the issue of character, it could be argued that the

comings and goings from the site would create character concerns. However if the legibility, integrity and rhythm of the cul-de-sac can be maintained this is difficult to sustain.

Turning to the issue of the general character of the area and the development of garden land in principle, the Inspector commented;

".....The Council also express concern that the proposal would represent a cramped form of backland development and an overdevelopment of the site. However, the submitted site layout shows that dwellings can be provided which would have rear gardens of a suitable size and would be set back from the highway. The Density Study submitted by the appellants also shows that the proposed plots are of a suitable size in comparison to the surrounding area....."

The Inspector was content an appropriate layout and density could be achieved. The previous delegated report went into some detail on the development of garden land. The Inspectors comments would be material considerations to the assessment of this application.

The immediate area mainly consists of semi-detached properties and short runs of terraces arranged in a traditional pattern fronting access roads and served by relatively generous rear garden areas.

Both national and local planning policy advocates a cautious approach to the development of garden land. Paragraph 53 of the NPPF states;

*"Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area"*.

CS5 is the local plan policy providing guidance on issues relating to garden developments. The preamble to Policy CS5, paragraph 10.7.1, firstly recognises the important contributions of garden to the suburb and its quality of life. The preamble goes on to outline how under the Strategic Housing Land Availability Assessment (SHLAA) windfall allowance for small sites, includes only a very small contribution from gardens, of about 5 units per annum. With the removal of gardens from the classification of previously developed land, as per the Chief Planning Officer's direction of June 2010 and enshrined in the NPPF, it is not expected that such developments will make a contribution to housing supply in Barnet (10.7.2 Core Strategy). In the council's view this additional protection enhances the role of gardens in shaping the character of an area.

Paragraph 10.7.3 of the Core Strategy relates how in the past garden developments made a contribution to meeting housing supply. However with other areas targeted for housing growth, it is the aim of local policy to robustly protect suburban areas from garden developments which are deemed detrimental to local character. In line with national policy, this places emphasis on the important "character" role of garden land as opposed to as a contributor to housing supply. Paragraph 10.7.4 states that the council *"will assess proposals involving the loss of gardens according to Policy DM01"*

In 2012 a new policy framework, including policies DM01 & CS5, was adopted to guide future development in the area covered by the plan. This guidance included policies aimed at preserving or enhancing local character and ensuring that new development respected the appearance, scale, mass, height and pattern of surrounding buildings.

The council's adopted Residential Design Guidance SPD outlines how *"an area's character may be derived from a range of attributes, including built form, architectural style, pattern, layout, space around buildings, landscaping, trees, streetscape, materials and uses/activity. 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"*.

Paragraph 2.9.1 in the preamble to Policy DM01 specifically highlights the role that garden land can play in creating a sense of place and enhancing the settings of buildings. Development which can adversely affect this character includes infill development.

The council previously concluded on character;

*'In terms of layout, the area is characterised by traditional patterns of development. The houses are served by relatively generous rear garden areas. The proposed dwellings would be located in the lower sections of the rear garden serving No 49 & 51. The council has concern that owing to the character as expressed above, the construction of dwellings at this location would be incongruous, and out of character. The traditional and harmonious layout of development in the area would be seriously diminished by the siting of what is essentially a housing scheme in rear garden areas. The rear garden areas help create the sub-urban feel of the immediate area, an intrinsic characteristic of this part of the district. By contrast the proposed dwellings would be served by reduced garden areas and appear cramped in this setting. It is considered that the garden areas at this location play a vital role in creating the local "sense of place", which would be adversely eroded by the proposed development.'*

This scheme has a similar density to the refused scheme and a layout of semi-detached dwellings is not in conflict with the existing character. The issue is whether the general principle of the development of the garden areas would create concerns relating to the character of the area.

The appeal determination is a material consideration of significant weight and local authorities must be aware of appeal guidance which guards councils against finding issue with elements of a scheme previously found acceptable at appeal. It is very clear that the loss of the pair of semi-detached dwellings was found unacceptable. However, the general principle was deemed acceptable. The layout and density was deemed appropriate and this scheme is not materially different from that perspective.

Whilst both local and national guidance advises on the potential harm of garden developments there is also an onus on local authorities to strive to make the most efficient use of brownfield land, and in that respect each site is judged on its own particular merits. Suburban gardens play an important character role in shaping local areas and their redevelopment can erode this character, which is worth maintaining. Similar developments are not uncommon in the district. Reference is made to a development at Saint Margaret's Avenue (15/06600/FUL & 16/4030/FUL) (APP/N5090/W/16/3149519 & APP/N5090/W/16/3156589), which bares similar characteristics in the provision of 6 No. dwellings. Another recent example approved at the Hendon Area Committee meeting (08.09.2017) relates to 18 Maxwellton Close (17/4462/FUL) for the redevelopment of a rear garden to provide 4 no. dwellings. This scheme similarly takes its access along the flank wall of the existing dwelling.

Whilst policy requires a careful assessment of garden developments, a planning assessment is none the less required. The streetscene and character of Beresford Avenue would not be significantly eroded as the access utilised is existing that provides access to

the garages at the rear. This access is proposed to be widened to serve the new houses at the rear. This removes, in officers' view the first reason for refusal. The cul-de-sac layout can be maintained. The second reason for refusal is considered to have been addressed. The access and highway safety implications and therefore of critical importance and will be discussed with the benefit of the technical highways advice.

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

The layout of development proposes a traditional row of semi-detached dwellings fronting onto a turning head to serve the development. Dwelling No.6 would be located along the flank boundary of the garden of No.53 Beresford Avenue. Like many of the gardens in the area the rear amenity area is generous, circa 43.0m, and the location of the properties along such a garden area would not be particularly overbearing or unneighbourly. A distance of approximately 18.0m could be retained between elevations. Whilst the guidance suggest a distance of 21.0m as being more appropriate, the angle between elevations which could be retained and the change in levels would offset this slight shortfall. Furthermore as this is an outline application, other options such as the use of obscure glazing and position of windows i.e. bathroom windows on the garden side, could further alleviate concerns regarding overlooking. The flank of House No.1 would be located adjacent to the rear boundary of houses on Weirdale Avenue, but an adequate separation distance is retained and again detailed design at reserved matters stage would ensure any adverse impact is minimised.

Access to the dwellings would be between No's 47 and 49. Whilst the additional comings and goings from vehicles may result in some noise from vehicles entering and egressing the site such access are not considered uncommon in the more built up areas and the noise and disturbance would not be significant enough to refusal of the application.

Previous concerns with regards to vibration from the nearby railway use and its impact on future residents had been a reason to refuse consent. This application is supported by a Vibration Report to address this concern and comments have previously been received from the council's Environmental Health section. The advice suggests that issues relating to potential impacts from noise and vibration could be adequately mitigated. Further reports will be required at detailed reserved matters stage of the application with regards to mitigating vibration and noise nuisance and conditions relating to sound insulation and acoustic fencing are suggested which will address this concern and will be agreed before the development commences.

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

Whilst this is an outline application, The plan layout indicates that adequate provision would be made for the amenity of future residents. Rear amenity areas would be in line with adopted standards and similarly internal living space would be controlled and addressed under the reserved matters application.

- The effect of the proposal on highway safety and the free flow of traffic

The Highways Authority has previously raised concern with this proposal. Their response dated 23/05/2018 suggests a reduction in parking provision provided as they consider 16 spaces to be excessive. These matter including cycle parking provision can be agreed by way of a condition.

Highways officers also comment that the applicant will be required to submit an application under Section 184 or Section 278 of the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

Prior to the commencement of the development, details of the access roads within the development shall be submitted to and approved in writing by the Local Planning Authority.

Access road details should include road layout for internal roads, details of swept paths and turning movements for Heavy Goods Vehicles and Refuse Collection vehicles entering the site and show that Heavy Goods Vehicles can turn around within the internal roads and pedestrian routes within the site.

Although the Council will not consider the proposed internal roads for adoption as public highways, the internal roads submitted details should include specification of carriageway construction to adoptable standards to allow for refuse vehicles to enter the site. The access as approved shall be constructed in accordance with the approved details before the site is first occupied.

The bin collection area for the development needs to be within 10m of the public highway for the Council's Refuse Collection Service to collect refuse. Alternatively, if the refuse vehicles will be required to enter the site then the proposed access road will need to be constructed to the Council's Adoptable Standards and adequate turning area shall be provided to facilitate the refuse vehicles to access and exit the development site in forward gear.

The Highways Authority cites no objection to the scheme. Technical specification of the roadway and layout could be secured at reserved matters stage and subject to suggested conditions, the proposed means of access is now deemed acceptable. This in the view of officers' addresses the third reason of refusal.

- The impact of the proposal on landscape features, biodiversity and protected species habitats

Ecological enhancements have been considered and provided within an associated Hone Ecology Report (12th February 2016) In Section 8; and Biodiversity Enhancement Plan (Drawing BIO- BARNET 2017/RO), If implemented, this would contribute towards the objectives of planning policy identified within the National Planning Policy Framework (NPPF), therefore based on the information provided the council has been advised that the applicant has provided sufficient information of the measures to be incorporated to achieve biodiversity conservation and enhancement to achieve a sustainable development. The enhancements could be agreed by condition.

As the development is located close to a railway tunnel there may be bats affected by the development. The site would be suitable for foraging. An ecological assessment outlining whether bats are present, and if so, how any potential impacts could be mitigated should be provided. It is considered that mitigation would be possible and any details can be agreed by a condition.

An Arboricultural Appraisal and Trees Constraints Plan has been submitted in support of the application. 5 trees have been valued as category B moderate value and a material

constraint to development. The remaining trees have been valued as category of C and low value and not usually considered a constraint to development. The council's Trees and Landscaping Officer has previously requested a detailed arboricultural impact assessment, draft tree protection plan and method statement to demonstrate how the category B trees would be retained. The scheme would not result in the loss of landscape features of high importance. As no trees on the site are protected and it would appear that trees of amenity value could be retained, the issue can be dealt with by a condition.

#### - Network Rail

Owing to the proximity of the New Barnet Railway Tunnel, Network Rail has been consulted. Whilst pertinent issues have been raised within the consultation, Network Rail is content that concerns in relation to foundations and the location of a tunnel within the garden of No51 could be appropriately dealt with by conditions. The council are content to accept that these issues could be mitigated with conditions.

#### - Public Responses

It is considered that the majority of concerns raised have been addressed within the report.

However there is no evidence to suggest that the development of this scheme would have an adverse impact on the sewage system or other utilities within the area.

The site is not within a flood risk area.

Concerns about construction traffic and the disruption during the period of construction could be appropriately managed by a condition agreeing a construction management plan.

### **Sustainability**

The sustainability statement submitted with the application asserts that the proposed development would comply with Part M4(2) of Schedule 1 to the Building Regulations 2010 and the provision of an appropriate reduction in CO2 emissions against the 2010 Building Regulations would be achieved. a condition would be attached to ensure this is achieved.

### **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 amended and resubmitted scheme has addressed previous concerns. Taking the most recent refusal and appeal determination as a starting point, this proposal addresses the three reasons for refusal and the officers' consider the scheme as amended would be considered acceptable subject to conditions and reserved matters. The application is recommended for approval accordingly.

# Site Location Plan



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1 LOCATION PLAN  
Scale: 1:1250



**Location**                                      **Site Of Barnet Market Chipping Close Barnet EN5 4LP**

**Reference:**                                      **18/2591/FUL**

Received: 30th April 2018

Accepted: 2nd May 2018

Ward:    High Barnet

Expiry 1st August 2018

Applicant:                                        GL Hearn

Proposal:                                        Erection of a part three, part four storey building to create a hotel (Class C1) and ancillary restaurant with associated parking, access, servicing, boundary treatments and other associated works

AGENDA ITEM 14

**Recommendation:** Approve subject to s106

AND the Committee grants delegated authority to the Head of Development Management 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 requirement that the applicant shall enter into
  1. A contribution of £10,000 towards the monitoring of the Travel Plan for the development.
  2. A contribution of £91,688 towards the provision of apprenticeship schemes and employment training within the Borough.
  3. An agreement that the relocation of the Barnet Market (ref: 18/2483/FUL) will be fully implemented before site works (excluding site investigations, groundworks, site preparation and mobilisation) relating to this application are commenced.
  4. A contribution of £3,050 towards the monitoring of the S106 agreement.

## RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Head of Development Management or Head of Strategic Planning:

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

- Site Location Plan (PL001)
- Proposed Landscape Plan (PL002 Rev. A)
- Proposed Ground Floor Plan (PL004 Rev. A)
- Proposed First Floor Plan (PL005 Rev. A)
- Proposed Second Floor Plan (PL006 Rev. A)
- Proposed Third Floor Plan (PL007 Rev. A)
- Proposed Roof Plan (PL008 Rev. A)
- Proposed Sections (PL010 Rev. A)
- Proposed Elevations (PL011 Rev. A)

- Drainage Strategy (ARUP - 3 July 2018)
- Air Quality Assessment (ARUP - 25 April 2018)
- Acoustic Planning Report (ARUP - 25 April 2018)
- Sustainability Statement (ARUP - 26 April 2018)
- Utilities Report (ARUP - 25 April)
- Archaeological Evaluation Report (Museum of London Archaeology Service - June 2008)
- Daylight and Sunlight Report (Malcolm Hollis - 27 April 2018)
- Delivery and Servicing Management Plan (rpg - April 2018)
- Transport Statement (rpg - April 2018)
- Travel Plan (rpg - April 2018)
- Ground Investigation Report (Hunter - September 2017)
- Heritage Statement (Turley - April 2018)
- Tree Survey (FLAC - April 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 shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 4 a) Prior to their use in the development, details of all new facing brickwork and natural slate roofing materials, including sample panels to be provided on site showing brick bond and pointing for the external surfaces of the building hereby approved, shall have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 5 a) Prior to their installation, details of dormer windows at a scale of 1:20 for the building hereby approved shall 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), Policies DM01 and DM06 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) Prior to their installation, details of the conservation-type rooflights, timber sash windows including cills and reveals, external doors, chimney stacks and pots and cast metal rainwater goods for the building hereby approved shall 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), Policies DM01 and DM06 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.

- 7 a) Prior to the installation of the shopfront, details of the timber shopfront of the building hereby approved, shall 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), Policies DM01 and DM06 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.

- 8 a) Prior to the construction of the roof and eaves, details of the Chipping Close and St Albans Road eaves treatment for the building hereby approved, including design and materials, shall 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), Policies DM01 and DM06 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.

- 9 a) The development shall not be occupied until details of soft landscaping along the St Albans and Chipping Close elevations has be submitted to and agreed in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

- 10 a) The development shall not be occupied until a scheme of hard landscaping has been submitted to and agreed in writing by the Local Planning Authority.

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

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.

- 11 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority. Details should include the fence and gate located in-between the building hereby approved and no.2 Bruce Road and all other boundary treatments.

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

- 12 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. PL008 Rev. A shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 13 Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to first occupation and maintained thereafter.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

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

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

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

- 15 Before the development hereby permitted is occupied disabled parking spaces shall be provided in accordance with the London Plan Parking Standards. Thereafter, the parking spaces shall only be used as agreed and not for any purpose other than parking and turning of vehicles for the disabled use in connection with approved development.

Reason: To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 16 a) Notwithstanding the details submitted with the application and otherwise hereby approved, the development shall not be occupied 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 April 2013).

- 17 No works on public highway as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the highway authority and works shall only be carried out in accordance with the approved plans.

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

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

- 18 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.

- 19 The premises shall be used for C1 (Hotel) and an ancillary ground floor restaurant and bar and for no other purpose (including any other purpose in Class C 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.

- 20 The restaurant and bar associated with the hotel use shall not be open to non-resident guests after 11pm.

Reason: To ensure appropriate use of the site and safeguard the amenities of the area.

- 21 a) Prior to above ground works, 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 shall have 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 April 2013) and Policies 5.13 and 5.14 of the London Plan 2015.

- 22 Prior to above ground works, impact studies of the existing water supply infrastructure shall have been submitted to, and approved in writing by, the local planning authority. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

- 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 2013) and Policies 5.2 and 5.3 of the London Plan (2015).

- 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 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.

- 25 a) Prior to the installation of mechanical plan and ventilation / extraction equipment, a report 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 shall have 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 2015.

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

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

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

- 27 a) No development or site works shall take place on site until a 'Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The submitted Construction Method Statement shall include as a minimum details of:



- Site hoarding
- Wheel washing
- Dust suppression methods and kit to be used
- Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
- For major developments only: provide a copy of an asbestos survey;
- For 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.
- details of contractor's compound and car parking arrangements;
- Details of interim car parking management arrangements for the duration of construction;
- Details of a community liaison contact for the duration of all works associated with the development.
- A competent Banksman should be employed to monitor and manage vehicle traffic accessing and exiting the site to ensure pedestrian and highway safety

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.

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 April 2013) and Policy 5.21 of the London Plan (2011).

- 28 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.

- 29 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).

- 30 a) Prior to the occupation or use of the building hereby approved, a detailed assessment for the kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority
- b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

- 31 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 policies 5.3 and 7.14

- 32 a. 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.
- b. 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 April 2013) and 5.21 of the London Plan 2011.

33 a) Prior to installation, details and the location of security alarms and CCTV Cameras for the building hereby approved, shall have been submitted to and approved in writing by the Local Planning Authority.

b) The details approved as part of this condition shall be retained as such thereafter.

Reason: To safeguard the amenities of occupiers of the hotel and neighbouring residential properties in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012) and Policy DM01 of the Development Management Policies DPD (adopted September 2012).

34 Prior to the hotel being brought into use in accordance with the hereby approved plans, details and specifications of all external lighting to be installed as part of the development shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development and thereafter be maintained as such.

Reason: To ensure that appropriate lighting is provided as part of the development in accordance with policy DM01 of the Barnet Local Plan and 5.3 of the London Plan.

35 a) No development other than site preparation works shall take place until details of the Photovoltaic Panels, including their design, height and visual impact on the building hereby approved, have been submitted to and approved in writing by the Local Planning Authority.

b) The approved details shall be fully implemented and retained as such thereafter.

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 2013) and Policies 5.2 and 5.3 of the London Plan (2015).

36 a) Prior to the first occupation of the building hereby approved, details of a plaque or floor slab, and visitor information commemorating the historical significance of the application site shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented and retained as such thereafter.

Reason: To safeguard the character 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), Policies DM01 and DM06 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.

37 No live, amplified, or audible music shall be played at the restaurant and bar of the building hereby approved after 10.30pm Sunday to Thursday and after 11pm Friday and Saturday.

Reason: To safeguard the amenities of occupiers of adjoining residential properties as per Policy DM01 of the Development Management Policies (2012).

### RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31 October 2018, unless otherwise agreed in writing, the Service Director - Planning and Building Control REFUSE the application under delegated powers for the following reasons:

The proposed development has not provided a Travel Plan. The proposal would therefore not address the impacts of the development on the adjacent public highway network, the free flow of traffic and the provision of car and cycle parking provision. This would be contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

The proposed development has not provided a Local Employment Agreement. The proposal would therefore not address the impacts of the development for local employment and skills and training opportunities. This would be contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Insufficient assurances have been provided to ensure the relocation of the Barnet Market will be fully implemented before site works commence at the application site. The proposal would therefore not address the impacts of the development on the Barnet Market and would result in the loss of a valuable public amenity. This would be contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

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 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work

are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local

Government at  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

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

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

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

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

4 Flues should be sited to minimise effects of vibration transmission and noise to any adjacent façade. Flues must incorporate anti-vibration mounts, flexible couplings and silencers. The height of the flue (must be minimum 1.5m above the highest eaves of the building and adjacent buildings) and a reasonable distance approximately 20 metres from any open residential windows unless there is suitable level of filtration and odour abatement equipment. The final discharge must be vertically upwards. There should be no Chinese hat or cowl on the top of the flue.

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

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

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

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

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

- 6 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://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.
- 7 Any highway approval as part of the planning process for the alteration or removal of the existing crossovers or provision of new crossovers will be subject to detailed survey by the Crossover Team in Environment, Planning and Regeneration as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development Regulatory Service, Traffic and Development, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP
- 8 Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.
- 9 Refuse collection points should be located within 10 metres of the Public Highway; otherwise, unobstructed access needs to be provided to the refuse vehicle on the day of the collection. The development access would need to be designed and constructed to allow refuse vehicles to access the site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 10 The applicant is advised that Great North Road is Traffic Sensitive Road; deliveries during the construction period should not take place between 7.00am-9.30am and 4.30pm-7.00pm Monday to Friday and from 9.00am to 4pm on Saturday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development Regulatory Service should be consulted in this respect.

- 11 The applicant is also advised that the development is located in the vicinity of a Strategic Road Network (SRN) and is likely to cause disruption. The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.
- 12 All vehicles associated with the development must only park/stop at permitted locations and within the time periods permitted by existing on-street restrictions.
- 13 The costs of any associated works to public highway, including reinstatement works, will be borne by the applicants and may require the Applicant to enter into a rechargeable agreement or a 278 Agreement under the Highways Act 1980.
- 14 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

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

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

- 15 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.



- 16 The applicant is advised that the section 278 works shall be implemented prior to occupation of the building.

## **Officer's Assessment**

### **1. Site Description**

The application site is located on the corner of St Albans Road and Chipping Close and contains a surface level car park that had until recently been used to accommodate the Barnet Market on Wednesdays and Saturdays. The site is now vacant with permission recently granted to relocate the Barnet Market to the front of the nearby Spires Shopping Centre on Staplyton Road. The original cattle market sheds and boundary walls of the market have been demolished.

The site is surrounded by a mix of uses and building forms, with more lower density residential uses to the north and higher density mixed use buildings to the south. Indeed, to the north is a terrace of two-storey residential dwellings, with a three-storey residential unit located on the northern side of Chipping Close at the junction with St Albans Road. To the south of the site is the service yard of the Spires Shopping Centre, to the west is The Spires Shopping Centre and passageway linking Staplyton Road and Chipping Close and to the east is St Albans road which has a mix of single to three-storey buildings containing a mix of retail, office, restaurant and residential uses. 50m to the south along St Albans Road is the junction with the High Street which runs on a north-south axis and forms the main access route through the Chipping Barnet Town Centre containing a mix of uses, building forms and scales.

The application site is located on the southern edge of the Monken Hadley Conservation Area but contains no statutory or locally listed buildings. The application site's eastern boundary is classified as a Primary Shopping Frontage within the Chipping Barnet Town Centre. The site as a whole is identified within the Chipping Barnet Town Centre Strategy as being located within the 'retail triangle' given its location adjacent to the Spires Shopping Centre, St Albans Road and the High Street and the fact it once accommodated Barnet Market.

The application is located within a Flood Zone 1 Area and does not contain within its curtilage any trees subject to Tree Protection Orders (TPO).

### **2. Site History**

Reference: 18/2483/FUL

Description: Change of use from public realm (sui generis) to retail (Class A1) and food and drink (Class A3) to facilitate the relocation of Barnet Market

Decision: Approved subject to conditions

Decision Date: 06/07/2018

Reference: B/02642/12

Description: The provision of new facilities and infrastructure in association with the continued use of the site as a market comprising:-Resurfacing of the site and the installation of new drainage infrastructure; the provision of three container buildings to provide secured storage, office, mess room and W.C. facilities in connection with the continued use of the site as a market; removal of the existing hoardings and gates and the construction of new and relocated means of enclosing the site including post and rail fencing, vehicle height restriction barriers and bollards; reopening of the pedestrian and vehicular access onto Chipping Close; the provision of refuse and recycling storage

facilities; the installation of security lighting and infrastructure to supply market stallholders and operators with electricity; and new soft landscaping including the planting of 10 trees.

Decision: Approved subject to conditions

Decision Date: 12/06/2013

Reference: B/02643/12

Description: The provision of new facilities and infrastructure in association with the permanent retention of the use of the site as a market on the Wednesday and Saturday of each week and the temporary change of use (for a period of not more than five years) of the site to a pay and display car park on the Monday, Tuesday, Thursday, Friday and Sunday of each week comprising: Resurfacing of the site and the installation of new drainage infrastructure; the provision of three container buildings to provide secured storage, office, messroom and W.C. facilities in connection with the continued use of the site as a market; removal of the existing hoardings and gates and the construction of new and relocated means of enclosing the site including post and rail fencing, vehicle height restriction barriers and bollards; reopening of the pedestrian and vehicular access onto Chipping Close; the provision of refuse and recycling storage facilities; the installation of security lighting and infrastructure to supply market stallholders and operators with electricity; and new soft landscaping including the planting of 10 trees; marking out the new surface to provide 47 pay and display car parking spaces (to be used as such only on the Monday, Tuesday, Thursday, Friday and Sunday of each week); the provision of 2 pay and display parking ticket machines

Decision: Approved subject to conditions

Decision Date: 12/06/2013

Reference: B/03642/10

Description: Extension to the time limit for implementing planning application N12197C/05 granted 03/11/05 for 'Redevelopment of site comprising part two, part three-storey building for continued use as a market on the ground floor, with a total of 14 residential units on the upper floors with associated amenity space, and basement parking (accessed from Chipping Close) for 27 cars.

Decision: Approved following legal agreement

Decision Date: 30/08/2011

Reference: N12197C/05

Description: Redevelopment of site comprising part two, part three-storey building for continued use as a market on the ground floor, with a total of 14 residential units on the upper floors with associated amenity space, and basement parking (accessed from Chipping Close) for 27 cars.

Decision: Approved following legal agreement

Decision Date: 04/11/2005

Reference: N12197A/01

Description: Redevelopment of site, comprising a part 2, part 3 storey building for continued use as a Market on the ground floor with 9 residential units on the upper floors with open amenity area at 1st floor level.

Decision: Approved following legal agreement

Decision Date: 23/10/2002

### **3. Proposal**

- Erection of a part three and part four-storey building to create a hotel (Class C1) and ancillary restaurant on ground floor.

- Associated parking, site access, servicing, boundary treatments and other works.

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

Consultation letters were sent to 477 neighbouring properties. 79 responses were received comprising 5 letters of support, 7 representations and 67 objections. The public comments received can be summarised as follows:

Support:

- The building design is good but could be improved with the addition of soft landscaping along the Chipping Close elevation to brighten and soften the side of the building.
- The proposed hotel will be in keeping with the surroundings.
- Shops and apartments on Barnet High Street which back onto the application site are already 3-4 storeys. Therefore, there isn't a problem with the three / four storeys proposed.
- Proposals to move the market to the band stand area will only help to improve the footfall and thus customers to the market. All of which will help to reverse the decline of the high street.
- The development could contribute towards attracting other big-name retailers to the empty units of the Spires Shopping Centre.
- Plans to develop this empty site should be welcomed. The project will bring a much-needed boost to Barnet's struggling town centre.

The Barnet Society:

Supports the proposed Premier Inn subject to:

- The application (18/2483/FUL) to relocate the market to The Spires bandstand site must be approved.
- The Inn's impact on traffic and on-street parking must be reviewed and acceptable solutions agreed.
- Premier Inn signage and branding must follow Conservation Area guidelines.
- More planting such as window boxes are needed to extend the greening of the town centre.
- Premier Inns should be required to contribute to visitor information about the history of Chipping Barnet.
- The empty triangle between hotel and Dory's café must be neatly secured.
- The St Albans Road 1st floor window spacing is uncomfortable, the 'shopfronts' terminate non-traditionally and the Bruce Road red brick is unnecessary. Brick samples must be approved.

Representation:

- If this application is approved could one condition of approval be that the developer is to include interpretive information about the history of the site, e.g. a plaque relating to the Market Charter on the outside, or a display inside the hotel.
- If a large hotel can give the area an economic boost it would be good for the area.

Barnet Residents Association:

- Support the proposed development in-principle and are particularly pleased with the design, with one reservation. The fourth floor will detract from the appearance of the wider conservation area and will also be very detrimental to the aesthetic appeal of the building.

- Concerned at the potential for disturbance to residents in Chipping Close from rowdy residents returning late evening and from wheeled suitcase being pulled by residents leaving early morning.
- Concern about the use of the Chipping Close entrance leading to increased footfall to the detriment of neighbouring residents.
- Further consideration should be given to blocking the wedge-shaped gap between the hotel and Dory's cafe which has the potential to gather rubbish or be used for unsocial activity.
- The wider pavement on Chipping Close should be partly used for planting rather than just being paved.

Object:

Use:

- There is no commercial need for a hotel of this size in Barnet.
- The regeneration of the High Road (street) is a higher priority for the town than the building of this hotel.
- The proposed development will result in the loss of one of the last remaining public amenity spaces in Barnet.
- A community use should be built on the site.
- This development would result in the loss of a historic market site and an irreplaceable amenity to High Barnet.
- The area allocated for the relocation of the Barnet Market is restrictive and can only accommodate a few stalls. The original Barnet Market should be rejuvenated.
- The addition of restaurants to the ground floor does not add to the facilities in the area. There are ample food outlets in the High Street.
- The proposed development will not contribute to the vitality and viability of the centre.
- The proposal states that 50 jobs will be created but there is no certainty about this or how many of these will be full or part time.
- There are no assurances or proposals on local recruitment guaranteed by a Section 106 Agreement.

Design:

- The proposed four-storey rear elevation onto Bruce Road is of an unacceptable architectural and general aesthetic standard for any new building in an historic town.
- The development is out of keeping with the designated Conservation Area.
- Pleased with the thought that has gone into the appearance of the hotel on the Chipping Close but object to the fourth floor which is a considerable overdevelopment of the site.
- The proposed design and appearance is a pastiche. It is unimaginative and inappropriate for the conservation area and for a site with such an important historic legacy.
- The proposal is for a hotel and therefore should confidently reflect this in a high quality modern design appropriate to the sensitivities of the site and its location in a conservation area.

Amenity:

- The proposed development will result in an increased noise and air pollution caused by traffic, parking, idling engines and footfall throughout the day and night.
- Chipping Close is a cul-de-sac and therefore taxis and other vehicular movements within the street will cause traffic congestion and noise and air pollution to the detriment of local residents.

- The hotels proximity to dwellings opposite on Chipping Close would be inappropriate. The hotel would block the light to the dwellings opposite on Chipping Close and result in the loss of privacy for neighbouring residents.
- Increased noise from people using the hotel and restaurant congregating outside on Chipping Close.
- The development would harm views for neighbouring residents.
- The development will harm the resale values of adjacent properties.
- There will be significant noise and dust during the construction phase.
- The Chipping Close entrance / exit should be closed during anti-social hours. The use of an entrance on Chipping Close will contribute to more noise and disturbance to residents.
- The development will impinge on the lands, management and future development of no.2 Bruce Road.
- The proposed development will add stress onto the existing water and drainage capacity.

#### Highways:

- More vehicles to be parked in the area than the number of parking spaces provided by the hotel.
- It is unlikely that hotel guests will pay to park in the Spires overnight when free overnight parking is available on local streets and in council car parks.
- Parking in the area is oversubscribed. The hotel will exacerbate this problem at the detriment of local businesses, customers and residents.
- The proposed hotel would cause a critical increase in the use of the very limited free visitor and residents' overnight parking available. This would be a great inconvenience to local residents and other existing visitors.
- Increased vehicular traffic and parking is likely to cause an increase in vehicle crime to the detriment of local residents.
- The development will result in a significant increase in traffic congestion and stress on the already limited number of parking spaces available locally.
- A new Controlled Parking Zone should be created along Chipping Close to protect resident parking at all times of the day.
- Most people will access the site via car and not the local tube station which is a 20-minute walk-away. This will add to local traffic congestion.
- Only 1 disabled parking bay has been provided for 101 rooms and staff combined. This is not accessibility.
- The proposal would use Bruce Road as its primary vehicle access. This would generate increased vehicle traffic to and from Bruce Road at the challenging junction with St Albans Road.
- There is no possible safe provision for the inevitable arrivals and departures by coach.

#### Statutory Consultees:

- Heritage & Conservation: Acceptable subject to conditions. The proposed design involved extensive design review and iteration. The Council's Heritage and Design Officer was actively involved in each stage of the design process.
- Environmental Health: Acceptable subject to conditions and informatives
- Highways: Acceptable subject to Travel Plan (106 Agreement), conditions and informatives
- Arboriculturalist: Acceptable subject to conditions and informatives
- Sustainable Urban Drainage: Acceptable subject to conditions and informatives
- Historic England: No objection
- Thames Water: Raised concerns regarding the inability of the existing surface water infrastructure to accommodate the needs of the proposed development. Revised plans

were submitted which have been reviewed and considered acceptable. A condition has been attached

- Fire Brigade: No objection

The Monken Hadley and Wood Street Conservation Area Advisory Committee were consulted on this application and made the following comments:

- Apprehensive about the lack of parking and increased traffic in a narrow road.
- Some street greenery is needed.
- Like to see heritage signage to interesting parts of Barnet.

## **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 27 March 2012. 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 Mayor's 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, CS4, CS5, CS6, CS10, CS14, CS15.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM11, DM13, DM17.

#### Supplementary Planning Documents

- Sustainable Design and Construction SPD (2016)
- Chipping Barnet Town Centre Strategy (2013)
- The Spires Shopping Centre, Market Site and Territorial Army Centre - Chipping Barnet (July 2012)

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

The main issues for consideration in this case are:

- Principle of site redevelopment
- Whether harm would be caused to the character and appearance of the application site, the wider street scene and the Monken Hadley Conservation Area;
- Whether harm would be caused to the amenity of neighbouring residents;
- Whether harm would be caused to parking and traffic in the surrounding area;
- Whether the proposed development meets sustainability standards;
- Whether sufficient refuse storage has been provided.

### **5.3 Assessment of proposals**

#### **Principle of Site Redevelopment**

This application proposes the erection of a part 3, part four-storey hotel (Class C1) on the now vacant former site of the Barnet Market. The proposed development would create 100 bedrooms, a 235m<sup>2</sup> ancillary restaurant at ground-floor level and provide associated car and cycle parking provision via Bruce Road and the NCP car park on Staplyton Road. As outlined in the relevant planning history section above, planning permission has recently been granted to relocate the Barnet Market to the front of The Spires Shopping Centre on Staplyton Road (ref: 18/2483/FUL). It is anticipated that the relocation of the market will provide a greater level of visibility and generate increased footfall with the aim of securing the long-term viability and future of an important community amenity. Consequently, the approved relocation of the market has created a large vacant site within the Chipping Barnet Town Centre and along part of the town centre's Primary Shopping Frontage on St Albans Road.

Map 5 of Chipping Barnet Town Centre Strategy (2013) shows that the market site is located within Character Area 3 'High Street - Principle Retail Area'. This is due to its proximal location to The Spires Shopping Centre, the High Street and the service offering the market itself delivered. The Spires Shopping Centre, Market Site and Territorial Army Centre (2012) refers to this area as the 'retail triangle' and along with the Chipping Barnet Town Centre Strategy (2013) provides a range of objectives and strategies to promote its long-term viability and vibrancy from a design, economic and social perspective.

Within this area the Chipping Barnet Town Centre Strategy (2013) states a number of key objectives:

- To improve the quality and range of the retail and leisure offer within the town centre with re-provision of the historic Barnet Market at its heart.
- Encourage reasonable expansion and improvement of the retail offer.
- Secure the future of Barnet Market so it is able to effectively contribute to the town centre economy.



- Identify development sites and encourage development on these to bring investment and new uses to the town centre.

The Spires Shopping Centre, Market Site and Territorial Army Centre (2012) expands on the above by stating an important aim of the 'retail triangle' is 'Enhancing the vitality and viability of the town centre'. It states a desire for:

An appropriate mix of land uses that generate and attract activity at different times and days of the week in an area is key to achieving vitality. One of the problems in this part of Chipping Barnet is that it is a largely retail dominated area which becomes very quiet in the evening.

In order to achieve this stated aim, The Spires Shopping Centre, Market Site and Territorial Army Centre (2012) proposes three strategies:

- Enhancing and expanding the offer provided by the Spires through opening up its current frontage and improving pedestrian linkages through the centre.
- Exploring opportunities to incorporate Barnet Market into the Spires thereby creating a retail triangle between the High Street / the Spires and Barnet Market and enhancing access and viability of all three retail offers.
- Improving the layout of units to encourage take up by established retailers thereby providing further anchor attractions to encourage footfall to this part of the centre.

The stated local policy documents place significant importance on the long-term viability and vibrancy of the retail triangle and wider Chipping Barnet Town Centre through the development of an expanded retail and service offering, which seeks to increase footfall throughout the day, deliver new investment into the town centre and attract anchor attractions that also bring new end users into the town centre. All of these strategies place the long-term future of the Barnet Market at its core, with relocation a stated strategy.

Policy DM11 outlines the development principles for Barnet's Town Centre. It states that:

The council will consider hotels and hostels as tourism related development and expect them to locate in a town centre with good public transport links with central London. There are fourteen districts and one major town centre in Barnet, of which twelve have tube or rail links with central London. Due to the potential impact on residential amenity the development of hotels or hostels just outside the town centre boundary will not be acceptable.

This states very clearly that hotels are not only an appropriate use within a town centre location, but that the Council expects new hotels to be located there. Therefore, it is considered that the provision of a hotel at the application site is not only policy compliant and a wholly appropriate use within a town centre location, but it also provides a use which aligns with the stated aims and objectives of the Chipping Barnet Town Centre Strategy by contributing to the delivery of a vibrant, viable and mixed service offering within the retail triangle. Furthermore, it is considered the proposed ancillary restaurant to be located at ground floor level fronting onto St Albans would also represent a use appropriate for a town centre location, with the additional benefit of providing active frontage within an area designated by the Development Management Policies (2012) as a Primary Shopping Frontage (Map 2 - Chipping Barnet Town Centre).

It should also be noted that a considerable benefit of this scheme is the applicant's financial contribution via a section 106 agreement to providing and enhancing local

employment opportunities for Barnet residents. This will include support for apprenticeship schemes and employment training and providing career pathways for local residents. In addition to this, the application would be liable for a Community Infrastructure Levy contribution. These financial contributions directly support the vitality and vibrancy of the Chipping Barnet Town Centre through new investment and an anchor development to attract new end-users and they also have a direct social and economic benefit for the local residents of Barnet by providing funding for local employment and skills training schemes.

Based on the above, it is deemed that the proposed creation of a hotel and ancillary restaurant at the application site is acceptable in-principle and complies and aligns with relevant local policy and the stated aims and objectives of the Chipping Barnet Town Centre strategy.

### **Character and Appearance**

The proposed development has come forward following extensive design discussions with the Council's Planning, Design and Heritage Officers. The proposed design has been developed and shaped in view of the following policy considerations:

Policy DM01:

- a. All development should represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change mitigation and adaptation.
- b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.
- c. Development proposals should ensure attractive, safe and, where appropriate, vibrant streets which provide visual interest, particularly at street level and avoid blank walls.

Policy DM06:

- b. Development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

Development principle 1 (The Spires Shopping Centre, Market Site and Territorial Army Centre (July 2012)

- Ensuring that development is sensitive to the variations in character across the town centre from the conservation area boundary to the heart of the town centre and reflecting this in the form and density of development proposed.
- Ensuring the height/massing of any new buildings respects the existing townscape which is predominantly two and three-storey in scale.
- Ensuring that street facing retail frontages reflect the historic nature of the town centre.

Development principle 2 (The Spires Shopping Centre, Market Site and Territorial Army Centre (July 2012)

- Ensuring high quality design to maximise the opportunities presented by any development, with new development in accordance with relevant national guidance such as Building for Life and By Design.

- Ensuring that retail development is outward rather than inward facing to maximise linkages with other parts of the town centre and promote active frontages.
- Ensuring that opportunities provided by brownfield/windfall sites are maximised.
- Ensuring a future for Barnet Market, either in its current location with enhanced linkages and improved visibility or on a new site within the town centre.
- Ensuring that new retail development includes active frontages, where appropriate, to the surrounding streets as well as within the Spires to maximise linkages to other parts of the town centre.

Scale:

The proposed scale reflects a number of key considerations:

- Its conservation area setting;
- Adjacent streetscape;
- Adjacent uses;
- Bringing forward a development which contributes to the long-term viability and vibrancy of the Chipping Barnet Town Centre as outlined in the policy objectives previously stated.

The proposed design has sought to respect the scale and residential use of the two and three-storey dwellings opposite the application site. The proposed Chipping Close elevation create a more appropriate residential scale and architectural form, whilst providing a set-back of 10m to better protect neighbouring amenity and ensure the hotel development does not create a visual overbearing when viewed in relation to the adjacent terraced properties. The St Albans elevation has been designed to respect and sit comfortably adjacent to the predominantly two and three-storey streetscape. The elevation includes a front gable design which provides visual interest and reference to the fact it is the principal elevation along a main road, whilst ensuring the overall scale is proportionate to the adjacent streetscape. The Bruce Road elevation raises to four-storeys but includes a mansard style roof form to soften its vertical scale and provide a visual distinction from the three-storeys of brick cladding below. The views to this elevation are limited to Bruce Road and the Spires Shopping Centre service yard and do not inform or conflict with the primary streetscape of the High Street, St Albans Road or Chipping Close. It should be noted that there are proximally located 4-storey buildings within the Chipping Barnet Town Centre, and the Bruce Road elevation faces onto the Spires Shopping Centre, where the adjacent form of the shopping centre sits comparatively at a four-storey scale. Consequently, the proposed fourth-storey element is not without visual reference within the context of surrounding building scales.

The visual impact of the fourth floor has been extensively mapped within the applicant's Design and Access Statement and was the subject of a number of design iterations in advance of formal submission. The fourth storey has been set-back off the St Albans elevation to limit its visual impact when viewed along St Albans Road and as can be seen in the CGI analysis provided within the applicant's Design and Access Statement, the fourth storey will not be visible from the pavement level on Chipping Close and directly opposite on St Albans Road. It is noted that a previous development which was granted permission in 2011 on the application site but never implemented (Ref: B/03642/10) included a fourth storey element. Therefore, a four-storey scale at the application site is not without precedent. While it is acknowledged that the fourth storey previously approved was 0.27m lower than proposed and was of less mass, the proposed has provided a greater set-back from the St Albans Road which better serves to mitigate its visual impact. This is coupled with the fact the building is also set further back from the pavement edge. It is appreciated that the building would appear more consistent if capped at three storeys.

However, in order to ensure the viability of the scheme in view of the stated aims and objectives outlined within the Chipping Barnet Town Centre Strategy, it is considered that the wider regenerative benefits of the scheme outweigh the potential visual impact caused by the fourth storey. It is deemed that the design has sufficiently demonstrated that the visual impact of the fourth storey will be largely mitigated when viewed within the wider streetscene of St Albans Road, Chipping Close and the High Street.

Regarding the western elevation, this faces onto an area of large mature trees that surround a passageway linking Staplyton Road and Chipping Close. As shown in the CGI analysis contained within the applicant's Design and Access Statement, the fourth storey has limited prominence when viewed from Staplyton Road. The CGI produced shows the fourth storey in the context of the winter months when tree foliage is limited. Despite limited tree coverage, the fourth storey element has limited visibility.

In summary, it is considered that the scale of the development is acceptable on balance. Its proposed part three and part four-storey scale is not considered to be out of keeping with surrounding uses and building scales within Chipping Barnet Town Centre. It is accepted that the fourth storey is larger than the fourth storey previously approved at the application site by 270mm, but it is considered that the design and proposed set-backs adequately mitigate the visual impact. The scale has also been considered in view of the wider aims and objectives of the Chipping Barnet Town Centre Strategy and it is considered that the wider regenerative benefits of the scheme significantly outweigh any visual impact resulting from the limited views of the fourth storey when viewed from Bruce Road and the service yard of the Spires Shopping Centre. As will be discussed below, the design provides a high-level of architectural and conservation style detailing which is considered to be a significant improvement to the appearance of the application sites and an enhancement to the streetscape of the Monken Hadley Conservation Area and Chipping Barnet Town Centre.

#### Elevational Treatments:

The proposed plans have been reviewed by the Council's Heritage and Design Officer who is satisfied that the proposed design and elevational treatments are acceptable and would not cause harm to the character and appearance of the Monken Hadley Conservation Area. The proposed design has undergone significant design iteration as is evidenced within the applicant's Design and Access Statement, to result in a scheme which is considered to protect and enhance the character and appearance of the Monken Hadley Conservation Area and Chipping Barnet Town Centre.

The application site is currently a disused surface level car park which if anything detracts from the character and appearance of the conservation area and results in an area of non-active frontage along the Primary Shopping Frontage of Chipping Barnet's Town Centre. With the Barnet Market relocating to a different site outside the entrance of the Spires, the retention of a surface level car park in a town centre location neither provides public or visual amenity, or contributes to wider aims and objectives of the established Chipping Barnet Town Centre Strategy. Therefore, given a policy compliant use has come forward to develop the site, an important consideration was then ensuring the built form respected and enhanced the visual appearance of the adjacent streetscape and Monken Hadley Conservation Area and provided an active frontage along St Albans Road that repaired the fractured streetscene and reinforced the importance of the Primary Shopping Frontage within Barnet Town Centre.

Following a review of the adjacent streetscape, particularly the residential terraced properties opposite on Chipping Close, it was considered that a more traditional built form was the most appropriate approach. Consequently, the Chipping Close elevation has sought to replicate the facade and detailing of the terrace properties opposite, introducing complimentary cill-to-window ratios, brick design and chimneys with terracotta stacks. Insets in the elevation provide a degree of façade relief and enable the introduction of soft landscaping given the increased pavement widths. Attention has been given to ensuring all facing materials proposed are appropriate for the conservation area setting, including timber sash windows, stone cills, conservation-style roof lights and natural slate roof tiles. It is considered that the elevational design and detailing along Chipping Close creates a residential scale and form which respects and enhances the existing streetscape.

The St Albans Road elevation has focused on creating both visual interest and a traditional style street frontage at ground floor level. The elevation includes a prominent gable form which centres the façade and provides a visual reference to the fact it is the principal elevation. Slim cheek timber sash dormers are included on the roof to enable viable floor space at third storey level whilst retaining an appropriate scale and sloped roof form. Dormers are evident within the Chipping Barnet Town Centre and therefore considered an appropriate addition to the proposed design. On the ground floor, a timber frontage has been included with large traditional style glazing with slim timber frames. The front building line has been recessed from no.2 Bruce Road to create a wider pedestrian pavement. This will also provide scope to introduce much needed soft landscaping to a stretch of St Albans Road and Chipping Close which is quite hard. Soft Landscaping details will be secured via condition. As the St Albans Road façade wraps around the building a change in the colour of the brick and an inset in the façade helps the building to transition from a more retail-focused character to the residential one prevalent along Chipping Close. The size and alignment of the fenestration was maintained to ensure visual consistency.

The Bruce Road elevation has introduced the brick detailing from the Chipping Close elevation, whilst contrasting this with the brick used on the St Albans Road to enable a more consistent design vernacular across the building. The insets in the façade are minimal but enough along with the change in brick colour to provide visual relief to what is quite a long façade. The fenestration and dormers are well aligned, with the smaller sized dormer windows providing a sense of building hierarchy.

The west elevation at ground and first-floor level will be largely obscured by a neighbouring building. However, in order to provide a contrast in colour and texture, a natural slate roof has been applied to the side of the fourth storey. The brick pattern used replicates the dwellings located opposite the hotel on Chipping Close to reinforce the street's residential character for those accessing Chipping Close from Staplyton Road.

Public comments have been made in regard to how the proposed design addresses the triangular space left vacant in-between no.2 Bruce Road and the application site. As shown on the proposed elevational drawings, a timber fence and gate is proposed which ensures this space is both secure from the public, but accessible to the land owner should that be required. The timber fencing along with all facing materials proposed will be secured via condition.

The applicant recognises the historical significance of the site to both the residents and the economic development of Barnet. Consequently, a condition will be attached to any permission to ensure a plaque or floor slab is installed on the site which commemorates the historical significance of the site and its former use as a market. Further discussion will

be had with the applicant regarding what information can be located within the hotel to commemorate the sites historical significance.

As outlined in the consultee responses above, Historic England was consulted regarding the potential for archaeologically significant artefacts located on the application site. Their conclusion stated:

The Former Barnet Market site was subject to an archaeological evaluation in 2008. This found several archaeological features but nothing of sufficient interest to merit further investigation or preservation. No further assessment or conditions are therefore necessary.

For reference, this application does not give permission for any signage on the building. This would be the subject of a separate advertisement consent application. Any subsequent application would require signage to be appropriate for its setting within the Monken Hadley Conservation Area.

It is considered that the proposed design and conservation-style materials result in a high-quality form of development which protects and enhances the appearance of the Monken Hadley Conservation Area and appropriately addresses the character nuances of St Albans Road and Chipping Close. It is deemed that the design is compliant with both Policies DM01 and DM06 and appropriately addresses the Development Principles within The Spires Shopping Centre, Market Site and Territorial Army Centre (July 2012) which call for a development that is 'sensitive to the variations in character across the town centre', ensures the height and massing of new building 'respects the existing townscape' and provides a street facing retail frontage that 'reflects the historic nature of the town centre'. The design appropriately addresses the demands of maximising the potential of a brownfield site, providing a commercially viable scheme that will support the long-term aims and objectives of the Chipping Barnet Town Centre Strategy, whilst ensuring its architectural form and design detailing enhances the visual appearance of the Monken Hadley Conservation Area and wider Chipping Barnet Town Centre. It creates both a residential scale along Chipping Close and a vibrant retail offering and active streetscene along St Albans Road which forms part of the Primary Shopping Frontage of Chipping Barnet Town Centre. Furthermore, it replaces a vacant surface level car park which since the relocation of the Barnet Market, provides neither public or visual amenity to an important gateway site which announces the arrival into both the Chipping Barnet Town Centre and Monken Hadley Conservation Area. As noted above, the proposal would enable the introduction of much needed soft landscaping along St Albans Road and Chipping Close, a significant improvement to the extensive hard surfacing currently characteristic of the application site.

Based on the above, it is deemed that the proposed development would not cause harm to, but would rather enhance the character and appearance of the application site, Chipping Barnet Town Centre and Monken Hadley Conservation Area. Furthermore, the proposal would not result in harm to the archaeological significance of the site as confirmed by Historic England. It is consequently recommended for approval on character grounds.

### **Neighbouring Amenity**

Paragraph 2.7.1 of Policy DM01 states that:

Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the boroughs residents. 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.

#### Privacy:

The proposed development provides a set-back of 10.3m from the residential dwellings located on Chipping Close. It should be noted that the previously approved development on the site (ref: B/03642/10) provided a 9m set-back and therefore placed windows serving habitable rooms 1.3m closer to the existing dwellings on Chipping Close. It is considered that the set-back proposed is acceptable and will not result in a significant loss of privacy for neighbouring occupiers. Any future development on the site whether residential, a hotel, or an office would result in new windows facing onto the existing dwellings on Chipping Close. The site is an undeveloped brownfield site in an important town centre location which will attract development in the future. Any future development will have a greater impact than a vacant surface level car park. However, in this instance, it is deemed that the level of impact caused is both acceptable and reasonable, with the increased set-back proposed an improvement to the set-back previously approved (ref: B/03642/10) and considered acceptable on amenity grounds.

#### Daylight / Sunlight:

The applicant has submitted an extensive Daylight and Sunlight Report which assesses the impact of the proposed development on neighbouring properties, particularly those located opposite on Chipping Close. The report provides the results of both the Vertical Sky Component (VSC) and Average Daylight Factor (ADF) tests conducted. Regarding daylight the report concludes that of all 62 windows tested all would continue to enjoy high levels of natural daylight in excess of BRE guidelines (maintaining VSC levels of between 23% and 28%), and regarding sunlight full compliance is achieved with all (100%) of the windows tested continuing to meet the target values as set out in the BRE guidelines. As outlined in the privacy section above, any development that comes forward will have a greater impact on daylight / sunlight than a surface level car park. However, it is considered that the proposed development has demonstrated that it both maintains and protects neighbouring amenity in regard to daylight / sunlight to levels in excess of BRE guidelines, whilst also maximising the development potential of a vacant brownfield site within the Chipping Barnet Town Centre.

#### Air / Noise pollution:

The applicant has submitted Air and Noise Impact Assessments which conclude that the proposed development would not result in a significant impact on neighbouring occupiers and conditions within the area. This conclusion has been accepted by the Council's Environmental Health Department. It is considered that the use of the application site as a surface level car park would result in more air and noise pollution than its use as a hotel and ancillary restaurant. The car park use would at peak times during the day result in potentially 40+ cars accessing the site with associated exhaust fumes and noise from engines etc. Indeed, the hotel use would result in less motorised trip generation throughout the day than if the site was used as a car park. Furthermore, the predominant internal use of the site is for the purposes of sleep, rest and recuperation. Indeed, the hotel provider offer a 'Good Night's Sleep' guarantee, which relies upon noise around the site kept to a

minimum. Noise mitigation is central to the applicant's commercial interests and brand credibility.

Concern has been raised by neighbouring residents about the impact of the restaurant and bar offering at ground floor level and the potential for overspill into the street at anti-social hours of the day. There is always a balance between enabling the proposed use to function within reasonable constraints and protecting neighbouring amenity. Based on a review of restaurant opening times within Chipping Barnet Town Centre it was concluded that an 11pm closing time was appropriate. Residents of the hotel will have some limited access to facilities after 11pm, but the application site will effectively be closed to non-resident guests after 11pm. A condition will also be attached to any future permission to restrict live, amplified or audible music after 10.30pm Sunday to Thursday and after 11pm on Friday and Saturday at the application site. This is representative of restrictions placed on other restaurants within the Chipping Barnet Town Centre and therefore is considered a reasonable compromise between use and amenity given the location of the application site. This is expected to limit trip generation to and from the site at times during the day when neighbouring residential amenity is more acute. This will be secured via condition. It is worth noting that if the site was redeveloped with a higher density residential use, no such time or noise restrictions would be enforced and therefore pedestrian and vehicular access to the application site and certain noise emissions would be unrestrained.

#### Pedestrian / Highways:

This section does not assess the merits of the application from a highways perspective which will be discussed below, but instead assesses what impact the proposed access arrangements to the application site will have from a neighbouring residential amenity.

As discussed in the applicant's submission, all vehicular access to the site will be directed to Bruce Road and the NCP car park on Staplyton Road. A Travel Plan will be secured via a section 106 agreement to ensure the operator of the hotel and restaurant implement appropriate measures to limit the number of trips along Chipping Close and St Albans Road. There will be a monitoring mechanism associated with the Travel Plan which gives the Council the opportunity to review how effective the hotel operator's mitigation measures are in ensuring vehicular activity has the least possible impact on the free flow of vehicular traffic around the application site and on the residential amenity of neighbouring occupiers.

The operator of the hotel has an agreement in place with the NCP car park to provide discounted parking for residents of the hotel and will ensure that when bookings are made customers are referred to Bruce Road and the NCP car park. Firstly, it should be noted that the proposed use will generate less vehicular trips per day than if the site was used as a car park. Secondly, if the site was developed for a residential use the parking demands and requirements would be higher and thirdly, it is unrealistic to expect that all residents of the hotel would arrive by car, taxi or coach. As per DM17, hotels are recommended to be located within town centres because they have a higher level of accessibility by all modes of transport. The site has a PTAL rating of 3. Policy 6.13 of the London Plan (2016) states that 'although no maximum [parking] standards are set for hotels...in locations with a PTAL of 1-3, provision should be consistent with objectives to reduce congestion and traffic levels and to avoid undermining walking, cycling or public transport.' It is considered that discounted access to a large multi-storey car park in close proximity to the hotel, in addition to 5 parking and drop-off spaces on Bruce Road provides an acceptable parking provision and a reasonable solution to reduce congestion and traffic levels. It channels potential trip generations away for one concentrated destination, with two different



locations and associated routes proposed. The site's use has a car park would result in more trip generation than the hotel use, with all vehicular movement concentrated on St Albans Road and Chipping Close. Furthermore, the provision of cycle parking on site and the hotels proximity to bus stops and the High Barnet Tube Station enables other viable modes of transport to the site. It is considered that is in compliance with the London Plan (2016).

Pedestrian access to the site is expected to be mainly located along Chipping Close if accessed from the NCP car park on Staplyton Road, or via St Albans Road if access via public transport or a drop-off in Bruce Road. The main hotel entrance is located on Chipping Close, with the restaurant access provided on the corner of Chipping Close and St Albans Road. However, hotel guests are also able to access the hotel via the restaurant entrance. As discussed above, it is expected that the proposed hours of use coupled with the nature of the hotel's use, will result in the majority of trip generation being in the morning and evening hours, with limited activity expected throughout the night. This is not expected to result in an unacceptable level of noise for adjacent residents.

Some public comments received have raised a concern that the increase of pedestrian activity will increase the likelihood of crime and vandalism. However, it is considered that increased pedestrian activity and 'eyes on the street' will have the opposite effect. The proposed active street frontage at ground floor level also provides an additional layer of street-level activity and 'eyes on the street'. A surface level car park provides limited surveillance and creates hidden or enclosed spaces which can lead to increased levels of anti-social behaviour and disturbance. The applicant has designed the proposed development to achieve Secure by design standards with the aim of reducing opportunities for crime.

Based on the details provided, mitigation measures proposed and conditions to be attached to any permission, it is considered that the proposal will have an acceptable impact on the residential amenity of neighbouring occupiers. The proposal protects the daylight and sunlight provision to neighbouring occupiers to levels in excess of BRE standards, has introduced a 10.3m set-back from neighbouring dwellings on Chipping Close to protect neighbouring privacy, a set-back increase of 1.3m from the previously approved scheme at the application site (Ref: B/03642/10), and has evidenced that air and noise pollution would not have a harmful impact on the site's immediate surroundings. Furthermore, the proposal has provided measures to mitigate the impact of vehicular and pedestrian access to the site on neighbouring residential amenity, measures which are considered to be compliant with London Plan (2016) standards. As outlined above, hours of use for the restaurant will be secured via condition. It is considered that the proposal appropriately addresses the need to maximise the development potential of a vacant brownfield site within a town centre location as per the Chipping Barnet Town Centre Strategy, whilst protecting residential amenity in line with local and national standards. Consequently, this application is recommended for approval on amenity grounds.

## **Highways**

As stated within the applicant's submission, the proposal provides 5 parking spaces including one blue badge space on Bruce Road and 24-hour discounted access to the proximally located NCP car park on Staplyton Road. The proposal also provides 9 cycle parking spaces. The Council's Highways Department have reviewed the Transport Statement submitted by the applicant and consider it acceptable subject to conditions and a Travel Plan to be secured via a S.106 agreement.

As there are no specific parking standards for a hotel development within the London Plan (2016), each application is assessed on its individual merits. The following have been considered as part of this application:

- The site is located within a town centre location and close to local amenities;
- The site is located within a walking distance of the A1000 Great North Road which is served well by public transport;
- The site is within an All-Day Control Parking Zone which operates from 8am and 6.30pm from Monday to Saturday;
- There are public car parks and the Spires car park within walking distance of the site.

#### Parking Arrangements:

As outlined above, the applicant has an agreement with the NCP car park on Staplyton Road to provide discounted 24-hour parking to hotel customers. This is expected to be desirable for those guests who are staying at the hotel with the intention to spend extended periods of time in Central London through day time hours, as opposed to parking a car in an area with Controlled Parking Zone (CPZ) constraints. The arrangement with the NCP car park is common for developments of this nature given it does not conflict directly with retail parking demand and provides secure off-street parking off-site in built-up areas. Parking accumulation surveys have been submitted to demonstrate an acceptable impact on capacity levels at the NCP car park.

In addition to the NCP car park, 5 parking spaces, including 1 blue badge space have been provided on Bruce Road. These parking spaces are primarily meant to function as a drop-off facility for the hotel in order to reduce traffic congestion on St Albans Road and trip generation along Chipping Close. They also provide additional parking provision if required. As stated above, parking provision at two separate locations is expected to disperse vehicular journeys across the surrounding public highway network instead of an over concentration of journeys along the same route. Use of the site as a car park would generate more traffic and concentrate all of those journeys along St Albans Road and Chipping Close.

#### Trip Generation:

A Transport Assessment has been provided by the applicant to quantify and qualify the proposed highways strategy. The report predicts that the proposed hotel would generate a total of 232 two-way movements (by all modes) over the course of a typical weekday. This would comprise 23 two-way movements during the AM peak hour and 18 two-way movements during the PM peak hour, assuming full occupancy. Approximately 141 two-way journeys would be made by vehicles, comprising 14 during the AM peak hour (one extra every 4.5 mins) and 12 during the PM peak hour (one extra every 5 mins). As aforementioned, it should be noted that the proposed development represents a reduction in trip generation figures when compared with the existing car park and former market use. Typically, the proposed type of hotel has no peak time periods of use. The majority of trips are evenly spread throughout the core hours of the developments operation.

Further to the above, the Transport Assessment also concludes that not all vehicular trips would be new to the network, with hotel guests likely to be travelling into the area for business or leisure regardless of the Premier Inn. Rather, the Premier Inn would provide conveniently located accommodation for visitors on a pre-determined journey.

#### Public Transport:

The development is served by bus routes 234, 326, 383, 384, and 389, with the associated bus stops located within walking distance of the site. The development is also within walking distance of High Barnet London Underground Station which is served by the Northern Line. The hotel operator will provide journey planning information to all customers wishing to travel to the site via public transport. The likely level of public transport trip generation associated with the development will not impact negatively on the existing capacity of the surrounding public transport network.

#### Servicing / Delivery Arrangements:

The Transport Statement provided proposes that all delivery and servicing activity associated with the development would be accommodated from the Spire Shopping Centre service yard immediately to the south of the site. This arrangement has been legally agreed with the operator of the Shopping Centre. It is considered that the provision of service vehicles at this location will have no further impact on the existing operation of this yard.

#### Controlled Parking Zone (CPZ):

It has been noted that a number of the public comments received expressed concern about the potential overspill of parking along Chipping Close, given that the street is not subject to a 24-hour CPZ. The concern is customers of the hotel would rather park on the street for free instead of paying to park at the NCP car park on Staplyton Road. It should be noted that the residents of Chipping Close can make a request to the Council to conduct a CPZ review if they believe that there is a significant increase in parking stress on their road. However, as this development proposes a small amount of parking on site and provides measures to mitigate the likelihood of overspill parking on the surrounding highway network, the Highways Department have confirmed that a CPZ review would not be required in association with this application.

#### Coach Parking:

As stated in the applicant's submission the hotel operator rarely accepts coach bookings. It states that:

The Premier Inn website does not allow group bookings to be made, instead directing guests to phone a dedicated number if they require more than 4 bedrooms. Details of any groups are therefore obtained at an early stage and communicated with the hotel management. Premier Inn locations that do generate coach trade are typically located close to sporting venues (e.g. Wembley) and major tourist destinations. In the unusual event of a coach arriving, this would be managed by Premier Inn and any drop-off / pick-up would be directed to take place within the Spires service yard area. A legal agreement is in place to facilitate this.

Coach travel will be referenced within the Travel Plan to be secured via a s.106 agreement and the impacts of this will be monitored by the Council to ensure any impact on the free flow of the surrounding highways network and residential amenity of neighbouring occupiers is appropriately managed.

#### Cycle Parking:

The proposal provides 9 cycle spaces. Policy 6.9 of the London Plan (2016) requires 1 space per 20 bedrooms for long-stay and 1 space per 50 bedrooms for short-stay. The proposed provision would comply with the stated policy requirements and will be secured via condition.

Based on the above and the positive recommendation received by the Council's Highways Department following review, it is considered that this application is acceptable on highways grounds.

## **Sustainability**

Policy 5.2 of the London Plan (2016) outlines the sustainability requirements expected from non-domestic buildings. It states that:

A) Development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

C) Major development proposals should include a detailed energy assessment to demonstrate how the targets for carbon dioxide emissions reduction are met within the framework of the energy hierarchy.

The applicant has provided a Sustainability Statement which sets out the proposed strategy including the provision of PV panels on the roof of the fourth storey. The statement provides amongst others the following commitments:

A CO2 emissions reduction of 35% beyond the requirements of the Building Regulations Part L 2013 will be achieved through a combination of passive design, energy efficiency measures and provision of ASHP and PV.

BREEAM sets the standard for best practice in sustainable design and has become the de facto measure used to describe a building's environmental performance. The project will be assessed using BREEAM and rating of 'Very Good' is being targeted.

The stated recommendations above will be secured via condition.

Concern was raised by Thames Water regarding the inability of the existing surface water infrastructure to accommodate the needs of the proposed development. The applicant's drainage consultant provided a revised drainage strategy which was reviewed by Thames Water and considered acceptable. A drainage condition will be attached to any permission which will require further consultation with Thames Water before final sign-off.

Based on the information provided, it is considered that this application is acceptable on sustainability grounds and sufficiently demonstrates how the measures proposed would meet the aims and objectives of the London Plan (2016) regarding energy efficiency, renewable energy and carbon reduction.

## **Refuse**

The applicant has provided a Delivery and Servicing Management Plan which outlines the servicing arrangements for the hotel and ancillary restaurant. The proposed plan states

that safe and secure refuse stores will be provided within the Spires Shopping Centre service yard to the south of the site. Refuse and recycling waste collections will be carried out from the service yard by Veolia, the utilities company which provides most of the refuse and recycling services for Whitbread developments. This arrangement is considered acceptable and will be secured via condition.

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

All public comments have been received and acknowledged. Where they address material considerations, they have been discussed in the report above. For clarity please see below:

- The building design is good but could be improved with the addition of soft landscaping along the Chipping Close elevation to brighten and soften the side of the building.

Soft landscaping has been introduced on St Albans and Chipping Close.

- The proposed hotel will be in keeping with the surroundings.

Noted.

- Shops and apartments on Barnet High Street which back onto the application site are already 3-4 storeys. Therefore, there isn't a problem with the three / four storeys proposed.

Noted.

- Proposals to move the market to the band stand area will only help to improve the footfall and thus customers to the market. All of which will help to reverse the decline of the high street.

Noted.

- The development could contribute towards attracting other big-name retailers to the empty units of the Spires Shopping Centre.

Noted.

- Plans to develop this empty site should be welcomed. The project will bring a much-needed boost to Barnet's struggling town centre.

Noted.

- The application (18/2483/FUL) to relocate the market to The Spires bandstand site must be approved.

This application has been approved.

- The Inn's impact on traffic and on-street parking must be reviewed and acceptable solutions agreed.

The Council's Highways Department have assessed the proposed impacts on traffic and on-street parking following a review of the applicant's Transport Statement and proposed Travel Plan and deemed them to be acceptable.

- Premier Inn signage and branding must follow Conservation Area guidelines.

This will be subject to a separate advertisement consent application and will be subject to conservation area guidelines.

- More planting such as window boxes are needed to extend the greening of the town centre.

Soft landscaping has been introduced on St Albans and Chipping Close.

- Premier Inns should be required to contribute to visitor information about the history of Chipping Barnet.

A plaque or floor slab commemorating the historical importance of the application site will be installed on the site. This will be secured via condition and will include discussions around the provision of visitor information within the hotel.

- The empty triangle between hotel and Dory's café must be neatly secured.

A secure timber fence and gate are proposed.

- The St Albans Road 1st floor window spacing is uncomfortable, the 'shopfronts' terminate non-traditionally and the Bruce Road red brick is unnecessary. Brick samples must be approved.

This has been addressed in the character section.

- If this application is approved could one condition of approval be that the developer is to include interpretive information about the history of the site, e.g. a plaque relating to the Market Charter on the outside, or a display inside the hotel.

A plaque or floor slab commemorating the historical importance of the application site will be installed on the site. This will be secured via condition and will include discussions around the provision of visitor information within the hotel.

- If a large hotel can give the area an economic boost it would be good for the area.

Noted.

- Support the proposed development in-principle and are particularly pleased with the design, with one reservation. The fourth floor will detract from the appearance of the wider conservation area and will also be very detrimental to the aesthetic appeal of the building.

This has been addressed in the character section.

- Concerned at the potential for disturbance to residents in Chipping Close from rowdy residents returning late evening and from wheeled suitcase being pulled by residents leaving early morning.

This has been addressed in the amenity section and an hours of use condition will also be attached to any future permission.

- Concern about the use of the Chipping Close entrance leading to increased footfall to the detriment of neighbouring residents.

This has been addressed in the amenity section.

- Further consideration should be given to blocking the wedge-shaped gap between the hotel and Dory's cafe which has the potential to gather rubbish or be used for unsocial activity.

A secure timber fence and gate are proposed.

- The wider pavement on Chipping Close should be partly used for planting rather than just being paved.

Soft landscaping has been introduced on St Albans and Chipping Close.

- There is no commercial need for a hotel of this size in Barnet.

This is not a material planning consideration.

- The regeneration of the High Road (street) is a higher priority for the town than the building of this hotel.

This site forms part of the wider Chipping Barnet Town Centre Strategy. Please refer to supplementary documents outlined in the report.

- The proposed development will result in the loss of one of the last remaining public amenity spaces in Barnet.

The Barnet Market has been relocated. Therefore, the site is a vacant surface level car park which provides limited public and visual amenity.

- A community use should be built on the site.

A hotel and ancillary restaurant is considered an appropriate use for this location and is policy compliant.

- This development would result in the loss of a historic market site and an irreplaceable amenity to High Barnet.

The Barnet Market is being relocated not lost. See relevant planning history section above.

- The area allocated for the relocation of the Barnet Market is restrictive and can only accommodate a few stalls. The original Barnet Market should be rejuvenated.

This has been addressed in the Barnet Market relocation application. See relevant planning history section above.

- The addition of restaurants to the ground floor does not add to the facilities in the area. There are ample food outlets in the High Street.

This is not a material planning consideration.

- The proposed development will not contribute to the vitality and viability of the centre.

This is unsubstantiated. The proposed use is considered compliant with local planning policy and in line with the aims and objectives of the Chipping Barnet Town Centre Strategy.

- The proposal states that 50 jobs will be created but there is no certainty about this or how many of these will be full or part time.

This will be address within a Local Employment Agreement secured via a Section 106 Agreement.

- There are no assurances or proposals on local recruitment guaranteed by a Section 106 Agreement.

This application is subject to a Local Employment Agreement secured via a Section 106 Agreement.

- The proposed four-storey rear elevation onto Bruce Road is of an unacceptable architectural and general aesthetic standard for any new building in an historic town.

This is addressed in the character section.

- The development is out of keeping with the designated Conservation Area.

This is addressed in the character section.

- Pleased with the thought that has gone into the appearance of the hotel on the Chipping Close but object to the fourth floor which is a considerable overdevelopment of the site.

This is addressed in the character section.

- The proposed design and appearance is a pastiche. It is unimaginative and inappropriate for the conservation area and for a site with such an important historic legacy.

This is addressed in the character section.

- The proposal is for a hotel and therefore should confidently reflect this in a high quality modern design appropriate to the sensitivities of the site and its location in a conservation area.

This is addressed in the character section.

- The proposed development will result in an increased noise and air pollution caused by traffic, parking, idling engines and footfall throughout the day and night.

The proposed development will result in a reduction in vehicular trip generation and consequently less noise and air pollution. This is expanded upon in the amenity section above.

- Chipping Close is a cul-de-sac and therefore taxis and other vehicular movements within the street will cause traffic congestion and noise and air pollution to the detriment of local residents.



This is expanded upon in the amenity section above.

- The Hotels proximity to dwellings opposite on Chipping Close would be inappropriate. The hotel would block the light to the dwellings opposite on Chipping Close and result in the loss of privacy for neighbouring residents.

This is addressed in the amenity section above. Daylight and sunlight received to the occupants of Chipping Close is in excess of BRE standards. Furthermore, there is a 10.3m set-back from the dwellings opposite, an increase of 1.3m from the 9m set-back previously approved on the site (see relevant planning history section above).

- Increased noise from people using the hotel and restaurant congregating outside on Chipping Close.

This is addressed in the amenity section above. An hours of use condition will be attached to any planning permission.

- The development would harm views for neighbouring residents.

This is not a material planning consideration.

- The development will harm the resale values of adjacent properties.

This is not a material planning consideration.

- There will be significant noise and dust during the construction phase.

This has been addressed in the applicant's Air Pollution Report and will be further addressed in a Construction Method Statement to be secured via condition.

- The Chipping Close entrance / exit should be closed during anti-social hours. The use of an entrance on Chipping Close will contribute to more noise and disturbance to residents.

This is addressed in the amenity section. An hours of use condition will be attached to any planning permission.

- The development will impinge on the lands, management and future development of no.2 Bruce Road.

This is a civil matter.

- The proposed development will add stress onto the existing water and drainage capacity.

This has been addressed in the Sustainability section.

- More vehicles to be parked in the area than the number of parking spaces provided by the hotel.

This has been addressed in the Highways section.

- It is unlikely that hotel guests will pay to park in the Spires overnight when free overnight parking is available on local streets and in council car parks.

This has been addressed in the Highways section.

- Parking in the area is oversubscribed. The hotel will exacerbate this problem at the detriment of local businesses, customers and residents.

The proposal has been reviewed by the Council's Highways Department and deemed acceptable.

- The proposed hotel would cause a critical increase in the use of the very limited free visitor and residents' overnight parking available. This would be a great inconvenience to local residents and other existing visitors.

The proposal has been reviewed by the Council's Highways Department and deemed acceptable.

- Increased vehicular traffic and parking is likely to cause an increase in vehicle crime to the detriment of local residents.

The hotel will result in less trip generation than the existing surface level car park use.

- The development will result in a significant increase in traffic congestion and stress on the already limited number of parking spaces available locally.

The hotel will result in less trip generation than the existing surface level car park use. See amenity and highways sections.

- A new Controlled Parking Zone should be created along Chipping Close to protect resident parking at all times of the day.

This has been addressed in the Highways section.

- Most people will access the site via car and not the local tube station which is a 20-minute walk-away. This will add to local traffic congestion.

This has been addressed in the Highways section.

- Only 1 disabled parking bay has been provided for 101 rooms and staff combined. This is not accessibility.

The proposal has been reviewed by the Council's Highways Department and deemed acceptable.

- The proposal would use Bruce Road as its primary vehicle access. This would generate increased vehicle traffic to and from Bruce Road at the challenging junction with St Albans Road.

The proposal has been reviewed by the Council's Highways Department and deemed acceptable.

- There is no possible safe provision for the inevitable arrivals and departures by coach.

This has been addressed in the Highways section.

## **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 reviewed the documentation and plans submitted, it is considered that the proposed development would have an acceptable impact on and enhance the character and appearance of the application site, the Chipping Barnet Town Centre and Monken Hadley Conservation Area. It is considered that the building scale is acceptable on balance, given the design largely mitigates the visual harm caused by the fourth storey, whilst ensuring the delivery of a commercially viable scheme that will support the long-term aims and objectives of the Chipping Barnet Town Centre Strategy. The architectural form, design detailing and soft landscaping is considered to respect the adjacent streetscape while also enhancing the visual appearance of the Monken Hadley Conservation Area and wider Chipping Barnet Town Centre. Furthermore, the proposed development is not considered to result in significant harm to the residential amenity of neighbouring occupiers by way of daylight / sunlight, privacy, air and noise pollution and vehicular and pedestrian movements. Mitigation measures have been evidenced and deemed acceptable. The proposed development has also demonstrated an acceptable Travel Plan, including the adequate provision of car and cycle parking and is therefore considered acceptable on highways grounds. Consequently, the application is recommended for approval.

