

MEETING

CHIPPING BARNET AREA PLANNING COMMITTEE

DATE AND TIME

MONDAY 15TH OCTOBER, 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
Tim Roberts

Laurie Williams
Reema Patel

Roberto Weeden-Sanz

Substitute Members

Caroline Stock
Pauline Coakley Webb
Lisa Rutter

David Longstaff
Thomas Smith

Paul Edwards
Jo Cooper

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

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

Andrew Charlwood – Head of Governance

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Media Relations contact: Gareth Greene 020 8359 7039

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ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 8
2.	Absence of Members (if any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (if any)	
4.	Report of the Monitoring Officer (if any)	
5.	Addendum (if applicable)	
6.	17 Berkeley Crescent Barnet EN4 8BS (East Barnet)	9 - 20
7.	100-104 Lancaster Road Barnet EN4 8AL (East Barnet)	21 - 44
8.	81 Quinta Drive Barnet EN5 3DA (Underhill)	45 - 56
9.	Site Of Barnet Market Chipping Close Barnet EN5 4LP (High Barnet)	57 - 106
10.	Any item(s) the Chairman decides are urgent	

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Decisions of the Chipping Barnet Area Planning Committee

4 September 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

An amendment to the minutes was made on Item 11. 18-2073- 155 CHANCTONBURY WAY LONDON N12 7AE, which now reads as follows:

'During the consideration of the item an IT issue lead to the failure for Officer's to deliver their presentation. The Planning Officer circulated hard copy plans for Committee Members. During this stage Councillor Alison Cornelius made a comment in regards to the accuracy of the existing plans. Therefore the Chairman moved to defer the application which was seconded by Councillor Wendy Prentice.

Resolved: That the Committee agreed to defer the item to a future meeting.'

The amended minutes of the meeting on 17 July 2018 were 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 8, 1 Sunset View, Barnet/ EN5 4LB, as she knows the objectors to the application.

All Members of the Committee declared a non-pecuniary interest in Item 6, 51 Greenway Close, London, N20 8ES, as they know the objectors to the application.

Councillor Cornelius declared she was not predetermined on any 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. 51 GREENWAY CLOSE LONDON N20 8ES (TOTTERIDGE)

The Committee received the report. Representations were heard from Mrs Barbara Jacobson and Mr Robert Jacobson.

A vote was taken on the Officer’s recommendation to **APPROVE** the application;

For	Against	Abstained
5	0	2

RESOLVED: That the application be APPROVED subject to conditions

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

7. 155 CHANCTONBURY WAY LONDON N12 7AE (TOTTERIDGE)

The Committee received the report and addendum, including a verbal addendum from Officers who confirmed that tree protection measures have been included in the conditions to prevent further damage to the trees on site. Representations were heard from the applicant’s agent.

During the discussion, Members agreed to add a further condition to the application to limit the hours within which the work could be completed.

A vote was taken on the Officer’s recommendation to **APPROVE** the application, including the additional conditions:

For	Against	Abstained
5	0	2

RESOLVED: That the application be APPROVED subject to conditions

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

8. 1 SUNSET VIEW BARNET EN5 4LB (HIGH BARNET)

The Committee received the report. Representations were heard from Mr William Foster and Mr Guy Braithwaite and the applicant’s agent.

A vote was taken on the Officer’s recommendation to **APPROVE** the application;

For	Against	Abstained
3	2	2

RESOLVED: That the application be APPROVED subject to conditions

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

9. THE TVR CENTRE 129 BARNET ROAD BARNET EN5 3LJ (HIGH BARNET)

The Committee received the report and addendum. Representations were heard from Mr Brian Taylor, Councillor David Longstaff and the applicant’s agent.

A vote was taken on the Officer’s recommendation to **APPROVE** the application;

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

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;

The proposed increased operational hours would lead to increased activity, nuisance, noise and light disturbance to the detriment of the amenities of the surrounding residential occupiers contrary to Policies CS9 of the Core Strategy (2012) and DM01, DM04 of the Development Management Policies (2012).

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

For (refusal)	Against (refusal)	Abstained
3	0	4

RESOLVED: That the application be REFUSED for the reasons detailed above.

10. THE MINSTREL BOY COMMITTEE REPORT - 18-3529-FUL

The Committee received the report and addendum. Representations were heard from Mr Chris Roche and the applicant’s agent.

A vote was taken on the Officer’s recommendation to **APPROVE** the application;

For (approval)	Against (approval)	Abstained
1	6	0

It was moved by Councillor Williams and seconded by Councillor Patel that the Officer’s recommendation be overturned and that the application be **REFUSED** for the following reasons;

The proposed development, by reason of its mass, bulk, size, prominence and design would be out of keeping with, and detrimental to, the character and appearance of the site, in particular, and the streetscene, in general. As a result, the proposal would have a detrimental impact on the visual amenities of the locality and would be contrary to policies to CS1 and CS5 of Barnet’s Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and policies 7.4 and 7.6 of the London Plan (2016).

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

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

RESOLVED: That the application be **REFUSED** for the reasons detailed above.

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

None.

The meeting finished at 21.08

Location 17 Berkeley Crescent Barnet EN4 8BS

Reference: 18/4634/FUL

Received: 25th July 2018

Accepted: 25th July 2018

Ward: East Barnet

Expiry 19th September 2018

Applicant: Miss A Jobson

Proposal: Demolition of existing single storey side extension and erection of a new two storey dwelling. Associated parking. New windows to existing house.

AGENDA ITEM 6

Recommendation: Refuse

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

- 1 The proposed development by reason of its size, design, siting, scale and massing, would close the 'visual gap' afforded by this open corner plot and unbalance the existing pair of semi-detached properties, to the detriment of the character and appearance of the street scene and the wider estate. The proposal is therefore found unacceptable and contrary to Policies CS5 of the Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the adopted Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016) and London Plan (2016) Policy 7.4.

Informative(s):

- 1 The plans accompanying this application are:

Drawing 1134-P-001 - Site Location and Block Plans

Drawing 1134-S-01 - Existing Site Plan

Drawing 1134-S-02 - Existing Floor Plans and Elevations

Drawing 1134-S-03 - Existing Roof Plan

Drawing 1134-P-200 - Proposed Site Plan
Drawing 1134-P-210 - Proposed Floor Plans and Elevations
Drawing 1134-P-211 - Proposed Roof Plan
Design and Access Statement.
Email from Graham Randall dated 14.09.18 at 14.30 with aerial view attachment
Email from Graham Randall dated 14.09.18 at 18.25 with highlighted aerial view attachment.

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

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

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

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments.

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 were set at a rate of £0 per sq m.

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

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

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; failure to provide such information

at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

Relief or Exemption from CIL

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

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

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

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

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

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

Officer's Assessment

1. Site Description

The application site comprises a semi-detached dwelling within a corner plot on Berkeley Crescent, close to the junction with Kingston Road and Pym Close. It is in the ward of East Barnet.

It is not within a conservation area and is not a listed building.

There are no TPOs on site.

2. Site History

Reference: 18/0982/FUL

Address: 17 Berkeley Crescent, Barnet, EN4 8BS

Description: Demolition of existing single storey side extension and erection of a new two storey dwelling. Associated parking. New windows to existing house.

Decision: Refused

Decision date: 13th April 2018.

Reason for refusal:

1. By reason of the proposed development's siting, scale and massing, it would close the 'visual gap' afforded by this open corner plot and unbalance the existing pair of semi-detached properties, to the detriment to the character and appearance of the street scene and wider estate. The proposal is therefore found unacceptable and contrary to Policies CS5 of the Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the adopted Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016) and London Plan (2016) Policy 7.4.

Reference: N10237A

Address: 17 Berkeley Crescent New Barnet Herts

Description: Single storey side and front extensions

Decision: Approved subject to conditions

Decision date: 20 May 1994

Reference: N10237

Address: 17 Berkeley Crescent New Barnet Herts

Description: Two storey house at side

Decision: Refused

Decision date: 22 September 1992

Reasons for refusal:

1. The proposal would result in an unacceptable sub-division of the site, creating a cramped development which detracts from the character and appearance of the locality.

2. Insufficient car parking.

3. Proposal

"Demolition of existing single storey side extension and erection of a new two storey dwelling. Associated parking. New windows to existing house."

The proposal would involve demolition of the existing single storey side extension and its replacement with a 2 bedroom house (70 sq m) attached to the existing semi-detached house; creating a terrace of 3 houses.

One off street car parking space is proposed.

A new first floor bedroom window is proposed to the rear elevation of the existing house. The first floor of the existing house would also be re-configured involving the existing bathroom window becoming a bedroom window. Therefore two new rear facing first floor windows would be created within the existing house.

An application for a similar proposal was refused on 13th April 2018.

4. Public Consultation

Consultation letters were sent to 104 neighbouring properties.

9 responses have been received, comprising 9 letters of support.

The comments received can be summarised as follows:

- Would improve the appearance of the existing house and surrounding area
- Would provide an affordable home for a local, young, hard working couple
- Lot of development already in the Crescent
- Will improve the area
- There are similar developments in the area, in particular 7 Bourn Avenue, which has had a 1 bedroom property built next to it which has certainly improved the visual aspect of the house. I feel that by allowing this build it would improve the current look of the corner plot of number 17.
- Would improve the outlook from my home
- Lack of affordable housing in Barnet, this young couple should be given the opportunity to build their own home
- Would increase the housing stock in London as there is a shortage. On the estate there are extensions to a number of houses.

Councillor call-in

Councillor Laurie Williams (East Barnet Ward) has requested that, in the event of an Officer recommendation for refusal, the application be determined by the Chipping Barnet Area Planning Committee.

Councillor Williams' planning reason for calling the application in is that he believes that the architectural style and dimensions of the proposed dwelling would mirror the adjacent property; that there are other sites locally where similar development have been allowed and that the density of the estate is relatively low and, to satisfy the demand for affordable housing, intensification needs to be considered and the Committee should be allowed to make a decision or offer guidance.

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.

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

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

The 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.

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, DM03, DM04, 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:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposals would provide suitable living conditions for future occupiers of the proposed dwellings.
- Highways considerations

5.3 Assessment of proposals

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

Berkeley Crescent and the surrounding roads are characterised by semi-detached and terraced properties which appear to be built as part of an estate due to their uniform design and planned layout.

The application property forms part of a pair of semi-detached properties sited on the north-western corner of Berkeley Crescent. They are gable-end two storey roughcast dwellings with pitched roof front projections. They benefit from a simple appearance and fenestration arrangement.

The application proposes to demolish the existing single storey side extension and construct a new two storey dwelling along the flank wall of No. 17 Berkeley Crescent.

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

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Development proposals should also retain outdoor amenity space having regard to its character.

London Plan Policy 7.4 (Local Character) states that Buildings, streets and open spaces should provide a high quality design response that:

- a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass;
- b) contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area;
- c) is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings;
- d) allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area;
- e) is informed by the surrounding historic environment;

The proposed dwelling would measure 8.2 metres in height and 7.1 metres in width. It would measure a maximum depth of 6.0 metres.

This compares to the dwelling refused under 18/0982/FUL which measured:

8.2 metres in height and 6.7 metres in width. It would measure a maximum depth of 6.7 metres.

Whilst the proposed dwelling would be 0.7m less deep than that proposed by the previously refused scheme it would be 0.4m wider than the previously refused scheme.

The front elevation of the proposed dwelling would be set back by 0.7m from the front elevation of the existing house across its full width.

The refused scheme also had a set back of 0.7m but only across 2.8m of the front elevation.

Whilst the full width set back of 0.7m would contribute to subordination of the proposed dwelling, the increased width of 0.4m would further close the visual gap between the dwellings. The previous scheme was refused because the proposal would close the visual gap. By increasing the width of the proposed house this would further reduce the gap afforded between the properties in this prominent corner position.

Characteristics of the housing estate of which the site forms a part includes the consistent layout and form of dwellings, and the openness of corners/road junctions which contribute to a sense of spaciousness.

The proposed dwelling would match the same ridge height of No. 17 with a gable end roof.

Although Officers accept that the dwelling has been designed to reflect the adjoining properties, the new dwelling would be constructed along the flank wall of No. 17 to create a terrace. It would effectively be one half of a pair, which would give the existing pair of semi-detached properties an unbalanced appearance.

The rear elevation of the proposed dwelling would be sited, at its closest point, approximately 1.0 metre from the rear boundary to No. 15. It would come closer to the boundary than the existing single storey side extension, at two storeys. From observing the layout of the road, it is clear that the garden space to the eastern side of No. 15 was

intended to contribute towards the openness and spaciousness of the estate (as reflected on the opposite side at No. 19 Kingston Road, and to the west at Pym Close).

By reason of the proposed dwelling's siting, scale and massing it is considered that the proposed dwelling would intrude on the visual sense of openness and interrupt the architectural arrangement of the pair of semi-detached properties, and wider layout of the estate. The proposal is therefore considered unacceptable and contrary to Policy DM01.

Although the property already benefits from a side extension it is considered that, at single storey, it has less impact on the openness of this corner plot than the proposed dwelling, which is a substantial addition.

A new first floor bedroom window is proposed to the rear elevation of the existing house, 17 Berkeley Crescent.

The previous scheme (refused application 18/0982/FUL) proposed new first floor windows to both the front and rear elevations of the existing house.

It is accepted that the proposed additional window to the rear elevation of the existing house would not further contribute to the unbalancing of the pair of semi-detached properties as viewed in the streetscene.

The applicant and letters of support have referred to nearby developments which they consider act as a precedent for the proposed new dwellinghouse. It is not considered that there are any directly comparable developments in the immediate vicinity and, notwithstanding this, all planning applications must be decided on their own merits.

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

Policy DM01 of Barnet's Development Management Documents DPD (2012) states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The flank wall of neighbouring property No. 15 is sited approximately 10 metres from the position of the rear elevation of the proposed new dwelling. By reason of this distance it is not considered the dwelling would appear overbearing or impact levels of light to an unacceptable level.

A first floor rear window is proposed in the new house facing No. 15. As it serves a bathroom, it could be obscure glazed through condition, in the event of an approval.

As part of the re-configuration of the first floor of the existing house a new bedroom window is proposed to an existing bedroom to replace the side facing window which will be lost due to the addition of the proposed additional dwelling.

In addition, the rear facing window that currently serves the bathroom would become a bedroom window.

As both of these windows serve habitable rooms they would need to be clear glazed in order to provide a satisfactory level of outlook.

These new habitable room windows would face the habitable room windows in the flank elevation of No. 15 Berkeley Crescent with separation distances of approximately 11m and

15m respectively. Whilst these distances fall below the required 21m between facing habitable room windows, given new window openings to an existing dwellinghouse can be created under permitted development, there is no objection in terms of potential loss of privacy to the occupiers of No. 15 Berkeley Crescent.

The rear building line of the proposed dwelling would not project beyond the rear wall of No. 17. It would therefore not impact the residential or visual amenities of the occupiers on No. 17.

According to the Council's GIS mapping, the distance between the flank of No. 19 Kingston Road and the boundary of the application site is approximately 24 metres. This distance would protect neighbouring occupiers from undue overlooking and loss of privacy.

The plans submitted state 55 sqm of rear garden area would remain for the existing property at No. 17. Planning Officers measure 51 sqm. Notwithstanding this, as a three bedroom dwelling, this outdoor amenity space would meet the requirements set out in Table 2.3 of Barnet's Sustainable Design and Construction SPD (2016).

Quality of Accommodation

One double and one single bedroom are proposed, both rooms meet the minimum spaces standards.

At 70 sqm in gross internal floor area, the unit meets the minimum space standards for a 2 bed, 3 person unit over 2 storeys as set out in the London Plan Housing Standards (MALP 2016).

The dwelling would provide occupiers an acceptable degree of light, outlook and privacy.

Amenity Space

The plans state that 75 sqm of outdoor amenity space would be provided. Although providing outdoor amenity space to the side of a proposed dwelling is unorthodox, it is considered that if the existing high hedging (approximately 1.5m high) is retained along the front boundary, the space would have a reasonable level of privacy to be usable.

This level of provision is acceptable in the context of the requirement for a minimum of 40 sq m for a house with up to 4 habitable rooms.

Highways

1 no off-street parking space is proposed.

The maximum parking standards set out in policy DM17 expect development to provide parking as follows:

2 bed house - 1.5 to 1 space.

The Highways department was consulted and responded stating that it has no objection to the proposal.

The Highways department recommended conditions relating to Construction Management and provision of car and cycle parking spaces.

Cycle Parking

2 no. cycle spaces would need to be provided in order to meet the London Plan requirement. In the event that the application is allowed at appeal a condition could be attached requiring provision of 2 no. cycle spaces in the rear/side garden.

Refuse Storage

Para 15.18 of the Residential Design Guidance seeks to ensure that bin and refuse storage provision is provided within the curtilage of the building. The application drawings show refuse storage within the front driveway area in close proximity to the public highway and as such is considered to be acceptable in principle. In the event that the application is allowed at appeal a condition should be attached requiring provision of details.

5.4 Response to Public Consultation

Addressed elsewhere in this report.

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

It is considered that by reason of the proposed development's size, design, siting, scale and massing, it would close the 'visual gap' afforded by this open corner plot and unbalance the existing pair of semi-detached properties, to the detriment to the character and appearance of the street scene and wider estate. The proposal is therefore found unacceptable and contrary to Policy DM01, Policy CS5 as well as London Plan Policy 7.4.

This application does not overcome the previous reason for refusal and is therefore recommended for refusal once again.



Location 100-104 Lancaster Road Barnet EN4 8AL

Reference: 18/4633/FUL

Received: 25th July 2018

Accepted: 25th July 2018

Ward: East Barnet

Expiry 19th September 2018

Applicant: Mr Benny Hoffman

Proposal: Creation of first and second floor to create 2 x 2 bed self-contained flats at No 104 Lancaster Road and creation of second floor to create 1 x 2 bed self-contained flat at Nos 100-102 Lancaster Road.

AGENDA ITEM 7

Recommendation: Approve subject to conditions

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

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

Location Plan 1:1250

16-1135-01B - 104 Lancaster Road Floor Plans and Elevations as Existing

17-1247-01A - 100-104 Lancaster Road Elevations as Existing

17-1247-02A - 100-104 Lancaster Road Floorplans as Existing

17-1247-03A - 100-104 Lancaster Road Ground Floor as Proposed

17-1247-100 - 100-104 Lancaster Road First and Second Floor as Proposed

17-1247-101 - 100-104 Lancaster Road Elevations as Proposed

17-1247-102A - 100-104 Lancaster Road Elevations and Sections as Proposed

17-1247-103 - Comparison between refused and current plans (First floor)

17-1247-104 - Comparison between refused and current plans (Second floor)

Planning & Design Statement, Mialex, July 2018

Transport Statement (Highways Technical Note, June 2017, Paul Mew Associates)

Noise Impact Assessment, 24 Acoustics, 30th June 2017

Sustainability/Energy Statement

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), including terraces and privacy screening, 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 and details as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and the amenities of future occupiers 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 Before the flats within the extensions hereby permitted are first occupied the proposed second floor window in the south elevation of no. 104 Lancaster Road (serving corridor to Flat 2 and above the terrace of Flat 1 below) 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 2016).

- 5 Other than the terraces shown on the approved plans, the roofs of the extensions 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).

- 6 Prior to occupation of the development, vehicular parking onsite as shown on Drawing No. 17-1247-03A submitted with the planning application and the access to the parking area from public highway shall be provided. Thereafter, 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 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.

- 7 No dwelling within the development shall be occupied until cycle parking and cycle storage facilities have been provided in accordance with London Plan Cycle Parking Standards.

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.

- 8 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).

- 9 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other

refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

12 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the 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.

13 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3)

permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(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.

- 14 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 15 Before the development hereby permitted commences (other than for Groundworks and Site Preparation Works) on site details of all extraction and ventilation equipment to be installed in the development shall be submitted to and approved writing by the Local Planning Authority. Extraction and ventilation equipment shall be installed at the site in full accordance with the details approved under this condition before the first occupation of the site.

Reason: To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

- 16 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).

- 17 No flat shall be occupied until the mitigation measures, demonstrating 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, and detailed in the Noise Impact Assessment, by 24 Acoustics, dated 30th June 2017 Ref: R6993-1 Rev 0, has been fully implemented on site and incorporated into the development.

The mitigation measures as detailed in the report 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.

18 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.

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

3 Refuse collection point should be located at a ground floor level and within 10m of the public highway. Levelled access should be provided for the refuse collection personnel to collect the bins.

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

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

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

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

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

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

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

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

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Officer's Assessment

1. Site Description

The application site comprises two buildings (No. 104 and Nos. 100-102) located on the western side of Lancaster Road. The street is primarily residential in character with commercial premises at No.100-102, 104 and 106-108. The area is primarily characterised by brown brick buildings or buildings finished in a mixture of brown brick and render.

Both properties that are subject of this application are part single/part two storey flat roofed buildings and are former commercial premises which have the benefit of prior approval for conversion to residential use.

The buildings are not listed and the site is not within a Conservation Area.

No. 104 is the narrower building on the left of the two as viewed from the streetscene.

2. Site History

100-102 and 104 Lancaster Road

18/0065/CON

100-104 Lancaster Road, Barnet, EN4 8AL.

Submission of details of conditions 3 (Materials) 6 (Terrace Sub-Division) pursuant to planning permission 17/6771/S73 dated 19/12/17

Decision: Approved

Decision Date: 1st February 2018.

17/6771/S73

100-104 Lancaster Road, Barnet, EN4 8AL.

Variation of condition 1 (Plan Numbers) of planning permission 17/0521/FUL dated 30/01/2017 for planning permission for `Overcladding to both buildings. First floor rear extension to no. 104. Creation of roof terrace and new glazed stairwell at rear. alterations to fenestration including retention of 4no. additional windows in the side elevations of no.104.` Amendments include additional window to east elevation of building 104

Decision: Approved subject to conditions

Decision Date: 19th December 2017

17/4478/FUL

100-104 Lancaster Road, Barnet, EN4 8AL.

Creation of first and second floor to create 2no self-contained flats at No 104 Lancaster Road and creation of second floor to create one self-contained flat at Nos 100-102 Lancaster Road

Decision: Refused and dismissed at appeal

Decision Date: Refused 30.10.2017. Appeal dismissed 16.07.2018.

Reasons for refusal:

1. The proposed second floor rear extension to 100-102 Lancaster Road would be intrusive, overbearing and cause a sense of enclosure which would be detrimental to the amenities of the occupiers of the neighbouring properties, particularly 98 Lancaster Road and the first floor facing flats within 100-102 Lancaster Road, contrary to Policy CS5 of

Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance and Sustainable Design and Construction SPDs (2016).

2. The proposed first and second floor rear extension to 104 Lancaster Road would be intrusive, overbearing and cause a sense of enclosure which would be detrimental to the amenities of the occupiers of the first floor flat/s within the facing front part of 104 Lancaster Road, contrary to Policy CS5 of Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance and Sustainable Design and Construction SPDs (2016).

3. The proposed development fails to provide reasonable levels of outlook from habitable room windows and provides inadequate private amenity space for future residents. The proposal would therefore provide a poor quality of accommodation for future residents which would be contrary to CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012), Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012), and the Adopted Residential Design Guidance SPD (2016) and the Sustainable Design and Construction SPD (2016).

4. The proposed development by virtue of its height, size, scale, bulk and massing would constitute an overdevelopment of the site that would fail to relate to the immediate context of the site and would harm the character and appearance of the streetscene and the locality in general. As such, the proposed development would be contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted September 2012) and policies DM01 and DM02 of the Barnet Local Plan Development Management Policies DPD (2012).

Details of the dismissed appeal (APP/N5090/W/18/3195977) are set out in the 'Assessment of Proposals' section below.

17/0521/FUL

100/102 and 104 Lancaster Road, Barnet, EN4 8AL.

Overcladding to both buildings. First floor rear extension to no. 104. Creation of roof terrace and new glazed stairwell at rear.

Decision: Approved

Decision Date: 11th May 2017.

16/7260/FUL

100/102 and 104 Lancaster Road, Barnet, EN4 8AL.

Overcladding to both buildings. First floor rear extension to no. 104. Creation of roof terrace and new glazed stairwell at rear. alterations to fenestration including insertion of 4no. additional windows in the side elevations of no.104.

Decision: Refused (The proposed cladding by reason of its design and materials would be inappropriate and out of context with the prevailing character of the area and would introduce a feature detrimental to the character and appearance of the host property and wider street scene).

Decision Date: 10 January 2017.

104 Lancaster Road

15/02662/PNO: 104 Lancaster Road, Barnet, EN4 8AL. Change of use from Class B1 (Office) to Class C3 (Residential) (6 Units).

Decision: Prior approval required and approved.

Decision Date: 16 July 2015.

15/05804/FUL: 104 Lancaster Road, Barnet, EN4 8AL. Installation of additional windows to an existing building and the removal of some existing windows.

Decision: Approved subject to conditions.

Decision Date: 9 November 2015.

16/5007/RCU: 104 Lancaster Road, Barnet, EN4 8AL. Demolition and rebuild of single storey rear projection. Installation of additional windows to an existing building and the removal of some existing windows (retrospective application).

Decision: Approved subject to conditions.

Decision Date: 22 September 2016.

100-102 Lancaster Road

15/07008/PNP: 100-102 Lancaster Road, Barnet, EN4 8AL. Change of use from (Class B8) to (Class C3) Residential, to provide 7no. units, including alterations to fenestration.

Decision: Prior Approval Required and Refused.

Decision Date: 7 January 2016. Appeal allowed.

15/04450/PNO: First Floor 100-102 Lancaster Road, Barnet, EN4 8AL. Change of use of front section of the first floor from Use Class B1 (office) to Use Class C3 (residential) to provide (2 Units)

Decision: Prior approval required and approved.

Decision Date: 27 August 2015.

3. Proposal

This proposal is for:

- Two storey extension (First and second floors) to the rear part of No. 104 Lancaster Road to create 2 no. 2 bed flats
- Single storey extension (Second floor) to the rear part of 100-102 Lancaster Road to create 1 no. 2 bed flat
- Provision of 1 no. car parking space to serve the 3 no x 2 bed units.

The current application follows refused application reference 17/4478/FUL, which was also dismissed at appeal (solely on grounds of living conditions for future occupiers).

The current application differs from the refused application reference 17/4478/FUL in the following ways:

Proposed First Floor Flat (No 104 Lancaster Road):

- Reconfiguration of internal room layout to provide new 15 sqm amenity terrace to rear of property.
- Reconfiguration of window layout to relocate 2 x northern side elevation windows serving living space and bedroom and 1 x southern side elevation bedroom window

Proposed Second Floor Flat (No 104 Lancaster Road):

- Reconfiguration of window layout to remove 2 x northern side elevation windows serving living space and bedroom and installation of new bedroom window in eastern front elevation.
- Reconfiguration of internal room layout to provide enlarged 15 sqm amenity terrace to rear of property.

Proposed Second Floor Flat (No 100-102 Lancaster Road):

- Removal of southern side elevation window and reconfiguration of layout to increase rear terrace from 15 sqm to 26 sqm (incorporating a minimum width of 2 metres).

4. Public Consultation

Consultation letters were sent to 147 neighbouring properties. 10 responses have been received, comprising 10 letters of objection.

The objections received can be summarised as follows:

- Overdevelopment of the site
- Loss of light/overshadowing
- Out of character
- Overlooking / Loss of Privacy
- Overbearing and sense of enclosure
- Will cause Traffic and Parking issues
- Loss of outlook
- Noise from construction work
- Concerns about waste collection

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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.

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

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

The Mayor's London Plan 2016

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

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

Draft London Plan 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.

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 October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The Appeal decision relating to refused application 17/4478/FUL
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the development would provide suitable living accommodation for future residents
- Highways and Parking
- Environmental Health

5.3 Assessment of proposals

The Appeal decision relating to refused application 17/4478/FUL

Application 17/4478/FUL was refused by the Local Planning Authority on 30th October 2017. The applicant then appealed to the Planning Inspectorate. The appeal was dismissed on 16th July 2018.

Although the appeal was dismissed, the Inspector's Decision forms a material planning consideration for the current application.

In summary, the Inspector found the development proposed by refused application 17/4478/FUL to be acceptable in all respects other than the living conditions for future occupiers (lack of natural light and oppressive outlook and inadequate outdoor amenity space).

Key extracts from the Planning Inspector's Report are as follows:

Future occupiers' living conditions:

Paragraph 8 - "One bedroom in the proposed second floor flat at No 100-102 would directly face a blank wall to the proposed flat at No 104 at a distance the Council advise would be 1m. This would create an enclosed and oppressive space with little access to natural light in that room. A similar distance would separate bedroom windows in both proposed flats at No 104 from existing and proposed brick walls opposite at Nos 100-102 with the same result. In the latter case, whilst a limited oblique view could be afforded past the corner of the opposite building from those rooms, this would not sufficiently relieve the lack of natural light and oppressive outlook that would ensue."

Paragraph 9 - "Although occupiers of those affected flats would have access to other rooms not so affected, the effects on the occupiers of those bedrooms would be so restrictive that this would not adequately mitigate the adverse effects."

Paragraph 10 - "The outside terraces of all three flats would be small and only provide limited opportunities for occupiers to enjoy the outdoors and carry out outdoor domestic tasks. The terrace proposed for the first floor flat at No 104 would be enclosed on three

sides with the walls extending vertically upwards as part of the proposed flat above. Furthermore it would look directly onto the flank elevation of the adjoining commercial building which is in very close proximity. Therefore while the space would be outside, it would be dark, enclosed and oppressive, and not provide an attractive place to relax. The tapering configuration of the terrace to the flat at Nos 100-102 would limit its usability, particularly towards the narrower end, also limiting the outdoor space available for occupiers."

Paragraph 11 - "The terraces at No 104 would fall below the 5m² per habitable room requirement set out in the Council's Design and Construction guidance². Although that at Nos 100-102 would, according to the figures on the appellant's plans, achieve the minimum area, its tapering shape would in part not appear to achieve the minimum 1.5m depth set out in that guidance nor the Council's Residential Design guidance. By not being designed to allow for adequate daylight, sunlight and outlook for potential occupiers and users or demonstrating compliance with the outdoor amenity space standards in the Council's guidance, the development would not comply with Development Management Policies⁴ (DMP) Policies DM01 and DM02."

Paragraph 12 - "Mature trees lining the adjacent railway embankment would restrict the outlook from, and to an extent light reaching, windows and terraces facing them. However, the effects would be less marked when trees were not in leaf and an outlook into tree foliage and canopies would not in itself be harmful. They would also provide a degree of separation from the adjacent railway lines. Proposed kitchen windows in flank elevations of the proposed flats at No 104 would have virtually no outlook and admit very limited natural light due to their proximity to walls opposite. Nevertheless, unlike the aforementioned bedrooms, other less restricted windows would also serve those rooms and this would avoid a unacceptable effect on occupants. However, lack of material harm in these respects would not change that which would arise as a result of other aspects of the proposed configuration."

Neighbours' living conditions:

Paragraph 13 - "The outlook to the rear of adjacent properties on Lancaster Road and in the block of flats at Mariners Close would be changed by the additional storey on the nearest building on the appeal site. However, this element would be offset from, and situated some way to the rear of, 96 and 98 Lancaster Road and their rear gardens as well as being separated from properties in Mariners Close by that developments' parking court. The combination of the distance the development would be from those properties and in particular the offset and perpendicular relationship with the rear of Nos 96 and 98 would mean that the development would not be unacceptably intrusive or create a harmful enclosing effect."

Paragraph 14 - "The development's relatively simple elevation facing those properties would essentially be a vertical continuation of the existing treatment and this aspect would not create a visually intrusive effect. The elevated flank window and terrace in the proposed flat would enable views over the parking court and the rear of flats in Mariners Close, as well as oblique views of Nos 96 and 98 and their rear gardens. However, the separation distances and angle of viewpoints involved would mean that there would not be harmful loss of privacy to adjoining occupiers. The extent of mutual overlooking would not be materially more intrusive to that which already exists from the various dwellings with windows looking into the space bounded by the appeal site and adjoining buildings on Lancaster Road and Mariners Close."

Paragraph 15 - "The considerable degree of setback of both extensions within the site would be such that there would only be very limited effects on light reaching, privacy within and outlook from properties on the other side of Lancaster Road opposite the site. There would not be a materially harmful effect on the living conditions of occupiers of adjacent residential properties. The development would therefore avoid conflict with DMP Policies DM01 and DM02 in these respects."

Living conditions of other flats on the appeal site:

Paragraph 16 - "The addition of a two storey building, particularly the stair block, in close proximity to the rear of the first floor flats under conversion at No 104 would introduce a substantial mass of brickwork opposite doors shown on the drawings as being glazed. This would effectively limit outlook from those doors to a very small area, significantly reduce the levels of daylight entering flats from that direction at certain times of the day and the height of the extension in such close proximity to the doors would introduce an overbearing effect."

Paragraph 17 - "However, those doors would be only one source of light and outlook from the flats. Even taking into account that light to and outlook from flank windows is likely to be restricted to a degree by the proximity of adjacent buildings, and in the absence of any evidence to the contrary, the flats would not be greatly dependent on those doors in creating acceptable living conditions. Considering the flats as a whole, occupiers would have other opportunities for access to an acceptable outlook and natural light."

Paragraph 18 - "The flats under conversion at Nos 100-102 already face a single storey building from which it is set farther away than the proposed arrangement at No 104. Given their situation relative to one another, occupiers of that flat would only have a very limited outlook of sky above the existing building opposite when close to the windows. These circumstances mean that outlook would not be materially more restricted by the additional height. There would be a more marked effect on natural light at certain times of the day. However, in the absence of any evidence to the contrary, those flats opposite would also have access to other windows which would not be affected in the same way by the development."

Paragraph 19 - "The living conditions that future occupiers of other flats in the process of conversion could reasonably be expected to enjoy would not be unacceptably harmed by the proposed arrangement. Accordingly, the development would avoid conflict with DMP Policies DM01 and DM02 in these respects."

Character and appearance:

Paragraph 20 - "The existing flat roof buildings have a functional and rectilinear form, an appearance which would be reflected in the conversion scheme underway and the proposed extensions. This arrangement sets them apart from the pitched roof arrangements of most of the surrounding dwellings. Although the increase in height of the rear parts of both buildings to three storeys would be notably taller than the existing configuration, these elements would be set well back within the site. This would mean they would not be particularly conspicuous or prominent from along the predominantly two storey Lancaster Road where they would be viewed in the context of the intervening two storey front elements of the buildings on the appeal site and other buildings lining the street."

Paragraph 21 - "The increase in height would be more apparent to the side adjacent to the open area of the Mariners Close parking court. However, in the context of the three storey height of that part of Mariners Close opposite the side of the development the proposed arrangement would not appear at odds with this built context nor harm the streetscene. The additions to the building would project existing walls up which are close to the site's boundaries. However, the position of the taller elements to the rear and their context of commercial buildings to one side, a parking court to the other and tree lined railway line to the rear, would avoid a harmfully cramped or overdeveloped appearance resulting. The development would consequently avoid conflict with the place shaping and character requirements of Core Strategy5 (CS) Policies CS1 and CS5 and DMP Policies DM01 and DM02."

Overall balance:

Paragraph 22 - "The development would have benefits of delivering three new homes in an accessible location and make efficient use of land by developing on an existing housing site. However, these benefits would be significantly diminished by way of the proposed accommodation not providing suitable living conditions for future occupiers. Avoidance of harm in other respects is not a positive consideration in support of the appeal. Overall the benefits would not outweigh the harm that would be caused and I have not found that other considerations would indicate that a decision other than in accordance with the development plan should be made. Consequently the development would not accord with CS Policy CS NPPF."

In order for the proposal to be considered acceptable the applicant is required to have addressed the Inspector's concerns in respect of living conditions for future occupiers.

The current application has been revised as follows:

Proposed First Floor Flat (No 104 Lancaster Road)

- Reconfiguration of internal room layout to provide new 15 sqm amenity terrace to rear of property.
- Reconfiguration of window layout to relocate 2 x northern side elevation windows serving living space and bedroom and 1 x southern side elevation bedroom window

Proposed Second Floor Flat (No 104 Lancaster Road)

- Reconfiguration of window layout to remove 2 x northern side elevation windows serving living space and bedroom and installation of new bedroom window in eastern front elevation.
- Reconfiguration of internal room layout to provide enlarged 15 sqm amenity terrace to rear of property.

Proposed Second Floor Flat (No 100-102 Lancaster Road)

- Removal of southern side elevation window and reconfiguration of layout to increase rear terrace from 15 sqm to 26 sqm (incorporating a minimum width of 2 metres).

Two storey extension to No. 104 (at first and second floors)

No. 104 is the narrower building on the left of the two as viewed from the street. It is currently two storeys where it fronts Lancaster Road and single storey towards the rear.

The existing building is a former commercial premises which has the benefit of prior approval for conversion to residential use comprising 6 no units with 3 no car parking spaces.

Planning permission has also been granted (17/0521/FUL) for a small first floor extension to the front part of the building.

This application proposes an additional two storeys to the rear part of the building to form a 3 storey rear element, creating 2 additional 2 bed flats.

The proposed extension would be 7.1m wide, 6.7m deep and 4.9m high.

Single storey extension to No. 100-102 (at second floor)

No. 100-102 is the wider building on the right of the two as viewed from the street. It is currently two storeys where it fronts Lancaster Road reducing to single storey in the middle section before rising to two storeys at the rear.

The existing building is a former commercial premises which has the benefit of prior approval for conversion to residential use comprising 7 no units with 4 no car parking spaces.

This application proposes an additional storey to the rear part of the building to form a 3 storey rear element, creating 1 additional 2 bed unit.

The proposed extension would be 8.6m wide, 11.3m deep and 4.9m high.

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

In refusing application 17/4478/FUL, Officers considered that the proposed development by virtue of its height, size, scale, bulk and massing would constitute an overdevelopment of the site that would fail to relate to the immediate context of the site and would harm the character and appearance of the streetscene and the locality in general.

However, when considering the subsequent appeal, the Inspector states (Paragraphs 20 and 21) that, as the proposed 3 storey elements would be set well back within the site, they would not be particularly conspicuous or prominent in the streetscene. He goes on to say that whilst the additions would be more apparent from Mariners Court parking court, they would not be out of context here given the 3 storey height of Mariners Court itself before concluding that due to their position to the rear of the site and the surrounding context, the proposed extensions would not result in a harmfully cramped or overdeveloped appearance.

Given the Inspector's conclusions as summarised above, the proposed development is considered to be acceptable in character and appearance terms.

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

In refusing application 17/4478/FUL, Officers considered that the proposed second floor rear extension to 100-102 Lancaster Road would be intrusive, overbearing and cause a sense of enclosure which would be detrimental to the amenities of the occupiers of the neighbouring properties, particularly 98 Lancaster Road (and its rear garden) and the first floor facing flats within 100-102 Lancaster Road. To a lesser extent the rear gardens of 96 Lancaster Road and the neighbouring flats would also be impacted in terms of loss of visual amenity. Similarly, it was considered that the proposed first and second floor rear extension to 104 Lancaster Road would be intrusive, overbearing and cause a sense of enclosure which would be detrimental to the amenities of the occupiers of the first floor flat/s within the facing front part of 104 Lancaster Road.

However, when considering the subsequent appeal, the Inspector states (Paragraphs 13, 14 and 15) the Inspector states that, whilst the outlook of the occupants of 96 and 98 Lancaster Road and Mariners Court would be changed by the proposed additions, the development would not be unacceptably intrusive or create a harmful enclosing effect.

He goes on to say that the proposed development would not be visually intrusive, nor would it result in harmful loss of privacy nor light.

In respect of impact on living conditions of occupiers of other flats on the appeal site, the Inspector notes (Paragraphs 16-19) that the addition of a two storey building, particularly the stair block would introduce a substantial mass of brickwork opposite the glazed doors of the existing flats at No. 104 and that this would limit outlook, light and introduce an overbearing effect, he goes on to say that as those doors are only one source of light and outlook from those flats, occupiers would have other opportunities for access to outlook and light.

Similarly, the Inspector finds (Paragraph 18) that the flats under conversion at 100-102 would not experience unacceptable levels of loss of outlook or light as a result of the proposed development.

The changes to the scheme proposed by this application in order to address the Inspector's concerns in respect of future occupiers living conditions comprise re-positioning windows, enlarging terrace areas and introduction of an additional bedroom window to the 2nd floor rear elevation of No. 104. It is not considered that any of these amendments would have a harmful impact on any existing or future neighbouring occupiers.

Based on the above it is concluded that the proposed development would not unacceptably harm the living conditions of any existing or future neighbouring residents.

Whether the development would provide suitable living accommodation for future residents

In refusing application 17/4478/FUL, Officers considered that the proposed development would result in a poor quality of living accommodation as follows:

2nd floor flat within 100-102

- The only window within the second bedroom (12 sq m) would face directly on to the brick flank elevation of No. 104 at a distance of approximately 1.0m therefore providing an unacceptably poor quality of outlook from this habitable room.

- The rear facing windows of the living area and terrace area would face onto the branches of trees on the railway embankment in close proximity, providing an unacceptably poor quality of outlook and amenity space.

2nd floor flat within 104

- The kitchen window would face directly on to the brick flank elevation of No. 100-102 at a distance of approximately 1.0m therefore providing an unacceptably poor quality of outlook from this habitable room.
- The window in the northernmost bedroom would face directly on to the brick flank elevation of No. 100-102 at a distance of approximately 1.0m therefore providing an unacceptably poor quality of outlook from this habitable room.
- The terrace and living room window would face onto the branches of trees on the railway embankment in close proximity, providing an unacceptably poor quality of outlook and amenity space. The area of the amenity space (10 sq m) falls below the required level of provision based on 5 sq m per habitable room.

1st floor flat within 104

- The terrace and southernmost bedroom's only window would face directly onto the flank elevation of the neighbouring warehouse building at a distance of approximately 1.0m providing an unacceptably poor quality of outlook and amenity space. At 11 sq m the private amenity space also falls below the required level of provision based on 5 sq m per habitable room. The terrace would be enclosed on 3 sides and provide no outlook.
- The kitchen window would face directly on to the brick flank elevation of No. 100-102 at a distance of approximately 1.0m therefore providing an unacceptably poor quality of outlook from this habitable room.
- The northernmost bedroom's only window would face directly on to the brick flank elevation of No. 100-102 at a distance of approximately 1.0m therefore providing an unacceptably poor quality of outlook from this habitable room.
- The rear facing living room windows would face onto the branches of trees on the railway embankment in close proximity, providing an unacceptably poor quality of outlook.

The proposed development fails to provide reasonable levels of outlook from habitable room windows and provides inadequate private amenity space for future residents and is therefore unacceptable in terms of quality of living accommodation for future occupiers.

When considering the subsequent appeal the Inspector (Paragraphs 8 - 12) agreed that outlook from windows and quality of amenity space would be unacceptably poor, but stated that outlook into tree foliage and canopies would not in itself be harmful.

The Inspector dismissed the appeal on the sole ground of living conditions for future occupiers.

The current application seeks to address these concerns by making the following amendments:

Proposed First Floor Flat (No 104 Lancaster Road)

- Reconfiguration of internal room layout to provide new 15 sqm amenity terrace to rear of property.
- Reconfiguration of window layout to relocate 2 x northern side elevation windows serving living space and bedroom and 1 x southern side elevation bedroom window

Proposed Second Floor Flat (No 104 Lancaster Road)

- Reconfiguration of window layout to remove 2 x northern side elevation windows serving living space and bedroom and installation of new bedroom window in eastern front elevation.
- Reconfiguration of internal room layout to provide enlarged 15 sqm amenity terrace to rear of property.

Proposed Second Floor Flat (No 100-102 Lancaster Road)

- Removal of southern side elevation window and reconfiguration of layout to increase rear terrace from 15 sqm to 26 sqm (incorporating a minimum width of 2 metres).

The changes to both buildings would result in provision of 3 no. 2 bed flats as follows:

Flat 1 (104, 1st Floor, 2 bed 3 person) - 66 sq m GIA plus a total of 26 sq m amenity space.

Flat 2 (104, 2nd Floor, 2 bed 3 person) - 66 sq m GIA plus a total of 15 sq m amenity space.

Flat 3 (100-102, 2nd Floor, 2 bed 4 person) - 75 sq m GIA plus 26 sq m amenity space.

It is considered that the amendments to the scheme as described above overcome the previous concerns of Officers and the Planning Inspector in respect of outlook, amenity space and light.

The proposed units all meet the minimum required space standards.

The proposed development is now considered to be acceptable in terms of living conditions for future occupiers.

Highways and Parking, Cycle Parking and Refuse

1 no. of street car parking space is proposed; to serve the 3 no. 2 bed units.

This would be in addition to the 7 no. spaces proposed to serve the 13 no. units created under the previous Prior Notification applications.

The proposed development for 3x2bedroom units would require parking provision of between 3 to 4.5 parking spaces in accordance with the DM17 Policy.

The site is located within a Public Transport Accessibility Level (PTAL) of 2. Therefore 4 parking spaces in accordance DM17 is required. The parking provision of 1 parking space is resulting in a shortfall of 3 parking spaces.

However, the applicant undertook a parking beat survey in accordance with the Lambeth Methodology which indicated average overnight parking stress in the region of 67% with a total of 43 cars parked in the 64 available unrestricted spaces.

Therefore, on balance, the proposed application with provision of a one parking space is acceptable on highway grounds as the proposal is unlikely to result in any additional detrimental impact on public highway compared to the approved applications.

It appears that the block of 5 no. car parking spaces proposed would result in a crossover width in excess of the maximum permitted 4.8m.

Cycle parking needs to be provided in accordance with London Plan Cycle Parking Standards. A condition is proposed accordingly.

A condition is also proposed to secure Refuse collection arrangements.

Environmental Health

Environmental Health were consulted and considered the submitted Noise Impact Assessment for the proposed extensions, concluding that the Noise Impact Assessment (dated 30th June 2017, Ref: R6993-1 Rev 0) has addressed the impact of traffic, industrial and rail noise on the proposed extensions. The proposed ventilation and glazing system being proposed will protect the occupants of the building from noise disturbance.

A condition should be added to any planning permission in order to secure the mitigation measures.

Environmental Health also requested that Conditions be attached to any planning permission as follows:

- Works on site between 0800-1800 Weekdays and 0800 -1300 Saturdays and no noisy works on Sunday and bank holidays.
- Construction Method Statement
- Contamination.

5.4 Response to Public Consultation

Comments relating to planning considerations have been addressed in the above report.

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 the proposed amended scheme has addressed the concerns of the Planning Inspector in relation to the refused / dismissed scheme and the proposal is considered acceptable in terms of future

occupiers' living conditions, neighbours' living conditions, living conditions of other flats on the appeal site and character and appearance.

The proposal is therefore recommended for Approval.



Location 81 Quinta Drive Barnet EN5 3DA

Reference: 18/2183/RCU

Received: 10th April 2018

Accepted: 4th June 2018

Ward: Underhill

Expiry: 30th July 2018

Applicant: Ravi Pattni

Proposal: Change of use of the property from a single family dwelling (Class C3) to a House in Multiple Occupation (HMO) (Sui Generis) (RETROSPECTIVE APPLICATION)

AGENDA ITEM 8

Recommendation: Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Sheet 07 (02/04/2018)
 - Sheet 05 Rev A (10/09/2018)
 - Sheet 06 Rev A (10/09/2018)

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 The internal layout of the proposed 11 bedroom HMO shall remain as shown on the hereby approved plans and must not be changed unless previously agreed in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of future occupiers of the development hereby approved in accordance with policy DM01 and DM02 of the Development Management Policies DPD (adopted September 2012).

- 4 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).

- 6 Within 6 months of date of this decision notice, the proposed parking spaces and the access to the parking area from public highway shall be implemented in accordance with the approved plans. Thereafter, 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 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.

- 7 a) Within 3 months of date of this decision notice 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) Within 3 months of approval of part (a) of this condition 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 Mayors 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.

- 8 The maximum number of occupants permitted within the property is 12.

Reason: To ensure that the proposed development does not prejudice the character and residential amenity of the surrounding area in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 9 a) Within 3 months of the date of this decision, 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) Within 3 months of the approval of part (a) of this condition the approved details shall be implemented in full accordance under this condition 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).

Informative(s):

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

Officer's Assessment

1. Site Description

The application site relates to a large two-storey detached dwelling located (north east) on the corner junction of Raebarn Gardens and Quinta Drive.

Site history indicates that this property has previously been utilised as a residential care home. Quinta Drive and the surrounding roads are predominantly characterised by single family dwellings, that have not been converted into flats. Some flats do exist within the surrounding area, however it is noted that these are predominantly purpose-built flatted developments (Valuation Office Agency identifies: Flats at Debenham Court, Quinta Drive, Barnet, Herts, EN5 3AB; Flats at Elvaston Court, Quinta Drive, Barnet, Herts, EN5 3AS; Flats at Weardale Court, Quinta Drive, Barnet, Herts, EN5 3AU) and not house conversions.

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

2. Site History

Development:

N04211A - Two, two-storey side extensions. - Approved: 13.07.1988

N04211B - Two storey side and front extension and change of use from dwelling house providing care for 4 people (Class C3) to residential accommodation for care and for two staff (Class C2). - Lawful: 24.08.1995

N04211C - Two storey side and front extension and change of use from dwellinghouse providing care for 4 people (Class C3) to residential accommodation for care of 6 people in need of care and for two staff (Class C2). - Approved: 10.01.1996

N04211D - Two storey side and front extension and change of use from dwellinghouse to residential care home for six people. (Variation of planning permission N04211C to provide a single storey rear extension). - Approved: 01.07.1996

N04211E/00 - Change of use of premises to a guest house. - Refused: 06.02.2001

(i) The use of the premises as a guest house is not appropriate in this out of centre residential location and would result in noise and activity which would be detrimental to the amenities of residential occupiers in the locality and would be contrary to policies E6.1 of the Unitary Development (1991) and policies L9 and L10 of the Revised Draft Deposit Unitary Development Plan (2001).

N04211F/01 - Change of use from residential care home (Use Class C2) to single family dwelling (Use Class C3). - Approved: 17.01.2002

16/6808/FUL - Conversion of existing property into 4no. self-contained flats. Associated parking, cycle storage, amenity space, refuse and recycling store - Refused: 28.12.2016

i) *The proposed conversion of this property into self-contained flats would be out-of-character within an area characterised predominantly by single family dwellings, would result in an over-intensification of the site and would be detrimental to the character and*

appearance of the surrounding area. The proposal would therefore be contrary to Policy 7.4 of the London Plan (March 2015), Policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (adopted 2016).

ii) The proposed hardstanding, to facilitate the parking to the rear of the application site, by reason of its size, siting, access and use, would detract from the character and appearance of this part of Raebarn Gardens, as well as resulting in levels of noise and disturbance detrimental to the neighbouring occupiers at No. 1 Raebarn Gardens contrary to contrary to policies 3.5 and 7.6 of the London Plan (2015), 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 Sustainable Design and Construction Supplementary Planning Document (Adopted 2016), and the Adopted Residential Design Guidance SPD (2016).

iii) The proposed hardstanding, to facilitate the parking to the rear of the application site, by reason of its size, siting, access and use, would result in a proposed vehicular access of excessive width, the use of which, would be prejudicial to pedestrian and highway safety contrary to Policy DM17 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in the Barnet Sustainable Design and Construction Supplementary Planning Document (Adopted 2016), and the Adopted Residential Design Guidance SPD (2016).

Appeal Allowed: APP/N5090/W/17/3168494 (Dated: 01.08.2017)

Enforcement:

ENF/00687/16 - Use of property as House in Multiple Occupation and conversion of outbuilding to separate dwelling - Awaiting Outcome of Current Application.

3. Proposal

This application proposes the retention of the dwelling as an 11 bedroom, 12 person House in Multiple Occupancy (HMO) (Sui Generis) having changed from a single family dwelling (Class C3).

Refuse and parking arrangements identical to the those allowed by the Appeal Inspector for the previous application for the conversion of the property into 4 self-contained units are proposed - four parking spaces on the front driveway and three spaces to the rear along with refuse storage.

4. Public Consultation

Consultation letters were sent to 58 neighbouring properties and a site notice was displayed on 14 June 2018.

19 responses have been received, comprising of 19 letters of objection:

- The applicant has breached planning controls and should not be allowed permission
- The proposals will not have enough rubbish facilities, causing environmental pollution issues
- The proposals will result in cars blocking pavements, endangering pedestrians
- The proposals will increase parking pressures in the area

- The proposed parking provisions will cause issues for the residents of Raeburn Gardens
- The proposed use is an over-intensification of the property.
- The annotation of the plans are confusing, providing inadequate information
- The number of occupants might exceed the stated number within the Applicants covering statement
- There are no other HMOs in the area and limited number of flats and maisonettes, thus this use is not considered in keeping with the character.
- There are errors/inaccuracies in the covering statement
- There is no evidence that the rooms will meet the minimum space standards for HMOs
- Under section 4.3 of the Cover statement, is it correct to say that the applicant could exercise their Permitted Development rights and hard surface the area to the rear without the benefit of a planning permission? My property is right next to this property and I am very keen to seek the clarity on this.
- The certificate of lawfulness application for the loft conversion would increase the occupancy further - unacceptably
- The cycle storage is inadequate.
- This is not a suitable location for a HMO
- The dormer windows will not be in keeping with the surrounding properties and will overlook neighbouring properties.
- The proposals will result in noise and general disturbance of the neighbouring occupiers.
- The site will become an eyesore and will be poorly managed
- There will be anti-social behaviour
- The property is not near any transport links.
- Introduction of new hospital/residential parking permits into surrounding roads will result in parking pressures from hospital staff/visitors.
- The development will create unsafe road conditions for the residents of Raeburn Gardens
- Contrary to DM08 the development will result in the loss of a large family home
- Contrary to DM09 the HMO will have a demonstrably harmful impact of the character and amenities of 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 24th July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is

essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM08, DM09, DM17.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of the development is acceptable.
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether the proposals would provide suitable residential amenities for future occupiers of the proposed dwellings.
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposals would provide suitable parking arrangements.
- Whether the proposals would provide suitable refuse and recycling provisions.

5.3 Assessment of proposals

Principle of Development

Historically, as noted within the site history section of this report, the building has been used as a residential care home for 6 people with 2 care staff - and more recently - an Appeal Inspector allowed the conversion of the property into 4 self-contained units, consequently dismissing the adopted Local Plan's policy positions on resisting the loss of large family dwellings (Policy DM08) in roads characterised by single family dwellinghouses (Policy DM01 part h).

Policy 3.8 of The Mayor's London Plan (2016) recognises importance of Londoners having a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments. Shared accommodation or houses in multiple occupation are a strategically important part of London's housing offer, meeting distinct needs and reducing pressure on other elements of the housing stock. This is echoed in Policy DM09 of the adopted Local Plan which recognises that HMOs are an important source of low cost, private sector housing for students, those on low incomes and those seeking temporary accommodation; and, that such proposals should be encouraged provided that they can demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area, are easily accessible by public transport, cycling and walking, and meet the relevant housing standards.

In light of the recent Appeal Inspector's decision from the previous application; the previous use as a residential care home; and, the strategic objectives of the Mayor's London Plan and Council's Local Plan policies for housing choice, it is accepted that the principle of conversion from a single family dwelling house would be acceptable.

Potential impact on character and appearance of the existing building, the street scene and the wider locality

The application proposes no external changes to the existing building. As such, there are no demonstrable impacts on character and appearance of this element of the scheme.

The proposed parking layout and refuse storage location to the rear of the site is identical to the application for the conversion of the property to four residential units which was allowed by the Appeal Inspector. It is therefore considered that the HMO proposal does not materially change the assessment of impact on character from the identical parking and refuse arrangements, particularly with refuse as the number of receptacles for 12 occupiers (as proposed) would not be any greater than that required for 13 occupiers (as approved in the appeal scheme).

The impact on the amenity of future occupants

In terms of amenity for future occupiers of HMOs, the Council's Private Sector Housing HMO Team has produced HMO Standards 2016 for schemes to adhere to. In consultation with the HMO Team concerns were raised with the layout of one of the rooms with regards to functional layout and size, citing: - *bedroom 11 would be unsuitable unless provided with an escape window as it is an inner room i.e. a sleeping risk room where the means of escape in case of fire is via a higher risk area. Also with a floor area of 7.2m² it would be too small to be used as a bedroom under our licensing standards.* Revisions were sought from the applicant and the resultant revised layout were considered to be satisfactory in terms of HMO standards, proposing the following rooms sizes:

Bedroom 1	10sqm	(12.4sqm with en-suite)
Bedroom 2	8.3sqm	(Shared bathroom)
Bedroom 3	10sqm	(13.2sqm with en-suite)
Bedroom 4	12.1sqm	(15.6sqm with ens-suite)
Bedroom 5	13.5sqm	(16.5sqm with en-suite)
Bedroom 6	9.2sqm	(Shared bathroom)
Bedroom 7	12.2sqm	(Shared bathroom)
Bedroom 8	8.9sqm	(13.3sqm with en-suite)
Bedroom 9	9.2sqm	(14.7sqm with en-suite)
Bedroom 10	19.3sqm	(34.5sqm with en-suite)
Bedroom 11	13.8sqm	(28.3sqm with en-suite / walk-in closet)

The kitchen facilities (14.5sqm) would be shared between all rooms, and as advised by the HMO team, this is an acceptable arrangement provided there are two sets of cooking facilities provided. This standard has been met. The living room area has 47.1sqm of floor space, being adequate breakout living space for the future occupants. Furthermore, there is access to a communal garden space of 325sqm, providing sufficient outdoor amenity space for the future occupiers. Overall, the scheme is considered to provide sufficient standard of living amenity for future occupiers.

The impact on the amenity of neighbouring occupiers

As previously noted, the application proposes no physical extensions to the property, with the only visible changes being to the rear of the property. Given this is the same as the previously allowed appeal scheme, there are no materially different impacts on the neighbouring residential amenities from this element of the proposals. Furthermore, in respect of disturbance from comings and goings, the Appeal Inspector suggested *that the existing floor plans show that the property currently has 10 bedrooms... As such it has the*

potential for occupation by a large family generating a similar number of people and vehicle movements... Therefore it is likely that there would be a similar number of people coming and going. Thus, given the development proposes one less occupant than that of the previously allowed flat conversion scheme, it is considered that the proposed level of occupation in this scheme would not have any demonstrable impacts on neighbouring occupiers to an extent that would warrant the applications refusal on these grounds.

In order to protect the future amenities of the neighbouring residents, Officers will condition the level of occupancy of the property to ensure that it houses no more than 12 individuals.

Parking and Highway Safety

The proposals make provision for 7 car parking spaces, which was deemed adequate for the scheme of 4 flats housing 13 people. The Appeal Inspector dismissed any concerns raised with regards to highway and pedestrian safety, and parking pressures on the street from this level on occupation.

There are no specific parking standards for HMOs, however parking provisions for these types of schemes are typically assessed against the requirements for single bed / studio flats, in which Policy DM17 requires 1 to 0.5 spaces per unit for development. In this case, the proposals would therefore be required to provide between 5.5 and 11 car parking spaces. The scheme is compliant with this requirement; and reasonably, a scheme of this size dominated by any more parking than 7 spaces would likely to have a detrimental visual impact on the character and appearance of the area. Furthermore, at the top of the road, 3 minutes walk from the property there is a Bus which takes approximately 10mins to get to the High Street and the High Barnet Tube station, approximately 1 mile away - thus the application site, whilst in a low PTAL rating (1b), is within reasonable distance public services and transport.

DM17 of the DMP 2013 and The Mayor's London Plan 2016 states the need for 1no. cycle space per 1no. bedroom unit. There is a need for 12no. cycle spaces and associated storage in this development. The applicant has proposed some cycle storage however this is not enough, but it is recognised that more could be provided within the development which will be required by pre-commencement condition. It is considered that the parking and cycle provisions will comply with Policy DM17 and section 6.9 of the London Plan (2016).

Refuse and Recycling

Details of the refuse storage arrangements have been provided however, further details would be required about the positioning and dimensions of the store by means of a pre-commencement condition. Officers consider that the refuse and recycling arrangements can be arranged to minimise environmental and residential amenity impact through this condition.

5.4 Response to Public Consultation

Officers have considered and addressed a number of concerns raised during the public consultation process - the majority of which related to parking matters; refuse and

recycling provisions; and the principle of conversion of a family house into HMO in a predominantly single family dwellinghouse characterised area.

Other matters raised are addressed as follows:

- Officers acknowledge that the applicant has breached planning controls, however this application seeks the opportunity regularise the breach to become a compliant, regulated House in Multiple Occupation.
- The property will be occupied by 1 less occupant than the previous scheme, and thus, the proposed scheme is not considered to be an over intensification of the application site over and above what has already been allowed.
- The applicant has provided sufficient, scalable plans that enable a full and proper assessment of the scheme.
- The number of occupants of the development will be conditioned to prevent over-occupation of the property.
- The Appeal Inspector identified the existence of other flats within the area, albeit not within the immediate vicinity of the application site, and deemed the conversion into flats to be appropriate.
- Inaccuracies within the supplied statement have not prevented a consideration of the proposed change of use.
- The HMO team are satisfied with the quality of the accommodation for the HMO
- As a Sui Generis HMO the application site is not entitled to Permitted Development rights - these rights only exist for C3 Use Class.
- The certificate of lawfulness application was withdrawn and bears no intrinsic connection to this current application - the recommendation is made independent of this. No extensions are proposed in this application, it solely concerns the change of use.
- Cycle storage is to be further agreed by means of pre-commencement condition.
- Noise and general disturbance of the neighbouring occupiers is not considered to be demonstrably greater than the scheme allowed by the Appeal Inspector previously.
- Site management / operation is outside the consideration of this application and is down to the Landlord / operator of the HMO.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would have an acceptable impact on the character and appearance of the application site, 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.

APPENDIX 1 – Site Location Plan



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

Reference: **18/5395/FUL**

Received: 4th September 2018

Accepted: 4th September 2018

Ward: High Barnet

Expiry 4th December 2018

Applicant:

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 9

Recommendation: Approve subject to s106

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

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. 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. S278 works for the upgrade of paving on St Albans Road and implementation of noise reducing paving material on Chipping Close.
3. CPZ monitoring (£10,000), consultation (£15,000) and implementation (£10,000).

4. A contribution of £91,688 towards the provision of apprenticeship schemes and employment training within the Borough.
5. 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. Fully implemented means all conditions are discharged and the use commences.
6. 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 Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

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

Site Location Plan (PL101)
Proposed Landscape Plan (PL002 Rev. A)
Proposed Site Plan (PL003 Rev. C)
Proposed Ground Floor Plan (PL004 Rev. F)
Proposed First Floor Plan (PL005 Rev. D)
Proposed Second Floor Plan (PL006 Rev. D)
Proposed Third Floor Plan (PL007 Rev. D)
Proposed Roof Plan (PL008 Rev. D)
Proposed Sections (PL010 Rev. C)
Proposed Elevations (PL011 Rev. C)

Drainage Strategy (ARUP - 28 August 2018)
Air Quality Assessment (ARUP - 29 August 2018)
Acoustic Planning Report (ARUP - 24 August 2018)
Sustainability Statement (ARUP - 29 August 2018)
Utilities Report (ARUP - 25 April 2018)
Archaeological Evaluation Report (MOLA - 12th March 2018)
Daylight and Sunlight Report (Malcolm Hollis - 03 September 2018)
Delivery and Servicing Management Plan (rpg - August 2018)
Transport Statement (rpg - August 2018)
Travel Plan (rpg - August 2018)
Ground Investigation Report (Hunter - September 2017)
Site Plan and Investigation Locations (Chandos Remediation Ltd - Appendix A)
Heritage Statement (Turley - August 2018)
Tree Survey (FLAC - August 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 St Albans Road and Chipping Close elevations have 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 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 between the building hereby approved and no.3 St Albans 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. PL004 Rev. F 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. These details shall include for the provision of 20% active and 20% passive parking spaces with electric vehicle charging facilities. 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,

consequential damage to public highway as a result of the proposed development, and pedestrian footway upgrade works to Chipping Close (south side) and St Albans Road (west side).

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 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 first occupation of the development hereby approved, installation of mechanical plant 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 or adjacent private land 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 of the kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties shall be 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 first use, 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) Prior to their installation, details of the Photovoltaic Panels, including their design, height and visual impact on the building hereby approved, shall 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 commemorating the historical significance of the Barnet Market site shall have been submitted to and approved in writing by the Local Planning Authority, and 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).

- 38 Prior to the first occupation of the development hereby approved, a 'Secured by Design' accreditation shall be obtained and submitted to and approved, in writing, by the Local Planning Authority.

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

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been signed by 01 March 2019, 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. 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 the CPZ monitoring fees to enable the Council to assess whether the public should be consulted on a local CPZ review, and to pay for the implementation of an extension to CPZ hours if required. The proposal would therefore not address the impacts of the development on the adjacent public highway network, the free flow of traffic. 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 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

- 4 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 5 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 6 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 7 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 8 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

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

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

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;

- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

- 9 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
- 10 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.
- 11 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.
- 12 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.
- 13 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.

- 14 The footway and the carriageway of St Alban's Road must not be blocked during the development of the proposal. Temporary obstructions during the construction of the development must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the High Road.
- 15 All vehicles associated with the development must only park/stop at permitted locations and within the time periods permitted by existing on-street restrictions.
- 16 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.
- 17 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

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

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

- 18 Surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

Officer's Assessment

1. Site Description

The application site is located on the corner of St Albans Road and Chipping Close and contains a surface level car park used to accommodate the Barnet Market on Wednesdays and Saturdays. Planning permission has recently been 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 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 its role in accommodating the Barnet Market.

The application is located within a Flood Zone 1 Area and does not contain within its curtilage any trees subject to Tree Preservation Orders (TPO).

2. Site History

Reference: 18/2591/FUL

Description: 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

Decision: Refused

Decision Date: 01/08/2018

Reasons for Refusal:

1. The proposed development by reason of its three-storey scale and close relationship to residential dwellings along Chipping Close, would result in a harmful level of enclosure and overlooking from the third-floor clear glazed hotel bedroom windows detrimental to the amenities of neighbouring occupiers on Chipping Close. As such this would be contrary to Policy DM01 of the Development Management Policies (2012) and CS5 of Barnet's Core Strategy (2012).

2. The proposed pedestrian entrance/access on Chipping Close would result in an increased level of pedestrian activity and lead to unacceptable levels of noise and disturbance from comings and goings to the detriment of the Chipping Close residents. As

such this would be contrary to Policy DM01 of the Development Management Policies (2012) and CS5 of Barnet's Core Strategy (2012).

3. The proposed development would provide inadequate access to the hotel via Bruce Road which would encourage users of the hotel to drive onto and access the hotel via the Chipping Close entrance and as a result this would have a harmful impact on the neighbouring occupiers of Chipping Close by way of increased noise and traffic congestion. As such this would be contrary to Policy DM01 of the Development Management Policies (2012) and CS5 and CS9 of Barnet's Core Strategy (2012).

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. 118 responses were received comprising 42 letters of support, 0 representations and 80 objections. The public comments received can be summarised as follows:

Support:

Design:

- The changes in the resubmitted plans address the issues for refusal.
- The design is sympathetic to the area and will smarten up what is currently an empty unusable car park.
- The developers have listened to the legitimate concerns raised by local residents and responded appropriately and gone to lengths to design a building which is sympathetic to the architecture of our area.

Economic Benefits:

- The hotel will bring more custom, trade and jobs to the local area.
- Profits from the sale of the land is promised towards even further improvements in and around The Spires which will give a bigger boost to the area and attract more retailers to take up some of the empty units.
- The development will bring greatly needed foot traffic to the area and additional revenue for our local shops.

- The High Street is desperately in need of economic boosts such as will be provided by the proposal.
- The hotel will have a direct benefit in attracting new tenants to the empty shops in the Spires Shopping Centre.
- High Barnet needs an economic stimulant like this development.
- The money from the sale of the land is needed for investment in the Spires and could help attract big name retailers to consider opening in Barnet.
- The proposals will create local employment opportunities for the hotel of varying skills and levels. It will also create additional employment during construction and support local businesses through various servicing contracts required for the operation of the hotel.
- As part of the application, significant s.106 and CIL payments will be made to support local employment opportunities for Barnet residents and local infrastructure.
- The hotel will bring value in the long term.

Use:

- Friends and family of local residents will use the proposed hotel.
- The site has previously been granted planning permission for a much larger structure and the likelihood is that if this project is rejected a much more objectionable building with worse traffic and parking implications will take its place.
- With the success of the Medieval Festival and historic Barnet, our town will become a destination for tourists and with the opening of a local Premier Inn they will have somewhere to stay.
- The development will regenerate a derelict site.

Parking:

- The marginal increase in traffic will be well worth the value brought to the area.
- The Spires parking garage is never full, especially at night when hotel guests will use it and the subsidised rate will mean that very few will want to park far enough away to avoid the CPZ areas.
- The worries about extra traffic are exaggerated - this is not a 500-room hotel.
- The "Market" is a carpark now most days of the week. Making the NCP 24/7 will take hotel guest's cars away from the High Street and into the NCP where they will most likely stay put for the duration of their visit.

The Barnet Society:

Supports this application in principle, but only subject to the following conditions being imposed as part of its approval. Premier Inn must be required to:

1. Provide guest access between The Spires car park and the hotel via a safe pedestrian route to the south-east (Spires yard) side of the building.
2. Provide a financial contribution towards the relocation of Barnet Market to The Spires bandstand site.
3. Provide a financial contribution towards upgrading the Stapylton Road park (the 'grassy knoll' site adjoining the bandstand site) including better facilities there for bus travellers, bus drivers and shopper set-down and pick-up, and other landscape improvements with a view to possible future expansion of the market and discouraging anti-social behaviour.
4. Offer training and/or apprenticeships, with (other things being equal) priority given to local people.

Object:

Design:

- The development will dwarf the properties opposite on Chipping Close and is too close.
- The changes to the proposal have done nothing to address the height of the building, proximity to the cottages and lack of privacy and light.
- The site is too small for a development of this size.
- A greater setback of 21m should be provided between the proposed development and the houses opposite on Chipping Close.
- The use of opaque glazing should be kept to a minimum.
- The scale and mass of the build will be out of character with the wide green streets that make Chipping Barnet.
- The design is out of context and character with the surrounding area.
- The proposed development is built up to the edge, with no border, no room for trees or plants to soften the bleakness of the scale of development and would result in the loss of trees.

Use:

- There is no need for a hotel in the vicinity. There are already budget hotels at South Mimms, Totteridge and Boreham Wood, less than a mile in each direction.
- The application site is a residential area and not suitable for a hotel.
- Business hotels such as these do not encourage spending in local shops and businesses.
- There are many empty buildings in and around the High Street which need to be addressed and re used.
- The site would be put to better use as flats or social housing, where occupants will make more use of public transport and the local shops and services.
- Other than business rates and some low paid jobs, there is no concrete evidence of long term benefits to the economy of Barnet. It is unclear how many apprenticeships etc will benefit local residents.
- The inclusion of a restaurant will be to the detriment of other restaurants in Barnet.
- The development will result in the loss of a market.
- There will be no tangible benefit to the community of Chipping Barnet.
- The proposed market site will not be able to accommodate a successful market.
- Premier Inn is going to be sold to an international investor with completely unknown intentions. We have no idea what the building will actually be even before it is opened.

Amenity:

- The development will generate noise, light and environmental pollution which will affect the quality of life for neighbouring residential occupiers.
- The residents of Chipping Close will still lose a considerable amount of light.
- The adjacent residential properties will face devaluation.
- A significant concern is the application for a late license every single day of the week until 12.30am.
- Litter and anti-social behaviour in-between Chipping Close and Staplyton Road needs to be addressed as part of this development.
- Guests will gather outside the entrance to smoke, again causing a nuisance. Particularly so if the hotel is granted a licence to serve alcohol everyday from 10am to 12:30am (extended on holidays) and with a provision to play live music.

- The development will have a detrimental impact on the local sewer and water infrastructure.
- The main entrance has been moved from Chipping Close to Bruce Road, but with no pedestrian access down that side of the building. Almost all pedestrian access will still be down Chipping Close.

Highways:

- The hotel will generate further traffic onto already congested roads.
- Hotel residents are likely to come with cars, and with parking at a premium in Barnet and people unlikely to pay for the Spires car park, this will create significant parking issues.
- Parking permits are already almost worthless as anyone can park in Chipping Close after 6pm and before 8am.
- The site does not benefit from a high standard of cycle infrastructure so it is unlikely that staff and guests will access the hotel by cycle.
- The local roads are congested and over capacity. The hotel development will exacerbate this problem.
- The new entrance is not visible from the street so this will lead to car's missing the left turn on to Bruce Rd and instead will go down Chipping Close.
- There is no evidence of a deal between the Spires' NCP and the hotel and what guarantees are there of its permanence.
- To avoid potential parking impacts, the Council should either implement 24/7 controlled parking in local streets, or specify that Premier Inn must enhance their legal arrangement with The Spires to provide free customer parking in the Spires carpark.
- The proposed use of Bruce Grove for access to the hotel raises concerns given its location close to a main junction creates a potential danger.

Consultation conducted by Applicant:

The applicant has conducted their own public consultation meetings where attendees were encouraged to fill in a comment card to express their opinions and views on the proposed development. The comment cards received provided the following results:

Supportive: 24
 Don't Know: 1
 Object: 5

Further details of the applicant's engagement with the local community is outlined in the Record of Engagement document submitted as part of this application.

Statutory Consultees:

Heritage & Conservation: Acceptable subject to conditions
 Environmental Health: Acceptable subject to conditions
 Highways: Acceptable subject to S.106 agreements and conditions
 Sustainable Urban Drainage: Conditions required
 Historic England: No objection
 The Greater London Archaeological Advisory Service (GLAAS): No objection
 Thames Water: No objection
 Fire Brigade: No objection
 Employment and Skills: Acceptable subject to S.106 agreement

We see the Premier Inn development as a vote of confidence in the town centre. It has the potential to contribute to and enhance Chipping Barnet by attracting new visitors and improving the built environment. There is the potential for increased footfall and spend in the area, in pubs, restaurants and shops. The scheme will generate Section 106 funding that will be ringfenced to support economic development projects in the town centre. The hotel will require approximately 50 staff members and we plan to work with Whitbread and other partners to ensure that as many of these jobs as possible go to Barnet residents. Should this development go ahead, we plan to work with the hotel, the Town Team and others to maximise the benefits locally. The Council proposes to ringfence this commuted sum payment exclusively for expenditure on skills, employment, enterprise and training activities related to Chipping Barnet Town Centre.

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 seeks permission for a part three, part four-storey hotel (Class C1) on the site of the Barnet Market. The proposed development would create 100 hotel rooms, a 260m² ancillary restaurant at ground floor level and provide associated car and cycle parking via Bruce Road and the NCP car park on Staplyton Road. As outlined in the planning history section above, a similar scheme for a hotel and ancillary ground floor restaurant at the application site was previously refused by Committee (ref: 18/2591/FUL dated 01/08/2018). This application seeks to address the previous reasons for refusal as listed in the site history section above, through a series of design and highway-related amendments and solutions:

As highlighted, the previous scheme was primarily refused on amenity grounds resulting from vehicular and pedestrian movements and the building's design relating to siting, window design and building entrances. The principle of a hotel and ancillary restaurant at the application site and the building's form were accepted as part of the previous application. Therefore, the revised scheme has not sought to significantly alter the building form and size of the development in terms of overall bedroom count or restaurant size, but has instead proposed design and highways solutions which directly address the stated reasons for refusal. Following the refusal of the previous planning application (ref: 18/2591/FUL), the applicant has proactively engaged with all council and public stakeholders to understand outstanding concerns and address these within this application. This process has been documented in the Record of Engagement submitted as part of this application. The outstanding issues raised by members of the public broadly aligned with the previous reasons for refusal which comprise of a general increase in noise and disturbance resulting from pedestrian and vehicular comings and goings, loss of residential amenity to dwellings opposite on Chipping Close and traffic and parking concerns. Other points were raised by members of the public and these have been broadly

captured in the public consultation response listed above. Based on the two public consultation sessions ran by the applicant, it was documented that 54% of those who attended supported the revised scheme and the proposed solutions.

For clarity, the changes proposed in response to the previously refused application (ref: 18/2591/FUL) comprise of the following:

To address Reason for Refusal 1:

- Part obscure glazing to all windows facing Chipping Close (bottom half of the window).

Part obscure glazing was a design approach used and accepted for a previous permission on site for a mixed market / residential scheme of a similar scale (ref: B/03642/10 - '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').

- Further building set-back of 0.25m along the Chipping Close Elevation. This results in a 10.55m set-back from the residential dwellings opposite on Chipping Close and 11.33m where the building is recessed.

The distance is now a minimum of 1.55m further away from the existing dwellings on Chipping Close than the previous consented scheme on the site (ref: B/03642/10) and includes a pavement width of 2.7m. This is the maximum set-back that can be provided before the development is no longer viable in terms of bedroom size and internal functionality.

To address Reasons for Refusal 2 and 3:

- The main hotel entrance has been relocated from Chipping Close to Bruce Road. There is now no hotel access points along Chipping Close.

- Relocation of the restaurant entrance from the corner of St Albans Road and Chipping Close so it is sited solely on St Albans Road, a Primary Shopping Frontage as stated within the Development Management Policies (2012).

- The applicant has agreed to enter into a Section 106 agreement to provide financial contributions to enable a CPZ (Controlled Parking Zone) review of the surrounding streets.

- The applicant has agreed to provide noise reducing paving along Chipping Close via a S.278 agreement.

Given the majority of the proposed development remains largely the same as the previously refused scheme, this report will focus more on assessing whether the proposed changes have adequately addressed the previous reasons for refusal. Where elements of the previously refused scheme were accepted, such as the overall building form, design detailing and visual impact on the streetscene, Chipping Barnet Town Centre and wider Monken Hadley Conservation Area, no detailed comments or justification will be made.

While the previous application accepted the principle of a hotel and ancillary restaurant at the application site, it is worth for the purposes of clarity and given the number of public comments received, to again summarise why the proposed use is considered acceptable

in view of local planning policy and the wider Chipping Barnet Town Centre Strategy. Firstly, for the avoidance of doubt, 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 envisaged 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. Should this application be recommended for approval, it would be subject to a s.106 agreement which requires the relocation of the market to be implemented before development on the hotel can commence. Council Planning Officers are currently in discussion with the stakeholders responsible for the relocation of the market to ensure all relevant conditions are promptly discharged to expedite the relocation process.

The relocation of the market would result in a vacant brownfield site located within the Chipping Barnet Town Centre and along the Primary Shopping Frontage on St Albans Road becoming available for redevelopment. This site and its development potential lies at the heart of the Chipping Barnet Town Centre Strategy (2013) and 'retail triangle' outlined in the Spires Shopping Centre, Market Site and Territorial Army Centre (2012).

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 proximity 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) identifies the following objectives:

- *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. This is to be delivered through the development of an expanded retail and service offering that seeks to increase footfall throughout the day, deliver new investment into the town centre and attract anchor attractions that bring new end users into the town centre. These strategies place the long-term future of the Barnet Market at its core, with its relocation a stated strategy. The proposed development would align with these stated aims and objectives.

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 within a town centre location, with the additional benefit of providing an active frontage within an area designated by the Development Management Policies (2012) as a Primary Shopping Frontage (Map 2 - Chipping Barnet Town Centre).

Some of the public objections received express concern about the impact of the proposed development on the wider vitality and vibrancy of the Chipping Barnet Town Centre. These include reservations as to the need of a hotel development, its lack of benefit towards the wider regeneration of the town centre, and concerns that the provision of a new restaurant would be to the detriment of the existing restaurant offering within the Town Centre. However, it is considered that the proposed development would have a direct economic benefit to the wider Chipping Barnet Town Centre through the creation of new jobs, CIL payments contributing to local infrastructure and services, and £91,688 in ringfenced contributions to local apprenticeship, employment and training schemes. Indeed, 50 new jobs would be created to be split across a range of roles both full and part-time and with varying 'entry levels' so that they are accessible to a range of people in the local community. These economic benefits and financial contributions will be secured via s.106 agreements. The Council's Employment and Skills Department have noted the following:

We see the Premier Inn development as a vote of confidence in the town centre. It has the potential to contribute to and enhance Chipping Barnet by attracting new visitors and improving the built environment. There is the potential for increased footfall and spend in the area, in pubs, restaurants and shops. The scheme will generate Section 106 funding

that will be ringfenced to support economic development projects in the town centre. The hotel will require approximately 50 staff members and we plan to work with Whitbread and other partners to ensure that as many of these jobs as possible go to Barnet residents. Should this development go ahead, we plan to work with the hotel, the Town Team and others to maximise the benefits locally. The Council proposes to ringfence this commuted sum payment exclusively for expenditure on skills, employment, enterprise and training activities related to Chipping Barnet Town Centre.

Improving local retail infrastructure, attracting new town centre investment and end-users, and creating better funded employment pathways for local residents are a significant and very tangible benefit of this scheme. Indeed, it is expected that the proposed scheme will unlock wider investment into the Spires Shopping Centre and Barnet Market which it is hoped will rejuvenate and improve the quality of the local retail infrastructure and service offering within the Chipping Barnet Town Centre. 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 fully aligns with local town centre policy and the stated aims and objectives of the Chipping Barnet Town Centre Strategy (2013).

Character and Appearance

As outlined above, the form of the proposed development, including its part three, part four storey scale and consequential impact on the character and appearance of the application site, streetscene, Chipping Barnet Town Centre and Monken Hadley Conservation Area was considered acceptable as part of the previous application (ref:18/2591/FUL). The design based reasons for refusal concerned the siting of the Chipping Close elevation in relation to the dwellings located opposite, the clear glazed design of the windows on Chipping Close and the location of the hotel and restaurant entrances. As highlighted in the section above, the applicant has extensively engaged with both Council and public stakeholders and has made a number of design alterations to address outstanding public concerns and the Planning Committee's stated reasons for refusal. The overall architectural form, part three / part four storey scale and conservation-style design detailing has not changed from the previous scheme and therefore given these were considered acceptable by the Planning Committee, the following assessment will focus primarily on the design changes proposed.

The following section addresses how the design alterations proposed successfully overcome and address the previous reasons for refusal.

Reason for Refusal 1:

The proposed development by reason of its three-storey scale and close relationship to residential dwellings along Chipping Close, would result in a harmful level of enclosure and overlooking from the third-floor clear glazed hotel bedroom windows detrimental to the amenities of neighbouring occupiers on Chipping Close. As such this would be contrary to Policy DM01 of the Development Management Policies (2012) and CS5 of Barnet's Core Strategy (2012).

The applicant has proposed part obscure glazing to the bottom half of all windows facing onto Chipping Close. The part obscure glazing strikes a balance between protecting the privacy of neighbouring residential occupants, whilst providing a reasonable level of outlook for future hotel users. The principle of part obscure glazing as a design solution to overcome overlooking to neighbouring dwellings on Chipping Close was accepted by Committee for a previously approved mixed market / residential scheme (ref: B/03642/10).

Coupled with the part obscure glazing, the Chipping Close elevation has also been set-back by a further 0.25m from the dwelling houses located opposite the application site on Chipping Close. This results in a set-back from these dwellings of 10.55m (11.33m where recessed). The proposed set-back is now 1.55m further from the dwellings opposite the application site than the set-back provided on the previously approved scheme on site, which was also proposed to a part three / part four storey scale and included five ground floor entrance points along Chipping Close, including access to a basement level car park. It is considered that these amendments adequately address the overlooking and sense of enclosure concerns outlined in the stated reason for refusal.

Some public comments refer to the need to provide a 21m separation between the proposed hotel and dwellings opposite on Chipping Close. Section 7.3 of the Residential Design Guidance SPD (2016) states that:

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

As indicated by the wording of the policy, the recommended 21m distance is not binary. Indeed, it states that the distance between facing windows to habitable rooms should be considered alongside other material considerations. There are two significant material considerations to consider in this instance; relevant site planning history and the fact that enforcing a strict 21m distance would render the application site unviable to redevelop. Regarding site history, it is considered that the proposed development by reason of its increased set-back and part obscure glazing would have a more appropriate and less invasive impact on the residential amenity of neighbouring occupiers (i.e. overlooking, sense of enclosure, loss of light) than the development previously considered acceptable by Committee (ref: B/03642/10).

Given the strategic importance of the application site within the Chipping Barnet Town Centre and Monken Hadley Conservation Area, the site will be redeveloped at some point in the future irrespective of the outcome of this application. Indeed, should another development proposal be forthcoming, a viable scheme which makes most efficient use of the site will be required in line paragraph 123 of the National Planning Policy Framework (2018) which states that, 'local planning authorities should refuse applications which they consider fail to make efficient use of land'. With this in mind, and given the previously approved scheme (ref: B/03642/10) had a larger building footprint than the proposed, including less of a set-back from the existing dwellings on Chipping Close, it is considered that it would not be unreasonable for any future scheme to propose a similar building footprint. Nevertheless, despite this, the applicant in an attempt to reduce the visual and amenity impact on neighbouring occupiers has increased the set-back of the proposed Chipping Close elevation by 1.55m over and above the previously approved scheme. However, no further reductions to the building line are possible otherwise the development would be spatially and economically unviable. Therefore, in this instance, with national policy and previous site history in mind, the enforcement of a 21m distance between the front building line of the existing dwellings on Chipping Close and the application site is likely to render any future scheme, whether for residential units or a hotel, spatially and commercially unviable and in breach of national policy concerning the efficient use of land. Based on this, it is considered that the proposed set-backs and inclusion of part obscure

glazing along the Chipping Close elevation, would appropriately address and overcome the previous reason for refusal.

Reason for Refusal 2:

The proposed pedestrian entrance/access on Chipping Close would result in an increased level of pedestrian activity and lead to unacceptable levels of noise and disturbance from comings and goings to the detriment of the Chipping Close residents. As such this would be contrary to Policy DM01 of the Development Management Policies (2012) and CS5 of Barnet's Core Strategy (2012).

The pedestrian entrance and access points to both the hotel and restaurant have been entirely removed from Chipping Close. Indeed, the hotel entrance has been relocated from Chipping Close to Bruce Road and the restaurant entrance has been moved from the corner of St Albans Road and Chipping Close to be entirely sited on St Albans Road which forms part of the Primary Shopping Frontage in the Chipping Barnet Town Centre. The applicant has also committed to a S.278 agreement to provide noise reducing paving along Chipping Close to reduce any noise and disturbance associated with hotel guests pulling wheeled suitcases along Chipping Close when accessing the site from the NCP car park on Staplyton Road. While the provision of noise reducing paving along Chipping Close is considered unnecessary and is not required by Officers to achieve a recommendation of approval, it serves to evidence the applicant's attempt to address the concerns of local residents and their commitment to protecting the residential amenity of neighbouring occupiers.

The relocation of the main hotel and restaurant entrances addresses the Council's reason for refusal and should ensure that the bulk of pedestrian activity and site access is concentrated on Bruce Road and St Albans Road. Any pedestrian activity along Chipping Close is expected to be limited to hotel guests accessing the site from the NCP car park located on Staplyton Road. It should be noted that the application site is accessible from the NCP car park via The Spires Shopping Centre and therefore not all pedestrian movement from the NCP car park will be via Chipping Close. Lastly, it should be made clear that the application site is located within the Chipping Barnet Town Centre, along a Primary Shopping Frontage and could be used as a car park, with its associated vehicular and pedestrian noise and disturbance. Pedestrian activity within a town centre site and along a Primary Shopping Frontage is not unreasonable. The previously approved mixed market / residential scheme (ref: B/03642/10) should also be considered, as this allowed for 5 entrance points along Chipping Close, including access to a basement level car park which could accommodate 27 vehicles. It is considered that the proposed design alterations and the commitment to provide noise reducing paving along Chipping Close appropriately addresses the Council's reason for refusal.

Reason for Refusal 3:

The proposed development would provide inadequate access to the hotel via Bruce Road which would encourage users of the hotel to drive onto and access the hotel via the Chipping Close entrance and as a result this would have a harmful impact on the neighbouring occupiers of Chipping Close by way of increased noise and traffic congestion. As such this would be contrary to Policy DM01 of the Development Management Policies (2012) and CS5 and CS9 of Barnet's Core Strategy (2012).

As outlined above, the main hotel entrance has been relocated onto Bruce Road. Consequently, the address of the site, including the postcode that would be entered into a

satnav by hotel guests would be Bruce Road. Furthermore, as outlined in the applicant's Travel Plan, any hotel bookings received would be notified that secure and discounted parking is available at the NCP car park on Staplyton Road and drop-off parking is located on Bruce Road. To further limit the impact of any vehicular activity along Chipping Close, the applicant has committed to pay for a CPZ review to explore whether a 24-hour CPZ should be implemented. This would be secured via a S.106 agreement. Council Planning Officers do not think a CPZ review is necessary. However, as above, the applicant has demonstrated a desire to listen to local resident concerns and provide a solution which they consider further reduces the impact of the development on neighbouring occupiers.

It should be noted that the application site is currently a surface level car park which accommodates 44 parking spaces that are accessible via Chipping Close, and as outlined above, the previously approved scheme (ref: B/03642/10) also had the entrance to a basement level car park on Chipping Close. Furthermore, should a residential scheme come forward for the application site in the future, it would have a greater onsite parking requirement than the proposed hotel use. Therefore, while the majority of hotel and restaurant access is expected to be via Bruce Road or St Albans Road, any occasional vehicular movement along Chipping Close as a result of the proposed development would be significantly less than the other stated scenarios. Consequently, it is considered that the design amendments made, in addition to the commitment to provide financial contributions to implement a CPZ review, both address the previous reason for refusal and represent a solution which goes beyond what would be reasonably expected given a CPZ review is not deemed necessary by the Council's Highways Officers. Therefore, given the sites location within the Chipping Barnet Town Centre, its existing use as a surface level car park and the fact the previously approved scheme allowed vehicular access via Chipping Close, it is not considered that the proposed design would result in vehicular movement along Chipping Close that would be out of character, detrimental to neighbouring amenity, or result in harm to the free flow of traffic on the adjacent public highways.

Regarding access and drop-off arrangements on Bruce Road, Council Highways Officers are satisfied they would not detrimentally impact the free flow of traffic along St Albans Road or the High Street. The highways impacts will be discussed in further detail in the highways section below.

While all other areas of the design were explained in detail within the previous committee report (ref: 18/2591/FUL) and were accepted by committee given their absence within the wording of the stated reasons for refusal, it is worth clarifying a couple of wider design points. As per the previous scheme, 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 is installed on the site to commemorate the historical significance of the site's 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. Finally, it should be noted that 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.

In summary, it is considered that the proposed design revisions and solutions address the highlighted reasons for refusal and continue to ensure the proposal results in a high-quality form of development which protects and enhances the appearance of the Monken Hadley Conservation Area and appropriately responds to the character nuances of St Albans Road and Chipping Close. Indeed, it is deemed that the design is compliant with Policies

DM01 and DM06 and the stated design objectives outlined in the The Spires Shopping Centre, Market Site and Territorial Army Centre (July 2012). It is considered that the increased set-back of the Chipping Close elevation from the dwelling houses opposite, the part obscure glazing applied to all windows along the Chipping Close elevation and the relocation of the hotel and restaurant entrances onto Bruce Road and St Albans Road directly address the stated reasons for refusal. The addition of noise reducing paving along Chipping Close and a financial contribution to implement a CPZ review further reinforce the schemes acceptability on character and amenity grounds. Furthermore, 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 street frontage along St Albans Road which forms part of the Primary Shopping Frontage of the 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. Based on the above, it is deemed that the proposed development would have a positive impact on the character and appearance of the application site, Chipping Barnet Town Centre and Monken Hadley Conservation Area and addresses and overcomes the previous reasons for refusal. 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:

As outlined above, the proposed development provides a set-back of 10.55m from the residential dwellings located on Chipping Close and 11.33m where the building is recessed. 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 1.55m closer to the existing dwellings on Chipping Close than the proposed development. The principle of part obscure glazing was accepted within the previously approved scheme. It is considered that the set-back proposed, in addition to the part obscure glazed windows, are 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 irrespective of the outcome of this application. Any future development will naturally have a greater impact than a vacant surface level car park. However, in this instance, it is deemed that the impact on the privacy provision of neighbouring occupiers is acceptable, particularly given the increased set-back proposed

is a material improvement to the set-back previously approved (ref: B/03642/10) and considered acceptable on amenity grounds. As outlined above, enforcing a strict 21m distance between the existing dwellings on Chipping Close and the building line of any future scheme at the application site would make the proposed development unviable and contrary to national policy regarding the efficient use of land in town centres.

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 24% 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. Furthermore, as there are no gardens or amenity spaces located in close enough proximity to the proposed development to be adversely affected by it, the proposals would accord with the BRE guidance in relation to overshadowing. 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 have a limited and therefore acceptable impact on neighbouring occupiers and conditions within the area. The assessments conclude that:

- The baseline assessment found that the location is likely to receive a NO₂ concentration of less than 56µg/m³. Following LAQM.TG(16)10 guidance, exceedances of the NO₂ hourly mean objective are unlikely to occur where the annual mean is below 60µg/m³.
- The construction dust assessment found a medium risk associated with demolition and construction activities and a low risk of impact associated with all other activities. The implementation of the mitigation measures outlined in the Assessment is considered to render any impact during construction to be negligible and not significant.
- The level of NO_x emissions from the water heaters is below the EPUK/IAQM screening criteria of 5mg/s and below the GLA's Sustainable Design and Construction SPG limit of 40mg/kWh. Therefore, the water heater emissions are considered not significant.
- The trip generation of the current use and future use of the Site indicated that a detailed assessment for road traffic emissions was not required, following EPUK/IAQM screening criteria, and therefore any effect is predicted to be negligible and not significant.
- The odour risk assessment of the proposed kitchen and associated extract found that a "high" level of odour abatement is required to mitigate the risk.

It should be noted that the conclusions and mitigation measures proposed have been accepted by the Council's Environmental Health Officers and appropriate conditions will be attached to any permission to ensure neighbouring residential amenity is suitably protected.

Furthermore, 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. Conversely, the hotel use would result in less motorised trip generation throughout the day than if the site was in use as a car park. Additionally, the predominant internal use of the site is for the purposes of sleep, rest and recuperation with the hotel provider offering 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 whilst 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 be closed to members of the public after 11pm. This is representative of opening times for 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 within the town centre. This is expected to limit trip generation to and from the site at times during the day / night when neighbouring residential amenity is more acute. This will be secured via condition. It is also expected that as a result of relocating the hotel and restaurant entrances to Bruce Road and St Albans Road respectively, most external activity will now be concentrated away from residential units on Chipping Close. It is worth noting that if the site was redeveloped with a higher density residential use, no such time restrictions could be enforced and therefore pedestrian and vehicular access to the application site would be unrestricted.

Pedestrian / Highways:

This section does not assess the merits of the application from a highways perspective, which will be discussed below, but instead assesses the impact of the proposed access arrangements to the application site on 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 S.106 agreement to ensure the operator of the hotel and restaurant implement appropriate measures to limit any noise and disturbance resulting from its use. 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. As outlined above, the applicant has also committed to a financial payment to implement a CPZ review to understand whether a 24-hour CPZ is required. This will also be secured via a s.106 agreement.

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. As the main hotel entrance has been relocated to Bruce Road, the postcode for the site and consequently the details entered into any hotel guest's satnav will direct site access to Bruce Road.

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 onsite parking 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 required to be located within town centres because they have a higher level of accessibility via 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 secure parking within a large multi-storey car park proximally located 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 from one concentrated destination, with two different locations and associated routes proposed. The site's existing use as 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 hotel's proximity to bus stops and the High Barnet Tube Station enables other viable modes of transport to the site. Based on the above, it is considered that the proposed development is in compliance with the London Plan (2016) and adequately accommodates all forms of transport to the application site.

As a result of the design changes to relocate the hotel and restaurant entrances, pedestrian access to the site is expected to be mainly located along Bruce Road and St Albans Road. Some pedestrian movement along Chipping Close is expected from customers parking in the adjacent NCP car park on Staplyton Road. However, it should be noted that the site is accessible from the NCP car park via The Spires Shopping Centre and therefore not all pedestrian trip generation from the NCP car park to the application site will be via Chipping Close. As a way of addressing potential noise and disturbance concerns resulting from wheeled suitcases, the applicant has agreed to introduce noise reducing paving along Chipping Close. This will be secured via a S.278 agreement. 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. Based on the design changes and noise reducing paving, it is not considered that pedestrian movement to and from the site will 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 the increased pedestrian activity, the active frontage at ground floor level and the resulting 'eyes on the street' will have the opposite effect. A surface level car park provides limited surveillance and creates hidden or enclosed spaces which can lead to increased levels of anti-social behavior and disturbance. The applicant has designed the proposed development to achieve Secure by Design standards, including the provision of a security system with the aim of reducing opportunities for crime in the site's immediate locality. It should also be noted that the scheme would benefit from substantial CIL contributions which would be used to improve local social infrastructure.

Based on the design alterations made, the mitigation measures proposed and the 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 10.55m set-back from neighbouring dwellings on Chipping Close to further reduce any perceived sense of enclosure, a set-back increase of 1.55m 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, part obscure glazing is proposed for all windows along the Chipping Close elevation to protect neighbouring occupier privacy, noise reducing paving will be introduced along Chipping Close to limit any noise and disturbance associated with pedestrian comings and goings to the site and the Chipping Close hotel entrance has been relocated to Bruce Road to redirect pedestrian movement and any external activity away from Chipping Close. The proposal has also provided measures to mitigate the impact of vehicular access to the site on neighbouring residential amenity by way of entrance relocations for both the hotel and restaurant to Bruce Road and St Albans Road respectively and financial contributions to implement a CPZ review to assess parking capacity / stress on surrounding streets. As outlined above, hours of use for the restaurant will also be secured via condition. 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 secure parking at 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 and Travel Plan submitted by the applicant and consider it acceptable subject to conditions, a S.106 agreement regarding a Travel Plan and CPZ review and a S.278 agreement regarding repairs to the public highway and the installation of noise reducing paving along Chipping Close.

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 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, provides secure off-street parking off-site in built-up areas and optimises land

uses within more dense 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. 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 vehicular traffic and concentrate those journeys along St Albans Road and Chipping Close.

Trip Generation:

The Transport Assessment (TA) submitted with the planning application was prepared by RGP. The trip rates were derived using TRICS Database which is an industry standard database.

The existing site comprises a surface level car park comprising 44 spaces which has been closed since December 2017. The applicant's Transport Assessment 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).

It should be noted that the proposed development represents a reduction in trip generation figures when compared with the extant car park and market use.

Typically, the proposed type of hotel has no peak time periods of use. The majority of trips are evenly spread out throughout the cores hours of the developments operation.

The applicant's Transport Assessment also states 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 service vehicles entering at this location will have no detrimental 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. The applicants have proposed monitoring of parking in the area and if required contributions to cover CPZ consultation and implementation. While highways officers do not believe this is necessary due to the associated parking proposals and large number of available off-street parking in the surrounding area, this is a form of mitigation which the applicant considers will put suitable safeguards in place to address the concerns of local residents. The applicants via a S.278 agreement will provide a financial contribution to ensure Council Highways Officers can effectively monitor this process.

Highway Works:

Any works on the public highway to facilitate the proposal would need to be technically approved by the Highway Authority and carried out at the applicant's expense under S.278 of the Highways Act. It is expected that footway upgrades will be required around the development, including the installation of noise reducing paving along Chipping Close. The noise reducing paving will aim to reduce the noise of rolled suitcases by a considerable decibel level. However, there is a balance to be struck between performance of the paving material and its maintenance and consequential financial burden to the council once implemented. Therefore, the exact paving materials to be used will be confirmed following a more detailed technical review and installed post construction. The appropriate noise reducing paving will be secured via the highlighted S.278 agreement and a commuted sum will be received from the applicant to cover installation and maintenance costs.

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.

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.

Suitable drainage, plant and water conditions will be attached to any permission. Both the Council's Environmental Health Department and Thames Water have reviewed the application and consider it acceptable subject to conditions.

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 changes in the resubmitted plans address the issues for refusal:

Noted.

- The design is sympathetic to the area and will smarten up what is currently an empty unusable car park:

Noted.

- The developers have listened to the legitimate concerns raised by local residents and responded appropriately and gone to lengths to design a building which is sympathetic to the architecture of our area:

Noted.

- The hotel will bring more custom, trade and jobs to the local area:

Noted.

- Profits from the sale of the land is promised towards even further improvements in and around The Spires which will give a bigger boost to the area and attract more retailers to take up some of the empty units:

Noted.

- The development will bring greatly needed foot traffic to the area and additional revenue for our local shops:

Noted.

- The High Street is desperately in need of economic boosts such as will be provided by the proposal:

Noted.

- The hotel will have a direct benefit in attracting new tenants to the empty shops in the Spires Shopping Centre:

Noted.

- High Barnet needs an economic stimulant like this development:

Noted.

- The money from the sale of the land is needed for investment in the Spires and could help attract big name retailers to consider opening in Barnet:

Noted.

- The proposals will create local employment opportunities for the hotel of varying skills and levels. It will also create additional employment during construction and support local businesses through various servicing contracts required for the operation of the hotel:

Noted.

- As part of the application, significant s.106 and CIL payments will be made to support local employment opportunities for Barnet residents and local infrastructure:

Noted - see Employment and Skills statement.

- The hotel will bring value in the long term:

Noted.

- Friends and family of local residents will use the proposed hotel:

Noted.

- The site has previously been granted planning permission for a much larger structure and the likelihood is that if this project is rejected a much more objectionable building with worse traffic and parking implications will take its place:

Noted.

- With the success of the Medieval Festival and historic Barnet, our town will become a destination for tourists and with the opening of a local Premier Inn they will have somewhere to stay.

- The development will regenerate a derelict site:

Noted.

- The marginal increase in traffic will be well worth the value brought to the area:

Noted.

- The Spires parking garage is never full, especially at night when hotel guests will use it and the subsidised rate will mean that very few will want to park far enough away to avoid the CPZ areas.

- The worries about extra traffic are exaggerated - this is not a 500-room hotel:

Noted.

- The "Market" is a carpark now most days of the week. Making the NCP 24/7 will take hotel guest's cars away from the High Street and into the NCP where they will most likely stay put for the duration of their visit:

Noted.

Premier Inn must be required to:

1. Provide guest access between The Spires car park and the hotel via a safe pedestrian route to the south-east (Spires yard) side of the building:

It is not considered this is needed as there is adequate site access through the town centre, Spires Shopping Centre and Chipping Close where noise reducing paving is proposed.

2. Provide a financial contribution towards the relocation of Barnet Market to The Spires bandstand site:

The relocation of Barnet Market to The Spires bandstand area is already approved. A legal agreement will be signed preventing development of the application site until all outstanding conditions relating to the relocation are fully discharged.

3. Provide a financial contribution towards upgrading the Stapylton Road park (the 'grassy knoll' site adjoining the bandstand site) including better facilities there for bus travellers, bus drivers and shopper set-down and pick-up, and other landscape improvements with a view to possible future expansion of the market and discouraging anti-social behaviour:

The proposal will generate significant CIL contributions which will be used towards funding local infrastructure and service improvements.

4. Offer training and/or apprenticeships, with (other things being equal) priority given to local people:

A financial contribution of £91,688 will be made to contribute to local apprenticeships, work experience and training schemes. The Council proposes to ringfence this commuted sum payment exclusively for expenditure on skills, employment, enterprise and training activities related to Chipping Barnet Town Centre.

- The development will dwarf the properties opposite on Chipping Close and is too close:

The proposed development is set-back further from these properties than the previously approved part three / part four storey mixed market and residential scheme (ref: B/03642/10). See character section above.

- The changes to the proposal have done nothing to address the height of the building, proximity to the cottages and lack of privacy and light:

The previous application was not refused on its height. The applicant has demonstrated light to neighbouring properties is in excess of BRE standards. The proximity of the building from neighbouring properties is greater than the previously approved development (ref: B/03642/10). Part obscure glazed windows have been added to all windows along Chipping Close.

- The site is too small for a development of this size.

See character section.

- A greater setback of 21m should be provided between the proposed development and the houses opposite on Chipping Close:

A set-back of 21m would render the site unviable for development whether for a hotel use or residential. It is not unusual for building lines to have less than a 21m distance, particularly in town centre locations. See Character section.

- The use of opaque glazing should be kept to a minimum:

Part obscure glazing has only been proposed along the Chipping Close elevation. This principle was accepted on the previously approved scheme on site (ref: B/03642/10).

- The scale and mass of the build will be out of character with the wide green streets that make Chipping Barnet:

The site is in a town centre and is currently used as a tarmacked surface level car park. The site is not characterised by trees and soft landscaping. Nevertheless, the proposed scheme will introduce soft landscaping to the site which will be secured via a landscaping condition. The scale and mass of the building was broadly accepted during the previous submission.

- The design is out of context and character with the surrounding area:

See character section above.

- The proposed development is built up to the edge, with no border, no room for trees or plants to soften the bleakness of the scale of development and would result in the loss of trees:

The proposed development provides a greater set-back along both St Albans Road and Chipping Close than the previously approved scheme (ref: B/03642/10) which enables wider pavement widths and soft landscaping to be introduced.

- There is no need for a hotel in the vicinity. There are already budget hotels at South Mimms, Totteridge and Boreham Wood, less than a mile in each direction:

The provision of a hotel is central to the aims and objectives of the Chipping Barnet Town Centre Strategy that calls for a broader range of retail and service offerings.

- The application site is a residential area and not suitable for a hotel:

The application site is not defined as a residential area. It was previously used as a market and then a car park. It is located within a town centre and along a Primary Shopping Frontage.

- Business hotels such as these do not encourage spending in local shops and businesses:

A range of different people will make use of the hotel with differing levels of investment in local shops. The claim that business hotels do not encourage spending in local shops is

unsubstantiated. The wider benefits include new jobs for local people giving them the ability to spend in local shops, business rates and CIL and Skills and Training financial contributions supporting local economic initiatives and an incentive for people to travel to Chipping Barnet Town Centre who otherwise might not.

- There are many empty buildings in and around the High Street which need to be addressed and re used.

The proposed development is expected to release investment in The Spires Shopping Centre and attract new end users to the Town Centre. Financial contributions towards economic initiatives will also provide support to the local town centre infrastructure.

- The site would be put to better use as flats or social housing, where occupants will make more use of public transport and the local shops and services:

A hotel is a policy compliant use for the application site and fully aligns with the aims and objectives of the Chipping Barnet Town Centre Strategy (2013).

- Other than business rates and some low paid jobs, there is no concrete evidence of long term benefits to the economy of Barnet. It is unclear how many apprenticeships etc will benefit local residents:

£91,688 of financial contributions will be ringfenced for economic initiatives within Chipping Barnet Town Centre, including apprenticeships, skills training etc. There should be no objection to the creation of new jobs irrespective of level and salary. There is a broad spectrum of employment needs within the local area and the proposed development would provide a range of different roles. The application site if brought into use is a car park. This provides no new jobs, no new business rates, no apprenticeships, skills training etc.

- The inclusion of a restaurant will be to the detriment of other restaurants in Barnet:

It is expected that many guests will use local shops and services, and walk through the town if using public transport. However, should guests of the hotel choose on occasion to use the hotel restaurant this does not detract from other restaurants because some of those guests would not necessarily be in Chipping Barnet Town Centre if they were not staying at the hotel and therefore would not be using local restaurants anyways. The hotel is a net contributor to footfall within the town centre.

- The development will result in the loss of a market:

Planning permission has already been granted for the relocation of the market to the area of the bandstand to the front of The Spires on Staplyton Road.

- There will be no tangible benefit to the community of Chipping Barnet:

See principle section above.

- The proposed market site will not be able to accommodate a successful market:

Planning permission has already been granted for the relocation of the market to the area of the bandstand to the front of The Spires on Staplyton Road.

- Premier Inn is going to be sold to an international investor with completely unknown intentions. We have no idea what the building will actually be even before it is opened:

This is unsubstantiated and not a material planning consideration.

- The development will generate noise, light and environmental pollution which will affect the quality of life for neighbouring residential occupiers:

See amenity section above.

- The residents of Chipping Close will still lose a considerable amount of light:

See amenity section above.

- The adjacent residential properties will face devaluation:

This is not a material planning consideration.

- A significant concern is the application for a late license every single day of the week until 12.30am:

No revised licensing application has yet been made. The use of the hotel and restaurant will be subject to planning conditions governing hours of use. Public use of the site after 11pm will not be permitted.

- Litter and anti-social behaviour in-between Chipping Close and Staplyton Road needs to be addressed as part of this development:

The proposed development will provide a substantial CIL contribution to invest in local services.

- Guests will gather outside the entrance to smoke, again causing a nuisance. Particularly so if the hotel is granted a licence to serve alcohol everyday from 10am to 12:30am (extended on holidays) and with a provision to play live music:

The entrances are located on Bruce Road and St Albans Road away from the residential units on Chipping Close. The use of the hotel and restaurant will be subject to planning conditions governing hours of use. Public use of the site after 11pm will not be permitted.

- The development will have a detrimental impact on the local sewer and water infrastructure:

Appropriate conditions will be attached to any permission ensuring no development proceeds until the Council is satisfied the impact on the local sewer and water infrastructure is acceptable. Thames Water have been consulted and were satisfied with the proposals.

- The main entrance has been moved from Chipping Close to Bruce Road, but with no pedestrian access down that side of the building. Almost all pedestrian access will still be down Chipping Close:

There is adequate site access through the town centre, Spires Shopping Centre and Chipping Close where noise reducing paving is proposed.

- The hotel will generate further traffic onto already congested roads:

The hotel would generate less vehicular trip generation than the sites existing use as a car park, or should the site be used for residential purposes.

- Hotel residents are likely to come with cars, and with parking at a premium in Barnet and people unlikely to pay for the Spires car park, this will create significant parking issues:

See highways section above.

- Parking permits are already almost worthless as anyone can park in Chipping Close after 6pm and before 8am:

The applicant has committed to providing financial contributions to implement a CPZ review of the local area. Council Highways Officers will monitor this process.

- The site does not benefit from a high standard of cycle infrastructure so it is unlikely that staff and guests will access the hotel by cycle:

Cycle infrastructure has been provided in line with London Plan (2016) policies and to encourage alternative modes of transport.

- The local roads are congested and over capacity. The hotel development will exacerbate this problem:

The hotel would generate less vehicular trip generation than the sites existing use as a car park, or should the site be used for residential uses.

- The new entrance is not visible from the street so this will lead to car's missing the left turn on to Bruce Rd and instead will go down Chipping Close:

The relocation of the hotel's entrances was made as a result of the previous reasons for refusal. All guests when making their bookings will be given a Bruce Road address and postcode to enter into their satnav devices. The sites existing use as a car park would generate more vehicular trip generation along Chipping Close.

- There is no evidence of a deal between the Spires' NCP and the hotel and what guarantees are there of its permanence:

This will be secured via a S.106 agreement and will be the subject of monitoring by the Council.

- To avoid potential parking impacts, the Council should either implement 24/7 controlled parking in local streets, or specify that Premier Inn must enhance their legal arrangement with The Spires to provide free customer parking in the Spires car park:

The applicants will pay for a CPZ review of the local area to understand whether a change to the current CPZ is required. This will be secured via a S.106 agreement.

- The proposed use of Bruce Grove for access to the hotel raises concerns given its location close to a main junction creates a potential danger:

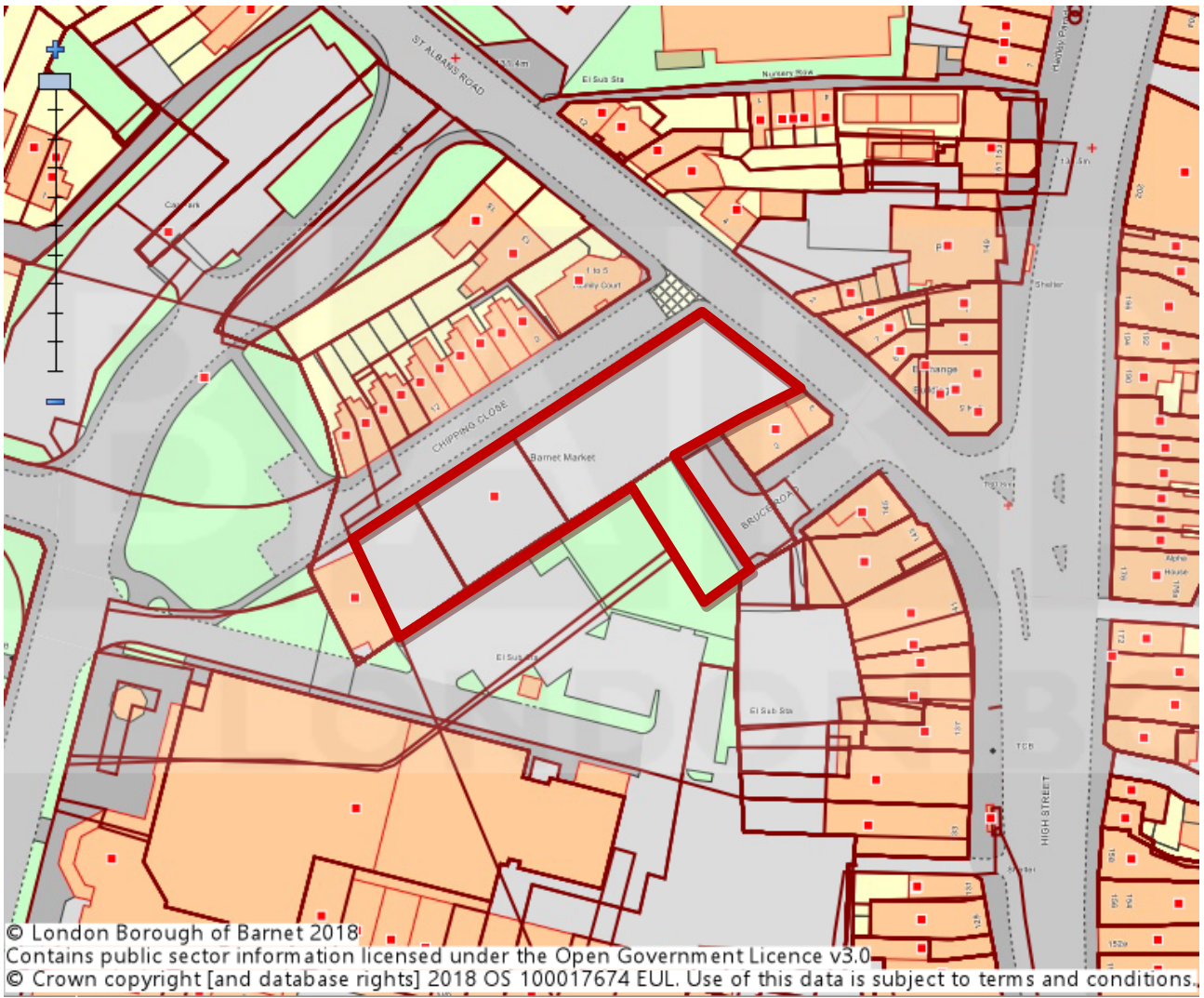
The Council's Highways Department has reviewed the application and consider it acceptable on highways grounds.

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 proposed design appropriately addresses the previous reasons for refusal, 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 (2013). The proposed 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 considered to have an acceptable impact on the residential amenity of neighbouring occupiers by way of daylight / sunlight, privacy, air and noise pollution and vehicular and pedestrian movements. Acceptable mitigation measures have been evidenced including further elevational setbacks, part obscure glazed windows, noise reduction paving and a CPZ review. The proposed development has also provided an appropriate Travel Plan, including the adequate provision of car and cycle parking. It is therefore considered acceptable on highways grounds. Consequently, the application is recommended for approval.



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