

**MEETING**

**CHIPPING BARNET AREA PLANNING COMMITTEE**

**DATE AND TIME**

**MONDAY 15TH APRIL, 2019**

**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**

Governance Service contact: [chippingbarnet@barnet.gov.uk](mailto:chippingbarnet@barnet.gov.uk)  
Media Relations contact: Gareth Greene 020 8359 7039

**ASSURANCE GROUP**

*Please consider the environment before printing. The average Print Cost for this Agenda is £4.81 per copy.*

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 10
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.	5 - 12 Bookbinders Cottages Bawtry Road London N20 0SS (Oakleigh)	11 - 42
7.	1302 High Road London N20 9HJ (Oakleigh)	43 - 60
8.	Everyman Cinema Great North Road Barnet EN5 1AB - 19/1100/LBC (Oakleigh)	61 - 70
9.	Everyman Cinema Great North Road Barnet EN5 1AB - 19/1102/ADV (Oakleigh)	71 - 80
10.	Wessex Court 51 West End Lane Barnet EN5 2RA (Underhill)	81 - 94
11.	58 East View Barnet EN5 5TN (High Barnet)	95 - 108
12.	151-153 High Street 18-6607-FUL (1) (High Barnet)	109 - 148
13.	151-153 High Street 18-6607-FUL (2) (High Barnet)	149 - 186
14.	Any item(s) the Chairman decides are urgent	

### FACILITIES FOR PEOPLE WITH DISABILITIES

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

---

## **FIRE/EMERGENCY EVACUATION PROCEDURE**

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

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

Do not stop to collect personal belongings

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

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

This page is intentionally left blank

# Decisions of the Chipping Barnet Area Planning Committee

8 January 2019

Members Present:-

AGENDA ITEM 1

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

Councillor Alison Cornelius  
Councillor Tim Roberts

Councillor Laurie Williams  
Councillor Weeden-Sanz

Apologies for Absence

Councillor Reema Patel

## CHAIRMAN'S INTRODUCTION

The Chairman welcomed everyone to the meeting, explained the procedure and detailed the revised running order.

### 1. MINUTES OF LAST MEETING

**RESOLVED** that the minutes of the meeting held on 13 November 2018 be agreed as a correct record.

### 2. ABSENCE OF MEMBERS (IF ANY)

Councillor Reema Patel.

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

None.

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

None.

### 5. ADDENDUM (IF APPLICABLE)

Items contained within the agenda would be considered under individual agenda items.

### 6. 42 WOODSIDE AVENUE (TOTTERIDGE)

Councillor Roberts and Williams did not partake or vote on this item as they were not present when the item started to be considered.

The Committee considered the report.

It was moved by Councillor Sowerby and seconded by Councillor Cornelius that consent be refused for the following reason:

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

The Committee voted as follows:

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

**RESOLVED** that consent be refused for the following reason:

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

#### **7. LEECROFT ROAD TPO (UNDERHILL)**

The Committee received the report.

The Committee voted on the Officers recommendation as follows:

For	4
Against	2
Abstained	0

**RESOLVED**

**That the Council, under Regulation 7 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 confirms the London Borough of Barnet Roadside Verge Leecroft Road adjacent to Hertswood Court Hillside Gardens, Old Rectory Court 61 Wood Street, and 2 – 36 Leecroft Road, Barnet EN5 Tree Preservation Order 2018 without modification.**

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

#### **8. LAND TO REAR OF WEST WALK (BRUNSWICK PARK)**

The Committee received the report.

The Committee voted on the Officers recommendation to approve the application:

For	4
Against	1

Abstained	1
-----------	---

**RESOLVED that the application be approved for the reasons detailed in the report.**

**9. HIGH PROSPECT AND LAND REAR OF ROGATE AND SAXBY ARKLEY DRIVE (HIGH BARNET)**

The Committee received the report.

Representations were heard from Mitchell Moore, Councillor Longstaff and the Agent.

The Committee voted on the Officer recommendation to approve the application, subject to the conditions detailed in the report as follows:

For	3
Against	3
Abstained	0

**The Chairman used his casting vote in favour of the application being approved.**

**RESOLVED that the application be approved subject to the conditions detailed in the report.**

**10. 34 WHITEHOUSE WAY (BRUNSWICK PARK)**

The Committee received the report.

Representations were heard from Mrs Langley and the applicant's representative.

The Committee voted on the Officer recommendation to approve the application, subject to the conditions detailed in the report as follows:

For	3
Against	2
Abstained	1

**RESOLVED that the application be approved, subject to the conditions detailed in the report.**

**11. 92 BEDFORD AVENUE BARNET EN5 2ET (UNDERHILL)**

The Committee received the report.

Officers verbally reported an amendment to Condition 1 to include additional plan number 552-03e.

Representations were heard from Graham Moore and the Applicant.

The Committee voted on the Officer recommendation to approve the application, subject to the reasons detailed in the report:

For	4
Against	2
Abstained	0

**RESOLVED** that the application be approved, subject to the reasons detailed in the report and subject to the amendment reported verbally and noted above.

## 12. 1 STATION ROAD (OAKLEIGH)

There was a 5 minute comfort break at 8.25pm, prior to consideration of this item.

The Committee received the report and voted on the Officer recommendation to approve the report, subject to the conditions detailed in the report:

For	2
Against	4
Abstained	0

It was moved by Councillor Sowerby and seconded by Councillor Weeden-Sanz, that the application be **REFUSED** for the following reasons:

1. The proposed development by reason of its mass and bulk, additional storey and the number of units proposed would increase the site density significantly over the London plan density matrix representing an overdevelopment of the site. The proposal would result in a visually obtrusive building particularly as viewed from York Road. The application is therefore unacceptable and contrary to Policies 3.4, 7.4 of the London Plan (2016) DM01 (Protecting Barnet's character and amenity), DM05 (Tall Buildings) of the Development Management Policies Development Plan Document (September 2012), policy CS5 (Protecting and enhancing Barnet's character to create high quality spaces) of the Local Plan Core Strategy (September 2012),
2. The application does not include a formal undertaking to secure an adequate contribution to affordable housing provision to meet the demand for such housing in the borough. The application is therefore unacceptable and contrary to Policies 3.12 and 3.13 of the London Plan (2016), Policies CS NPPF, CS4, CS15 of the Barnet Local Plan Core Strategy, Policies DM01, DM02, DM10 of the Development Management Policies Document (both adopted September 2012), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and including subsequent amendments) Supplementary Planning Documents, and the Mayoral Affordable Housing and Viability SPG (adopted August 2017).

A vote was taken as follows:

For (refusal)	4
Against (refusal)	2



Abstained	0
-----------	---

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

**13. WINDSOR COURT, FRIERN BARNET LANE (COPPETTS)**

The Committee received the report and addendum to the report.

A representation was heard from the Agent.

The Committee voted on the Officer recommendation to approve the application, subject to the conditions detailed in the report and subject to the addendum:

For	6
Against	0
Abstained	0

**RESOLVED that the application be approved, subject to the conditions detailed in the report and subject to the addendum.**

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

None.

The meeting finished at 8.59pm

This page is intentionally left blank

**Location** 5 - 12 Bookbinders Cottages Bawtry Road London N20 0SS

**Reference:** 18/7241/FUL

Received: 5th December 2018

Accepted: 5th December 2018

**Ward:** Oakleigh

Expiry 6th March 2019

**Applicant:** The Book Trade Charity

**Proposal:** Demolition of existing buildings and erection of 4no. two storey buildings comprising of 17 self-contained flats and a site office. Associated amenity space, hard and soft landscaping, refuse/recycling storage, cycle store and provision of 17 off-street parking spaces

AGENDA ITEM 6

**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. Payment of £15,192.00 towards carbon offset to meet the Mayor of London's zero carbon target.
4. Monitoring of legal agreement

#### RECOMMENDATION II:

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

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

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

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

0504-000.01 Revision B - Site and Location Plan  
0504-300.02 Revision B - Existing east and west elevations  
0504-100.00 Revision B - Existing ground floor plan  
0504-100.01 Revision B - Existing first floor plan  
0504-100.08 - Existing roof plan  
JKK9431 - 1 Revision A - Topographical Survey  
JKK9431 - 03 Revision A - Floor plans  
JKK9431 - 04 Revision A - Floor plans  
JKK9431 - 07 Revision A - Site plan

0504-100.12 Revision A - Annotated Plan  
0504-200.01 - Proposed Building B  
0504-200.02 - Proposed Building C  
0504-200.03 - Proposed Building E  
0504-200.04 - Proposed Building F  
0504-300.03 Revision G - Proposed north and south elevations  
0504-300.04 Revision G - Proposed east and west elevations  
0504-100.02 Revision H - Proposed ground floor plan  
0504-100.03 Revision G - Proposed first floor plan  
0504-100.09 Revision A - Proposed roof plan  
0504-400.01 Revision B - Proposed site section AA  
0504-400.02 Revision A - Proposed site section BB  
0504-400.03 Revision A - Proposed site section CC  
0504-500.03 Revision A - Materials  
0504-500.04 - Proposed (north) refuse/recycling store and cycle store  
0504-500.05 - Proposed south refuse/recycling store

10440-500 Revision T1 - Proposed drainage layout  
10440-501 - Proposed drainage construction details  
10440-502 - Existing drainage routes  
Drainage calculations by NJP Consulting Engineers Ltd  
Confirmation of sufficient capacity by Thames Water dated 25 January 2019  
Drainage Strategy and Flood risk assesement by NJP Consulting Engineers Limited dated January 2019 (ref: RN/10440)  
Accommodation Schedule by bellis architects (Revision D dated 22.11.2018)  
Primary Ecological Appraisal by Phlorum Limited, dated (16th) November 2018  
Letter and supporting information for 'Energy Assessment' by Keyplan dated November 2018 (reference: E8153/RI/RI/ENERGY)  
Transport Statement by Odyssey revised March 2019 with accompanying drawings and appendices  
Design and Access Statement by bellis architects dated 23.11.2018 ref no 0504-DAS-01 including 'Opportunity Report'

Arboricultural Assessment prepared by Tim Pursey (date of survey November 2018) and accompanying Tree Constraints Plan and Tree Protection Plan  
Planning Statement by Tetlow King Planning dated November 2018 (reference JS/OM M18 1003-01.RPT)  
Correspondence from agent via email dated 26 March 2019

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

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

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

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

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

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

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

5 a) No site works or works on this development including demolition or construction work shall commence until details of the temporary means of enclosure, including boundary treatments to neighbouring properties, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before site works including demolition and construction work commence, and retained as such throughout the demolition and construction period of the development.

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 during the demolition and construction work 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).

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of 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.
- xi A competent banksman shall be employed at all times to manage the construction traffic in and out of the site to ensure highway and pedestrian safety.

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

7 No site works or works on this development including demolition or construction work shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- Detailed assessment of the required surface water attenuation volume during the 100 plus climate change using FEH design rainfall. The assessment should consider the designed drainage network and the proposed attenuation as one system (not WinDes quick storage estimate), including evidence of attenuation volume 50% drain down time.
- Assessment of the proposed drainage system (not in simulation) during the 30-year design rainfall according to Sewer for Adoption 7th Edition.

- Prevention of overland flow into the neighbouring land to the south in the event of drainage system exceedance or blockage.

The development shall be implemented in accordance with the details approved as part of this condition.

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

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

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

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

9 Prior to first occupation of the development hereby approved, full details of the electric vehicle charging points to be installed in the development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 20% of the approved residential parking spaces to be provided with active electric vehicle charging facilities and 20% passive electrical charging facility. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

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

10 Before the development hereby permitted is first occupied, details of how the development would comply with Secured by Design standards (or any superseding accreditation) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these approved details.

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).

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

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

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

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

12 Before the buildings hereby permitted are first occupied the windows as indicated to be 'opaque windows' on Drawing No. 0504-100.02 Revision H and Drawing No. 0504-100.03 Revision G shall be glazed with obscure glass only and shall be permanently fixed shut or provided with only a fanlight opening and shall be permanently retained as such thereafter.

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

13 Prior to occupation of the development, vehicular parking onsite as shown on Drawing No. 0504-100.02 Revision H 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 the 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.

14 Prior to occupation of the development hereby approved, the cycle parking and storage as shown on Drawing No. 0504-100.02 Revision H and Drawing No. 0504-500.04 shall be provided and shall be retained as such thereafter.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy 6.9 of the London Plan.

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



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

16 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under Condition 2 of this consent has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and Section 8 of the Arboricultural Assessment prepared by Tim Pursey approved under Condition 2 of this consent.

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

17 The recommendations set out in Section 5 of the 'Primary Ecological Appraisal' dated November 2018 prepared by Phlorum Limited, approved under Condition 2 of this consent, shall be implemented in full and adhered to throughout the site preparation, demolition and construction process.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse affect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London Plan Policy 7.19.

18 Prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent, approved dwellings B1 and B2 (as shown on Drawing No. 0504-100.02 Revision H approved under Condition 2 of this consent) shall have been constructed to meet and achieve all the relevant criteria of Part M4(3) 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 remaining dwellings hereby approved shall have been constructed to meet and achieve all the relevant criteria of Part M4(2) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

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

20 Before the development hereby permitted is first occupied, the enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins as shown on Drawing 0504-100.02 Revision H; Drawing No. 0504-500.04 and Drawing No. 0504-500.05 shall be provided 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).

### RECOMMENDATION III:

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

The proposed development does not include a formal undertaking to meet the costs of the required carbon off-set provision. The proposal would therefore not address the impacts of the development, contrary to Policy 5.2 of the London Plan (2016), Policy CS13 of Barnet's Local Plan Core Strategy (2012) and Policy DM04 of the Barnet's Adopted Development Management Policies Document 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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

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

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

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

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

4 Thames Water advises that where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. More information can be found at: <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewaterservices>

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by

telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)

- 5 The applicant will be expected to enter into with the Highways Authority under Section 278 Agreement of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.
- 6 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](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

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

- 7 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 8 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

- 9 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.
- 10 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 11 Any matters regarding 'Secure by Design' accreditation shall be discussed and designed in collaboration with the Design out Crime officer.

## **Officer's Assessment**

### **1. Site Description**

The application site is part of a wider site located to the south of Bawtry Road, within the ward of Oakleigh. The site is accessed from Bawtry Road.

To the west of the wider site are 'Bookbinders Cottages', a development of four buildings comprising of flats (the blue line of the location plan). This particular application relates to two of these buildings (the red line on the location plan); No.5-8 Bookbinders Cottages is located to the west and No. 9-12 Bookbinders Cottages is located centrally within the site.

The applicant's documents advise that the Bookbinders site was developed in 1927 by The Bookbinder's Charitable Society (BCS), who merged with The Book Trade Charity (BTBS) in October 2016. The buildings to the east of the wider site (St Ninian's Court and Bruce Gardens) are outside the application site and are in the ownership of a different charity, Scots Care, who have no connection to BTBS.

Historically there was a fifth building which was demolished due to subsidence issues. This was located parallel to the access road, adjacent to No. 39 and 41 Bawtry Road. This is shown on the historical maps in the applicants submitted documents.

The site is in Flood Zone 1 and is within a Critical Drainage Area.

The site is not located within a conservation area and does not include any locally or statutory listed buildings.

There are no Tree Preservation Orders within the application site.

Vehicle parking is located along the existing access road; there are currently six parking spaces within the red line boundary.

The wider site originally laid out in with seven two storey buildings built across the site in a symmetrical formation opening out towards the south. The original arrangement and plan of the site was extended with two new blocks introduced to the east (on the land owned by Scots Care), known as No. 1-4 and 5-8 Bruce Gardens, as well as an office and hall building. In addition a group of terrace properties were introduced to the south of the site, sited perpendicular to the access road. This is shown on the historical maps in the applicants submitted documents.

The site is abutted by residential properties to the north and the west. To the north of the site lie two storey semi-detached dwellings fronting Bawtry Road. Their rear gardens abut the site. To the west of the site lie two storey semi-detached and detached dwellings fronting Manor Drive. To the north-west of the site is an undeveloped open piece of land to the rear of 55-57 Manor Drive and the garage block serving Manor Court (accessed from York Way).

### **2. Site History**

Reference: N05062

Address: Bookbinders Cottage Homes Bawtry Road N20

Decision: Approved subject to conditions

Decision Date: 17.03.1976

Description: 28 additional old persons dwellings in 7, two-storey blocks.

Reference: N05062C

Address: Bookbinders Cottage Homes Bawtry Road N20

Decision: Approved

Decision Date: 23.02.1977

Description: 28 additional old persons dwellings in 7 2-storey blocks.

Reference: N05062B

Address: Block 'E', 17-20 Bookbinders Cottage Homes Bawtry Road N20

Decision: Approved subject to conditions

Decision Date: 18.02.1977

Description: Demolition of existing block and the erection of a new block of four dwellings.

Reference: N05062A

Address: 17-28 Bookbinders Cottage Homes Bawtry Road N2

Decision: Approved subject to conditions

Decision Date: 07.12.1976

Description: Addition of bay windows to ground floor flats.

Reference: N05062E

Address: Bookbinders Cottage Homes Bawtry Road N20

Decision: Approved

Decision Date: 19.12.1979

Description: Construction of 28 additional dwellings in 7 x 2 storey blocks of four.

Reference: N05062D

Address: Bookbinders Cottage Homes Bawtry Road N20

Decision: Approved subject to conditions

Decision date: 30.03.1977

Description: Single storey side addition.

Reference: N05062F

Address: 1 to 16 Bookbinders Cottage Homes Bawtry Road London N20

Decision: Approved subject to conditions

Decision date: 23.08.1983

Description: Four two-storey front extensions, eight enclosed staircases at rear

Reference: N05062H

Address: 5 & 6 & 15 & 16 Bookbinders Cottage Homes Bawtry Road London N20

Decision: Approved subject to conditions

Decision date: 19.05.1986

Description: Two storey rear extensions to flats 5, 6, 15, 16.

Reference: N05062L

Address: 1-4 Bookbinders Cottage Bawtry Road London N20

Decision: Approved subject to conditions

Decision Date: 20.10.1993

Description: Two storey rear extension and creation of two additional flats.

Reference: 16/0839/FUL

Address: St Ninian's Court, Bawtry Road, Whetstone N20 0SX



Decision: Refused

Decision Date: 11.04.2016

Description: Demolition of existing single storey office. Erection of 2 new buildings comprising of 2 x 1 bedroom units and 4 x 1 bedroom units to provide a total of 6 no one bedroom flats with associated landscaping works, amenity space and refuse and recycling

Appeal decision: Dismissed (appeal reference: APP/N5090/W/16/3153795)

Appeal decision date: 30.09.2016

### **3. Proposal**

The applicant proposes to demolish two of the buildings on site- No. 5-8 Bookbinders Cottages and No.9-12 Bookbinders Cottages and erect four new two storey buildings.

For ease of reference, the proposed buildings been referred to as Buildings B, C, F and E in the applicants documents.

No. 1-4 Bookbinders Cottages (Building A) and No. 21-28 Bookbinders Cottages (Building D) are to remain and fall outside the application site.

Proposed Building B and Building C would be in the same location as the existing buildings they will replace. The additional buildings would be located either side of Building C, towards the north of the site. Building E would be sited in a similar location of the building which was historically removed due to subsidence and was part of the original plan of the site. Building F would be located on the north-western section of the site.

The proposed buildings would comprise a total of 17 self-contained residential flats. The proposal also includes an office and residents' space in Building E; this office facility is currently available in No. 9 -12 Bookbinders Cottages (to be demolished).

The proposal would replace 8 existing residential units, resulting in a net gain of 9 residential units. The proposed units would be comprised of 15 one bedroom units and 2 two bedroom units. The break down is as follows:

- Building B - 8 no. x 1 bedroom 1 person units (Units B1 to B8)
- Building C - 4 no. x 1 bedroom 2 person units (Units C1 to C4)
- Building E - 1 no. x 1 bedroom 2 person unit (Unit E1) and 1 no. x 2 bedroom 3 person unit (Unit E2)
- Building F - 2 no. 1 bedroom 2 person units (Units F1 and F2) and 1 no. x 2 bedroom 3 person unit (F3)

The proposed buildings would be two storeys in height and would be contemporary in design. Proposed Buildings E and F would feature single storey projections/extensions adjacent to the properties fronting Bawtry Road. There would be shallow banking along this boundary around Proposed Buildings F and E.

The proposals also include 17 car parking spaces, an extended hammerhead for vehicles, two refuse and recycling stores (one to north of the site and the other to the south), a cycle store sited to the north, and associated outdoor amenity spaces ('courtyards gardens') around the proposed buildings.

In regards to the applicant, the applicants supporting documents advises: "BTBS was established in 1837 and provides care and support to former, current and future book trade people in need, with grants and housing. Those in the book trade include publishing,

distribution, bookselling, bookbinding and allied trades, with authors and librarians also being considered.

BTBS's charitable activities include providing low-cost housing; relieving those in social and financial need with a book trade connection by way of charitable financial support; and promoting education and training programmes for the benefit of the trade, its current and ex-employees."

The Charity provides a wide range of support through grants for re-training, living with a disability, medical needs and other circumstances brought about by redundancy, sickness or other life events.

They have identified that new entrants to the book trade, particularly in and around London, have the skills and education which the trade needs, but are often prevented from taking up jobs because of the high cost of accommodation, travel and subsistence within a reasonable distance of work in London. These proposals seek to help meet that need."

The Design and Access Statement states that the applicant's "charitable status means that they need to be especially considered and efficient in how they spend their funds to ensure the best value solution for the long term. It has therefore been decided that demolition and rebuild of buildings to provide contemporary flats will provide the best value for the charity both in the short term and in relation to on going maintenance costs when looking to the future."

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

A site notice was erected 13 December 2018.

A press notice was published 13 December 2018.

Consultation letters were sent to 458 neighbouring properties.

18 responses have been received, comprising 18 letters of objection.

The objections received can be summarised as follows:

- Concerns with impact on privacy and overlooking of occupiers on Bawtry Road and Manor Drive (particularly in light of trees being removed); impact on light and outlook; impact of light pollution from new development
- Concerns with the disruption from building work, including traffic, noise and dust pollution, construction vehicles ability to access the site and damage from large vehicles on walls and fences
- Impact on character and appearance of the area
- New flats will create more traffic, congestion and parking
- Querying the use of the new dwellings (i.e. who they will be occupied by)
- Concerns with money making
- Concerns with density
- References to the appeal at the neighbouring site (application reference 16/0839/FUL at St Ninians Court)
- The destruction of current housing for senior citizens is contrary to guidance in HoC report 'Housing for older People' (05/02/18) in which Local Authorities are guided to ensure all new developments include provision for ageing populations
- Concerns with emergency access to the site
- Concerns with cycle store regarding height, noise and compromise security of neighbours

- The community (in St Ninians Court and Bookbinders Cottages including ScotsCare) are mainly elderly, retired and some quite ill residents. Their quality of life and mental health will be impacted. Would result in displacement of residents.
- Impact on local services and facilities from new development (i.e. hospitals and schools)

One objection did not include an address. It stated that:

- Suggesting that the [existing] properties do not conform to current Nationally Described Space standards is not a reason to demolish existing homes
- Does not appear that any wheelchair accessible homes are being provided
- Impact on sunlight and daylight on surrounding properties
- No plans for the replacement of trees and ecology
- No information regarding the impact of run off and increased discharge into the sewer system
- Parking issues in York Way

Internal consultees:

Traffic and Development (Highways) team: No objection subject to conditions

Environmental Health team: No objection subject to conditions

Trees and Landscaping team: No objection subject to conditions

Sustainable Drainage Review team: No objection subject to conditions

Affordable Housing team: The Planning Officer is involved in ongoing discussions regarding affordable housing matters

Ward Councillors: No comments received

External consultees:

Metropolitan Police Service (Design out Crime): No objection, subject to a condition

London Fire Brigade: No objection

Thames Water: No objection

Affinity Water Ltd: No comments received

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

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

### The Mayor's London Plan 2016

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

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

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

### 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, CS9, CS13
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM10, DM16, DM17

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

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

- 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 development is acceptable;
- Whether the proposed density, housing mix and level of affordability of development is acceptable;

- Whether harm would be caused to the character and appearance of the surrounding area;
- Whether harm would be caused to the amenity and living conditions of neighbouring residents;
- The quality of accommodation for future occupiers;
- Whether the development would have an acceptable impact on parking and the highways network;
- The impact on trees;
- The impact on ecology;
- The accessibility and sustainability merits of the scheme;
- Matters regarding refuse and recycling;
- Matters regarding flooding and drainage

### **5.3 Assessment of proposals**

Principle of development:

Policy CS1 of Barnet's Core Strategy DPD (2012) seeks to ensure consolidated housing growth will be complemented by protection and enhance of Barnet's high quality suburbs.

The application site has not been identified for any specific use in the development plan, is situated in an area characterised by residential housing, is located close to local amenities and services, and utilises existing access from Bawtry Road. It is not within a conservation area and the buildings are not locally or statutory listed buildings. The principle of flatted development is acceptable given the existence of flats on the site.

In such circumstances, Planning Officers find that there is nothing to specifically preclude the redevelopment of the site in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies.

As such the principle of redevelopment of the site is deemed acceptable.

Density:

London Plan Policy 3.4 states that taking into account local context and character, the design principles in Chapter 7 of the London Plan and public transport capacity, development should optimise housing output for different types of location within the relevant density range in Table 2.3.

The site has a Public Transport Accessibility Level (PTAL) rating of 1b/2, which fall within a 'Suburban' setting. The proposal has 17 units, 45 habitable rooms (hr) and a site area of 0.233ha. The site therefore has 61u/ha and 162hr/ha. The development has 2.7hr/unit (rounded up) and with a PTAL of 2, and therefore it falls within the relevant densities in the matrix. The density is therefore acceptable.

Housing mix:

Policy DM08 of Barnet's Development Management Policies Document DPD (2012) states that development should provide where appropriate a mix of dwelling types and sizes. It states that the Council's priority for social rented housing are homes with 3 bedrooms, and for market housing homes with 4 bedrooms.

The proposal is for 17 no. one-bedroom units and 2 no. two-bedroom units. However, Planning Officers recognise that there is a requirement for the mix proposed as part of this application.

The applicant's Planning Statement states that the charity (the applicant) has over 180 years' experience in providing housing for employees in the book trade. The application proposes one- and two-bedroom units because of the specific demographic make-up of its tenants.

It states that many of its tenants are new entrants to the book trade and are therefore more likely to be younger and to require one- or two- bedroom accommodation. Furthermore, those tenants who are older and perhaps have retired (having previously worked in the industry) are also likely to require only smaller accommodation. Furthermore, it is acknowledged the existing buildings on site only contain one bedroom units, which reflects the requirements of the applicant.

In light of the above, Planning Officers deem this mix of dwelling size acceptable in this particular instance.

Affordable housing provision:

The proposed development provides more than 10 unit (gross) and therefore is expected to provide affordable housing, in accordance with Policy DM10 of Barnet's Development Management Policies Document DPD (2012).

The submitted documents advises: "In this case, 100% of the units on this site (existing and proposed) will provide much-needed affordable housing, for rent. The raison d'etre of the Charity is to provide relief in respect of housing costs to previous, current or future members of the book trade. The Charity provides housing for those whose needs are not met by the market."

The Planning Officer remains in discussions with colleagues and with the agent of the most appropriate way to secure this.

Character, appearance and design matters:

Paragraph 124 of the National Planning Policy Framework (2018) 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.

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

The wider site (Bookbinders Cottages, St Ninians Court and Bruce Gardens) consists of residential development within an open and spacious character comprising mainly two storey semi-detached properties, and short terraces.

The properties are mixed in age (due to the evolution of the site over time as previously explained) but are brick built with tiled gable-end pitched roofs.

In terms of their appearance, the proposed buildings would be contemporary in design but reflect that of the surrounding properties. Design features of the proposed buildings include pitched tiled roofs; gable end roof and gable projections and brick elevations. Such features are considered to respond positively to its context and are found to have an acceptable relationship with the neighbouring buildings and spaces.

The proposed buildings would be two storey (some with single storey projections/extensions), the same as the surrounding buildings (and those they replace). Furthermore, the lower ground levels would ensure the scale and massing of the building would respect the surrounding context. The buildings would maintain spacing between each other, the existing buildings and respective boundaries.

In regards to arrangement, proposed Building B and Building C would be sited in the same location as those buildings they replace. Building B maintains its principle entrance facing east into the centre of the site. Building E would be sited in a similar location to the building which was historically removed due to subsidence and was part of the original plan of the site. It would project no further north than the original building (and the established side building line of 1-2 St Ninians Court and 7-8 Bruce Gardens). Building F would be located to the north-west. It would project no further north than Building E and no further westwards than the existing building A. As a result, the proposed layout would reflect a similar arrangement to that of the neighbouring ScotsCare site. This scheme differs from appeal reference APP/N5090/W/16/3153795 (dated 30 September 2016) at St Ninians Court which proposed a building that projected beyond the established side building line of 1-2 St Ninians Court and 7-8 Bruce Gardens and filled the 'gap'.

The existing layout allows gaps between buildings to provide access between different green spaces, and the proposed scheme continues this arrangement.

In terms of height, size, scale, massing and materiality it is considered that these proposed buildings would not detrimentally harm the character and appearance of the surrounding area.

Conditions have been recommended to ensure that the materials used in for the new building are of an appropriate quality. Conditions are also recommended to ensure that a suitable design and quality of materials are used for the areas of hard and soft landscaping around the new building and means of enclosing the site.

Subject to the conditions recommended, the proposal is found to be acceptable and compliant with development plan policies as they relate to design, character, appearance and landscaping matters.

Impact on amenity of neighbouring occupiers:

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

Table 2.4 of Barnet's Sustainable Design and Construction SPD (2016) states that new residential development there should be a minimum distance of 21 m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 m to a neighbouring garden.

The application site has neighbouring residential properties on all four sides of the site. The site adjoins properties on Bawtry Road (north); St Ninian's Court (east); Balfour Grove (south) and Manor Drive (west).

Properties on Bawtry Road adjoin the application site to the north and their rear garden abut the site. The closest proposed buildings are Building E and Building F.

In respect of privacy there are no first floor windows in the northern elevations of these buildings facing Bawtry Road. As demonstrated from Proposed Site Section AA and BB, the ground floor windows on the northern elevations facing Bawtry Road would be 6.8 metres away from the boundary and, due to site levels, screened by the boundary fence. Building C would have obscure glaze windows at first floor in the northern elevation.

In respect of outlook and light, Building E and Building F would be two storey buildings with single storey projections. The single storey projections would be sited 6.8 metres from the boundary and feature roofs which pitch away from this boundary. The two storey elements would be sited 10 metres (Building E) and 12.9 metres (Building F) from the boundary adjacent to the properties on Bawtry Road.

No. 39 - 51 Bawtry Road are south facing to the rear. They have garden lengths of between 16 - 22 metres, meaning that the most important areas of use and amenity (immediately to the rear of these properties) are a significant distance away from Building E and Building F.

For the above reasons, it is considered that the proposed Building E and F would not cause harm to the privacy, outlook or daylight/sunlight of occupiers at Bawtry Road.

No. 1-4 St Ninians Court consist of flats on the opposite side of the access road, to the east of the site. The proposed windows in the eastern elevation of Building E are 21 metres from the front elevation of No. 1-4 St Ninians Court. No overlooking or loss of privacy would arise. They are a significant distance away not to harm outlook or light.

No. 24-27 St Ninians Court is a terrace of flats located to south. The windows in the southern elevation of Building E is 21 metres from the front elevation of this terrace. The windows in Building C facing this terrace are obscure glazed. They are a significant distance away not to harm outlook or light.

No. 13-20 St Ninians Court are under the ownership ScotsCare and are outside of the application site. They are at an angle to the development site, being to the south east. Any views to or from the proposed development, specifically proposed Buildings C or E, would be oblique and would not therefore have a direct impact on these properties.

Balfour Grove is located to the far south of the site. Their gardens abut the site. The windows in the southern elevation of Building C are sited over 30 metres from the boundary adjacent to these properties. The window in the side elevation of Building B facing these properties is sited 23 metres away. The properties on Manor Drive are essentially 'buffered' by Building A and D, which will remain. As such, no harm would arise.

Building A is within the applicant's ownership but lies outside of the application site. Proposed Building B is located to the north of Building A and would replace the existing Building B. The proposed Building B would be positioned a similar distance from Building A as the current building. The applicant's documents advise that whilst Building A had windows in its northern elevation, they are secondary windows and the rooms served all have other means of providing light and outlook. The windows in the south elevation of



proposed Building B would be obscure-glazed. No harm to Building A would therefore arise.

Manor Drive is located to the west of the site. Their rear gardens abut the site. The closest proposed buildings are Building B and Building F.

The proposed Building B and Building F would be no closer to the properties on Manor Road than the rear building line of the Building A. Building B would be sited 10.5 metres from the boundary adjacent to Manor Drive and Building F would be sited 11 metres from the adjacent boundary.

Views from the proposed first floor Units B7 and B8 towards Manor Drive avoid any direct overlooking into neighbours' gardens by the use of angled bays. The remaining first floor windows in the west elevation of Building B are sited 10.5 metres from the garden boundary, which meet the SPD requirements. The ground floor windows in the west elevation of Building B would face the boundary fence.

The properties along Manor Drive have garden lengths in excess of 40 metres, meaning that the most important areas of use and amenity (immediately to the rear of these properties) are a significant distance away from Building B and Building F. Furthermore, No. 53 -57 Manor Drive are buffered from the application site by an undeveloped open piece of land to the rear of 55-57 Manor Drive and the garage block serving Manor Court (accessed from York Way). As such, no harm would arise.

The cycle store and northern refuse/recycling store would be sited adjacent to the boundary adjacent to Bawtry Road. As demonstrated by the submitted Drawing No. 0504-500.04 (Proposed refuse and cycle stores) due to the banking of the land, the refuse store and cycle store would not project higher than the boundary fence. No harm would therefore arise.

The southern refuse/recycling store would be sited adjacent to No. 25-27 St Ninians Court. As demonstrated from Drawing No. 0504-500.05 (Proposed south refuse store) would be sited 4.9 metres away from these front elevations and be located in front of the front doors and shower room windows. No harm would therefore arise.

In conclusion, the proposed development is considered to be acceptable and compliant with the relevant development plan policies in regards to the amenities of neighbouring and surrounding occupiers.

Quality of accommodation for future occupiers:

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

Policy DM02 states that where appropriate development will be expected to demonstrate compliance with a number of national and Londonwide standards supported by guidance set out in the Council's suite of SPDs, including the minimum floor space standards (as set out in The London Plan Policy 3.8) and outdoor amenity space requirements (as set out in Barnet's Sustainable Design and Construction SPD 2016).

Dwelling size:-

The units proposed would have gross internal areas which meet the requirements of the London Plan for a dwelling of the specific type. The dwellings would have an internal head height of 2.5 metres, as required by the London Plan.

Dwellings internal layout, outlook and light:-

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed maximizes the outlook and light for occupiers of the new units with dual aspect. The units would meet the minimum room dimensions and floor areas as set out in Table 2.2 of Barnet's Sustainable Design and Construction SPD (2016).

External amenity space provision:-

Table 2.3 of Barnet's Sustainable Design and Construction SPD (2016) states that flats should be provided 5 sqm of outdoor amenity space per habitable room. Submitted Drawing No. 0504-100.12 (Annotated Plan) and the supporting documents demonstrates that this requirement is met through the provision of communal 'courtyard gardens', which is in keeping with the established character of the site.

Privacy and overlooking:-

Table 2.4 of Barnet's Sustainable Design and Construction SPD (2016) states that in new residential development there should be a minimum distance of 21 m between properties facing windows to habitable rooms to avoid overlooking and 10.5 m to a neighbouring garden.

As described previously, in relation to the neighbouring properties, the development meets this requirement.

Internally within the development site, proposed Building E and F would be sited 17.3 metres from each other. None of the windows would face each other, and if they do then they would be obscure glazed. Therefore no direct overlooking would occur.

Conclusions on the amenities of future occupiers:-

For the reasons set out above the development, as controlled by the conditions recommended, is found to be compliant with development plan policy.

Impact on parking and highways network:

Policy CS9 of the Barnet Core Strategy DPD (2012) identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure.

Policy DM17 of Barnet's Development Management Policies Document DPD (2012) sets out the Council's standards and policies in regards to road safety and hierarchy, accessibility, transport assessment, travel planning, local infrastructure needs and parking management.

Point g of Policy DM17 states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

It states that residential development maybe acceptable with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.

The highways assessment should consider the parking requirements of the existing buildings retained (Building A, which includes 8 no. x one bedroom units, and Building D, which includes 8 no. x one bedroom units), in addition to the proposed units.

Considering the proposed development subject to this application, the parking assessment in accordance with Policy DM17 should be as follows:

29 x one bedroom = London Borough of Barnet (LBB) maximum parking standard range 1 to less than 1 space per unit = 29 maximum parking spaces and range 29 to 0.

2 x two bedroom = LBB maximum parking standard range 1 to 1.5 space per unit = 3 maximum parking spaces and range 3 to 2.

The 17 parking spaces proposed is below the maximum standard. The acceptable level of parking is based on a number of factors within the range and considering the PTAL for the site (1b/2). The acceptable level of parking at the maximum is 32 spaces, taking certain characteristics into account including existing car ownership levels, accessibility local services and public transport an acceptable level for 1 bed units would be 0.9 and for 2 bed units 1.4 spaces that would require 29 spaces for the proposal. The provision of 17 spaces is a deficit of 12 spaces.

In accordance with Policy DM17 parking under-provision can be accepted if that it can be proven that there is available space on-street to cater for any overspill. The applicant has carried out a parking survey. A parking survey should accord with the Lambeth Methodology that states acceptable walking distance is 200 metres from the site. On review of the distances 200m would include Bawtry Road and Balfour Grove via Bruce Gardens. The A109, Porch Way and York Way are beyond 200 metres walking distance. The parking survey is supplied in Appendix D of the Transport Statement submitted with the application and shows that 5 parking spaces on Friday 2nd November 2018 and 4 spaces Tuesday 6th November 2018. In the worst case there would be a deficit of 8 spaces on-street.

Consideration should be given to the parking reduction due to the loss of the existing units. The existing site had 22 x one bedroom units with 6 parking spaces and if assessing this against the expected levels of car parking in accordance with DM17 policy then 20 car parking spaces would be required meaning that 14 spaces would be required on-street. 8 units are to be demolished so would reduce the on-street requirement by 8 spaces showing that there would be available space on-street to accommodate the overspill.

In light of the above, the proposed 17 parking spaces, is deemed acceptable, subject to conditions.

The existing access onto Bawtry Road would be used to serve the site there is no existing safety concerns evident that would require modifications for this development.

24 cycle parking spaces are being proposed in accordance with the London Plan Cycle Parking Standards (Table 6.3).

In accordance with the London Plan, 20% of parking spaces will have an electric vehicle (EV) charging points whilst a further 20% will have passive provision for EV charging.

Four disabled parking spaces are proposed. This is deemed acceptable.

Impact on trees:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that trees should be safeguarded and that proposals will be required to include hard and soft landscaping.

The Planning Officer notes from site observations and neighbour responses that some trees have been removed along the northern and western boundaries, however these were not covered under Tree Protection Orders and thus did not require the express permission of the local authority. Neither is the site within a conservation area.

Notwithstanding these matters, the Tree Officer has assessed the application and concluded that the foot print of the proposed buildings will not directly impact on trees growing close to the development. Upon the advise of the tree officer, the agent has confirmed that the row of blackthorn trees on the northern boundary where a cycle and bin store and parking spaces 1 and 2 are provided will be retained.

The Tree Officer has advised a landscape plan must be provided that will provide suitable replacement plantings for visual screening and biodiversity reasons. This can be secured through planning condition.

Ecology/biodiversity:

London Plan Policy 7.19 states that development proposal should wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity. Point c states that proposals should not adversely affect the integrity of European sites and be resisted where they have significant adverse impact on European or nationally designated sites or on the population or conservation status of a protected species or a priority species or habitat identified. Policy DM16 of Barnet's Development Management Policies Document DPD (2012) provides similar protection for biodiversity and identified/designated sites.

The application site is not in a Site of Special Scientific Interest nor is it in a Site of Importance for Nature Conservation. It is not a European site.

The application site has been the subject of a Preliminary ('Phase 1') Ecological Appraisal to establish whether it provides a habitat for protected species. The site was considered to provide negligible potential for reptiles, newts, badger, dormice and water vole. The Appraisal states that 'no evidence of bats was found'. The Appraisal does state that as a precautionary measure, a single bat emergence survey is recommended. The document also makes recommendations to avoid having an adverse impact on breeding birds and

recommendations for habitat enhancements. A condition will be attached to ensure these recommendations are adhered to, and implemented.

#### Accessibility and Sustainability:

London Plan Policy 3.8 states (point d) that ten percent of new housing meets Building Regulation requirement M4 (3) 'wheelchair user dwellings'. Two of the proposed units (B1 and B3) will be wheelchair user dwellings, and therefore meet the ten percent target. A condition will be attached accordingly.

London Plan Policies 5.2 and 5.3, and the GLA's Energy Assessment Guidance require that all new residential dwellings must be carbon neutral, with at least a 35% reduction beyond the 2013 Building Regulations being provided on-site. Non-domestic development must achieve a 35% reduction on site beyond the 2013 Building Regulations. The application submission includes an Energy Assessment which demonstrates that these requirements can be satisfied, which the remaining offset by a developers contribution in order for the project to comply with the 'Zero Carbon' requirement.

Table 2.11 of Barnet's Sustainable Design and Construction SPD (2016) states that new dwellings should be designed to ensure that a maximum of 105 litres of water is consumed per person per day. A condition has been attached accordingly.

#### Refuse and Recycling:

The agent has demonstrated that refuse capacity for the proposed and existing units complies with the standards set out the Council's document 'Information for developers and architects: Provision for Household Recycling and Waste Service'.

The agent advises that the existing arrangements and collections by the Council will continue. Photographs have been provided by the agent of refuse vehicles accessing the site. The hammerhead will be retained for the refuse vehicles to utilise. Walking distance for the crew to collect the bins would not exceed ten metres from the collection point.

#### Flooding and drainage:

Policy DM04 of Barnet's Development Management Policies Document DPD (2012) sets out policies in regards to flooding and run off. London Plan Policy 5.13 sets out policy in regards to drainage.

Upon revisions, the Sustainable Drainage Team have no objections to the proposed development subject to pre-commencement conditions. As such, the proposal is found acceptable in this regard.

#### Conditions:

In accordance with Section 100ZA of the Town and Country Planning Act 1990, the agent has agreed to the pre-commencement conditions.

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

- Concerns with impact on privacy and overlooking of occupiers on Bawtry Road and Manor Drive (particularly in light of trees being removed); impact on light and outlook; impact of light pollution from new development

As assessed in detail in the main report, it is not considered the proposed buildings would have impact on the residential or visual amenities of neighbouring occupiers.

Considering the distances between the proposed buildings and neighbouring buildings on Bawtry Road and Manor Drive, and the fact the site is already in residential use, it is not considered the development would result in a nuisance from lighting at night time.

- Concerns with the disruption from building work, including traffic, noise and dust pollution, construction vehicles ability to access the site and damage from large vehicles on walls and fences

The application has been found acceptable by both the Highways department and Environmental Health department. A condition has been attached to secure the submission of a Demolition and Construction Management Statement and Logistics Plan.

- Impact on character and appearance of the area

As assessed in the main report, it is not considered the proposed buildings would detrimentally impact the character and appearance of the surrounding area.

- New flats will create more traffic, congestion and parking

As assessed in the main report, the Highways department have found the application acceptable on highways grounds.

- Querying the use of the new dwellings (i.e. who they will be occupied by)

As explained in the main report, the applicant is a charity. The proposed development will provide housing for new entrants to the book trade, as well as retirees.

- Concerns with money making

This is not a material planning consideration.

- Concerns with density

As assessed in the main report, the density of the development is in accordance with the density matrix of the London Plan.

- References to the appeal at the neighbouring site (application reference 16/0839/FUL at St Ninians Court)

As explained in the main report, the scheme differs from appeal reference APP/N5090/W/16/3153795 (dated 30 September 2016) at St Ninians Court which proposed a building that projected beyond the established side building line of 1-2 St Ninians Court and 7-8 Bruce Gardens and filled the 'gap'. This scheme would not do this.

- The destruction of current housing for senior citizens is contrary to guidance in HoC report 'Housing for older People' (05/02/18) in which Local Authorities are guided to ensure all new developments include provision for ageing populations

As explained, the applicant (the charity) provides housing for retirees who worked in the booktrade (as well as new entrants). The proposed development meets the requirement of London Plan Policy 3.8 which states that ten percent of new housing meets Building Regulation requirement M4 (3) 'wheelchair user dwellings'.

- Concerns with emergency access to the site

The Fire Brigade has confirmed they have no objection to the scheme.

- Concerns with cycle store regarding height, noise and compromise security of neighbours

As demonstrated on the submitted plans, the northern cycle store would not project higher than the boundary fence along Bawtry Road. Planning Officers see no reason why the noise from any use would disrupt neighbours to an unacceptable level, or why the cycle store would risk the security of neighbours as their boundary fence would remain.

- The community (in St Ninians Court and Bookbinders Cottages including ScotsCare) are mainly elderly, retired and some quite ill residents. Their quality of life and mental health will be impacted. Would result in displacement of residents.

A condition has been attached securing the submission of a Demolition and Construction Management Statement and Logistics Plan to safeguard the amenity of neighbouring occupiers. A condition stating hours of construction (in line with the relevant legislation) is also attached. Considering the size, scale and nature of development it is not considered that this would constitute a reason for refusal in this instance.

- Impact on local services and facilities from new development (i.e. hospitals and schools)

Considering the size and scale of the proposed development, this is not considered a matter for refusal in this particular instance.

- Suggesting that the [existing] properties do not conform to current Nationally Described Space standards is not a reason to demolish existing homes

This is not an argument that Planning Officers have attached weight to. The merits of the scheme has been assessed above.

- Does not appear that any wheelchair accessible homes are being provided

Two of the proposed units (B1 and B3) will be wheelchair user dwellings, and therefore meet the ten percent target as set out in the London Plan. A condition will be attached accordingly.

- Impact on sunlight and daylight on surrounding properties

As assessed in detail in the main report, due to the siting and distances from the rears of the properties along Bawtry Road and Manor Drive, it is not considered the proposal would detrimentally impact the daylight and sunlight levels received to these properties.

- No plans for the replacement of trees and ecology

A condition has been attached regarding a landscape scheme, as recommended by the tree officer. As assessed above, the submitted ecology appraisal found no harm to protected species or otherwise, and set out recommendation which have been conditioned.

- No information regarding the impact of run off and increased discharge into the sewer system

The Sustainable Drainage Officer has confirmed they have no objection in principle, subject to conditions.

- Parking issues in York Way

This has been considered by the Highways team. The proposal has been found acceptable in regards to impact on highways. The error of terming York Way as 'York Road' has been addressed.

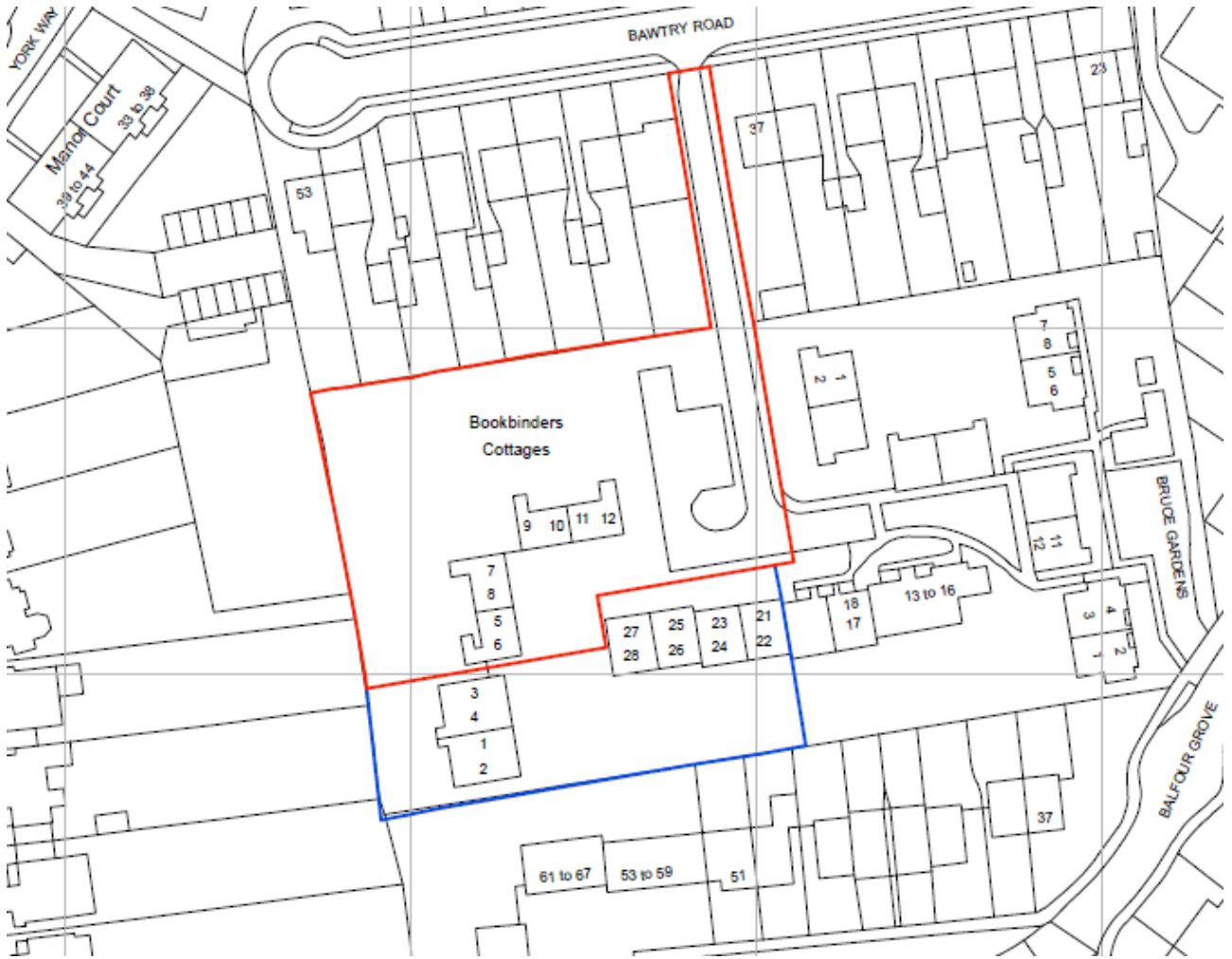
## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development is considered acceptable in principle. It would have an acceptable impact on the character and appearance of the application site and the surrounding area. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. It would provide acceptable quality of accommodation for future occupiers. Subject to conditions, the development is deemed acceptable in regards to impact on parking and highways, ecology, trees, flooding, and refuse/recycling. This application is therefore recommended for approval.





This page is intentionally left blank

**Location**                    **1302 High Road London N20 9HJ**

**Reference:**                **18/7503/FUL**

Received: 19th December 2018

Accepted: 20th December 2018

Ward:                        Oakleigh

Expiry 14th February 2019

Applicant:                Mr Gary Clarke

Proposal:                    Enlargement of existing first floor facilitated by first floor rear, sides and front extensions, including formation of new hipped roof and second floor accommodation at rear. Change of use from bank (A2) to restaurant (A3 use class) at ground floor and first floor and ancillary office (B1 use class) at second floor. Associated alterations including new rear fire escape staircases and alterations to fenestration. Relocation of entrance door to front (amended description)

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:

Proposed Site and Location Plan Drawing no. A100 Rev B; Drawing no.E101; Drawing no.E102; Drawing no.E103; Drawing no.E201; Drawing no.E202; Drawing no. E204; Drawing no.E301; Drawing no. A101 Rev D; Drawing no. A102 Rev C; Drawing no. A103 Rev C; Drawing no. A104 Rev C; Drawing no. A201 Rev A; Drawing no. A202 Rev C; Drawing no. A203 Rev C; Drawing no. A204; Drawing no. A301 Rev B; Drawing no. A415 Rev A; Drawing no. A620 Rev A; Drawing no. A621; Amended Design and Access Statement and Daylight and Sunlight Assessment by Herrington Consulting Ltd.

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

- 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 sample materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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

- 4 The proposed A3 use and ancillary office hereby approved shall not be open to members of the public before 8:00am or after 11pm on weekdays, Saturdays, Sundays and Bank and Public Holidays.

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

- 5 The premises shall be used for A3 use and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

- 6 No deliveries/servicing of the A3 unit shall occur outside of the hours of operation, as specified under condition 3 of this permission, being 8.00am - 11.00pm.

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

- 7 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, 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).

- 8 The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information including details of the waste collection strategy of collection from the High Road as indicated in the hereby approved drawing no. A620 Rev A. The development shall be managed in accordance with the information approved under this application in perpetuity once occupation of the site has commenced.

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

- 9 a) No development other than demolition works shall take place until a detailed assessment for the kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority

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

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

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

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

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

- 11 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2016.

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

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

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

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 13 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation(s), of the extension(s) hereby approved, facing no.1300 and no. 1304 High Road.

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).

- 14 The restaurant and ancillary office shall only be accessed from the front of the site.

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

#### **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](http://www.planningportal.gov.uk/cil).

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)



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

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

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

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

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

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

4 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

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

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

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

- 5 The applicant is advised to engage a qualified kitchen extraction consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory smoke and odour control. Please note that:
  - Flue(s) must be 1.5 m\* above eaves or any open able windows in the vicinity (within 20 metres of the flue) if there are sensitive premises in the vicinity. The final discharge must be vertically upwards. There should be no hat or cowl on the top of the flue. If flues are to be attached to neighbouring noise/vibration sensitive premises they must incorporate anti-vibration mounts, flexible couplings and silencers. \*If the flue is in a Conservation area then this height may be reduced to 1m above eaves.
  - 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: DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA, January 2005); DEFRA Odour Guidance for Local Authorities (DEFRA, March 2010). Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 6 The footway and carriageway must not be blocked during the development. All vehicles associated with the development must only park / stop at permitted locations and within the time periods permitted by existing on-street restrictions.

## **Officer's Assessment**

### **1. Site Description**

The application site located on the eastern side of High Road within the Oakleigh ward.

The building is not within a Conservation Area nor is it listed, and the area is not within an area covered by an Article 4 direction. The building lies within the Primary Retail Frontage of the Whetstone Town Centre, as defined by the Council's Local Plan.

The site is within an area of Special Archaeological Interest.

The existing building sits along a row of terraced shops. The building immediately to the north of the site is three storeys in height and the property to the south is two storeys with accommodation within the roof space.

The existing building is accessed from the High Road. At the time of writing, the building was vacant, but previously occupied by Natwest Bank (Use Class A2).

The main existing building is single storey at the front and two storeys at the rear, with the rear element significantly recessed from the front façade. To the south a section of the site falls within the two storey building abutting the main Natwest building.

As part of application 18/2076/PNC, which was granted prior approval to convert into an A3 restaurant, the host building was subdivided, with the northern section of the building being approved use as an A3 unit. The southern section of the building, was granted consent for a new shop front under reference 18/2708/FUL and is known as 1300A High Road; works to alter the shop front have been carried out to this unit

### **2. Relevant Site History**

#### **Reference: 18/4192/ADV**

Address: Outside Natwest, 1302 High Road, London, N20 9HJ

Decision: Approved subject to conditions

Decision Date: 24 September 2018

Description: Insertion of two internally illuminated digital LED screens, one on each side of the InLink unit

#### **Reference: 18/4191/PNT**

Address: Outside Natwest, 1302 High Road, London, N20 9HJ

Decision: Prior Approval Required and Approved

Decision Date: 18 September 2018

Description: Removal of existing payphones and installation of ground based apparatus comprising of an InLink unit

#### **Reference: 18/2076/PNC**

Address: 1302 High Road, London, N20 9HJ

Decision: Prior Approval Required and Approved

Decision Date: 16 May 2018

Description: Change of use from Class A2 (Financial Institution) to Class A3 (Restaurant)

#### **Reference: 18/1203/PNC**

Address: 1302 High Road, London, N20 9HJ  
Decision: Prior Approval Required and Refused  
Decision Date: 16 April 2018  
Description: Change of use from Class A2 (Financial Institution) to Class A3 (Restaurant)  
Reason for refusal:

1. Development is not permitted by Class C if the cumulative floor space of the existing building changing use under Class C exceeds 150 square metres. The commercial unit subject of this application has a floor space of approximately 151 square metres, therefore, the proposal does not comply with the requirements of Condition C.1(a) of Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015.

**Reference:17/0817/LIC**

Address: 1302 High Road, London, N20 9HJ  
Decision: Exempt  
Decision Date: 3 March 2017  
Description: Removal of existing 2no. external antennas and replacement with 4no new similarly sized antennas painted to match the fascia brickwork, the addition of an external GPS module, and other ancillary work

\_djacent Site

**Reference: 18/2708/FUL**

Address: 1300A High Road, London, N20 9HJ  
Decision: Approved subject to conditions  
Decision Date: 27 June 2018  
Description: New shop front.

### **3. Proposal**

The applicant seeks planning permission for the enlargement of existing first floor facilitated by first floor rear, sides and front extensions, including formation of new hipped roof and second floor accommodation at rear. This would facilitate the change of use from bank (A2) to restaurant (A3 use class) at ground floor and first floor and an ancillary office (B1 use class) at second floor. The extension would infill towards the front of the site, but retain a 1.2m recess from the front façade. At the front, the extension would continue the columns detailing that exists at ground floor recessed behind the existing balcony guarding detail. At the front, the extension would have a hipped roof.

At the rear the extension would maintain the existing distance of between 3.6m and 4.4m to the southern property and would not project any closer to no. 1300 High Road than the existing structure. At second floor, there would be a small flat roof before the new hipped roof is introduced, which provides the office accommodation. On the other side, the extension projects 2m beyond the rear elevation of the neighbouring property. The remaining rearward projection with a depth of 5.5m would be recessed 1.4m away from the outermost northern elevation.

The proposal also seeks associated alterations including a new rear fire escape staircase at the rear and alterations to the fenestration. The front entrance would be relocated in a central location.

### **4. Public Consultation**

Consultation letters were sent to 148 neighbouring properties.  
5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- Over-development of the area/ this is not central London;
- Closure of shops;
- Insufficient parking;
- Right of way incorrectly drawn; there is no right of way from Athenaeum Road to the rear of the site for the second floor development;
- Land at rear not in ownership of applicant;
- Access at the site of 1 Athenaeum Road is very restricted and limited;
- No consideration given to the bin storage;
- Plans incorrectly show neighbouring properties
- Width of access;
- Terrace area at first floor shouldn't be used as smoking area, this would impact residents at 1300 High Road;
- Refuse collection is not from the rear.

A re-consultation was carried out on the 20th February as amended plans were received and the description was also amended. The following additional comments were received:

- Concern about the manner in which the site accessed (refuse and recycling but also staff).
- A condition should be added to restrict access from the rear;
- Right of access to rear path/ incorrect statement regarding an easement over the alleyway;
- Red line includes the alleyway despite no legal notice to freeholder and leaseholders;
- Alleyway not suitable for large waste bins;
- Drawings don't show entrance to neighbouring buildings

A site notice was erected on the 27th December 2018.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was updated on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

### The Mayor's London Plan 2016

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

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

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

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS6, CS8, CS9, CS10, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM11, DM12, DM14, DM17.

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

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Assessment of proposals**

Principle of Development and Impact on the character of the area

### *Use*

Policy DM11 of the Development Management Policies DPD seeks to protect the viability and vitality of Town Centres and ensure that there is an appropriate mix of uses within the Borough's Town Centres. The pre-amble to the policy stipulates that "preventing an over

concentration of similar non class A1 uses is important to maintaining the vitality and viability of a town centre".

The relevant sections of policy DM11 are as follows:

i "b: Primary and secondary frontages

i. A development proposal which reduces the combined proportion of class A1 retail use at ground floor level (including vacant) in the primary frontage below 75% will not be permitted. The proposal should not create an over-concentration of similar uses which detracts from the retail function of the town centre.

v. Evening economy uses will be expected not to have an adverse effect on the amenity of local residents and be in keeping with the scale and character of the surrounding area.

c: Mixed use development

i. The protection of employment floorspace should meet the requirements set out in Policy DM14: New and Existing Employment Space unless otherwise indicated in the:

a) Site Allocation DPD

b) Town Centre Frameworks

c) Areas identified as a Locally Significant Industrial Site, Industrial Business Park or Business Locations.

ii. Appropriate mixed use re-development will be expected to provide re-provision of employment use, residential and community use."

Policy DM14 seeks to retain and introduce employment space in appropriate locations. The policy specifies that new employment space should *"follow a sequential approach which considers town centre sites before edge of centre sites"*. In addition, new employment space *"will be expected to provide on-site servicing for the intended use and include space for waiting for goods vehicles."*

The proposal falls within the Primary Retail Frontage of the Whetstone Town Centre. The principle of subdivision of the ground floor unit is considered to be acceptable, given that the proposed use as A3 would be an appropriate use to help maintain the viability of the Town Centre. Furthermore, the previous use was A2 and therefore the change to A3 would not result in a loss of A1 uses and therefore the proposal complies with policy DM11. In addition, it has been noted that the A3 use was granted under the prior notification application, reference 18/2076/PNC.

As part of the amendments, it has been clarified that the proposed office at second floor would be ancillary to the restaurant use. It has been clarified that the office would be accessed from the front of the site.

The proposed use would be considered acceptable given the Town Centre location and associated sustainable benefits.

### *Design*

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

The building as existing is perceived as a single storey structure from the front with a taller element set within the building at the rear. There is a considerable variety in the design and heights of buildings along this section of the road. To the north, the neighbouring property

(no. 1304 High Road) is three storeys in height with a flat roof. To the south, the building is two storeys with a pitched roof and front dormers. As existing, the building height is at odds with the taller elements either side and therefore the increase in height is considered acceptable. The hipped roof is considered to reduce the visibility of this front extension.

The eaves height of the extension would match that of the building to the north (no.1304) and the hipped roof would be comparable in height to the building to the south (no.1300). In this regard, the extension at the front is considered to be a complimentary addition to the streetscene. The proposed changes at ground floor would seek to balance the elevation by relocating the entrance in a central location and increasing the height of the windows to match the existing large window.

There is no objection to the proposed fenestration at first floor level which would include large glazed doors. However, this along with the proposed materials will be conditioned.

At the rear, officers have worked with the developer to reduce the bulk and massing of the extensions. Along the boundary with no. 1300 High Road there would be a modest infill up to the rear elevation of no.1300which would have a flat roof.

The rear and side extensions are relatively modest in size and scale and the introduction of the hipped roof would not be considered out of character. The side dormer located on the northern elevation although larger than what would normally be considered acceptable, does not dominate its respective roofslope and on balance is acceptable.

Due to the site constraints of neighbouring properties (discussed in more detail below), amendments to the design and scale of the extensions have been sought during the course of discussions with the applicant. The extensions are on balance considered to have an acceptable impact on the character of this area and would not be harmful to the appearance of the area.

#### Impact on the amenities of neighbours

Any scheme will be required to address the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and that there should be a distance of 10.5 metres between a new development and a neighbouring garden.

There is no objection to the front extension and changes in regards to the impact on neighbouring amenity. The recess of the first floor is modest and would not be large enough for the area to be used as a balcony.

With regards to the rear extension, it was noted at the site visit that the neighbouring flat above 1300A (known as 1298) is accessed from the rear and there are windows directly fronting the side of the application site. These windows appear to serve habitable rooms and the entrance to the flat is located on the flank elevation fronting the site. The application is supported by a Daylight and Sunlight report which concludes that the extensions would not have a material impact on the daylight and sunlight received by neighbouring habitable windows.



The extension adjacent to no. 1300 High Road has been reduced so that the perceived height, bulk and massing is comparable to the existing structure. On balance, it is not considered that the extension would have an prominent or obtrusive impact on this neighbouring or that the presence of the pitched roof would be such that it would appear overbearing on this neighbour (the roof splays away from the neighbour and as such it would not appear overbearing). Windows are proposed on this side, however these are high level and would not facilitate overlooking.

On the other side, the extensions have responded sympathetically to the location of neighbouring windows and the small patio of no. 1304 High Road by recessing the bulk away and including recesses which provide visual relief. On balance, it is not considered that the extension, albeit closer to the windows of no.1304 would have an unacceptable or overbearing presence. There would be no windows on the side elevation facing this property.

At the rear, the distance to neighbouring buildings is such that the extensions would not be viewed as overbearing.

The proposed flue has been located in the least sensitive location, away from neighbouring windows and would be at a height above 1.5m. Environmental Health colleagues have been consulted and consider that subject to conditions with regards to noise and extraction equipment, the use would not have an unacceptable impact on neighbouring amenity.

The proposal has been found to have an acceptable impact on neighbouring amenities subject to recommended conditions.

### Highways

The site benefits from a PTAL 3, which is considered to be average, with only bus and train available within the PTAL calculation area. The site falls within a Town Centre location and therefore considered to be a sustainable location.

The development is not located in a controlled parking zone nor is there likely to be one in place by the time the proposed development is occupied.

Highways officers have been consulted on the scheme and do not raise objection to the proposal. Highways officers have commented that the total daily trip generation by the proposed use will not be significantly different to the existing use, the peak times of use will shift toward the evening in association with the restaurant use.

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

Amendments have been sought with regards to the refuse and recycling management which has been detailed on Drawing no. A620 Rev A. The refuse will be collected from the front of the site by a private collection company at least three times a week between 7-10am and 4-7pm when single yellow line restrictions apply. It will be conditioned that waste collection is managed as per the details on this drawing.

The bins will be stored within a fully lockable timber refuse store; these details will be sought by a suitably worded condition.

Transport for London have also been consulted as High Road forms part of the Strategic Road Network (SRN) for which TfL is the traffic authority. TfL confirmed that they have no comments to make on this planning application regarding strategic transport issues, however have requested an informative is added to prevent blockage of the road.

In conclusion, the proposal is considered to have an acceptable impact on highways grounds.

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

It is considered that the planning related objections have been addressed in the report above. With regards to the right of access this is not a planning consideration. The revised plans have resulted in the omission of the independent office which was proposed to be accessed from the rear; the office would now be accessed from the front and would be ancillary to the restaurant use.

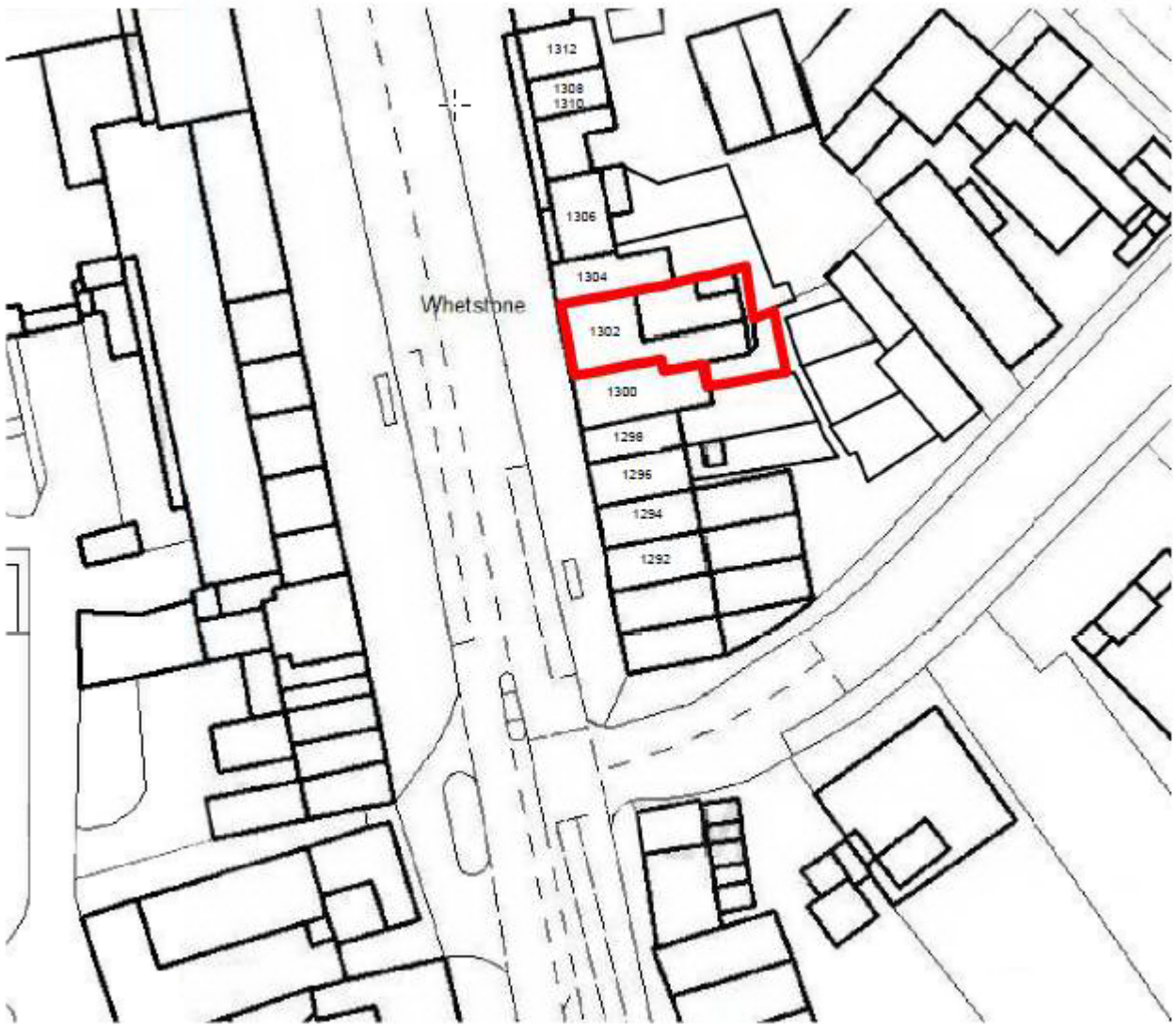
The amended scheme clarifies that the refuse collection would be from the front of the site only and the alleyway has not been included within the curtilage of the site/ red line (the agent has also clarified that the ancillary office and restaurant would be accessed from the front of the site).

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

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

#### **7. Conclusion**

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



This page is intentionally left blank

**Location**                      **Everyman Cinema Great North Road Barnet EN5 1AB**

**Reference:**                      **19/1100/LBC**

Received: 25th February 2019

Accepted: 26th February 2019

Ward:                              Oakleigh

Expiry 23rd April 2019

Applicant:                      N/A

Proposal:                      Painted mural to rear elevation

**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:

106.21/SK50 - Rear elevation  
Heritage Statement  
Design and Access 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.

**Informative(s):**

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

## **Officer's Assessment**

### **1. Site Description**

The application site is located on the southern side of the Great North Road in Barnet. The large, detached cinema building is set back from the main road at the end of a local shopping parade known as Western Parade. To the rear of the site a car park is located and beyond this the High Barnet branch of the Northern-line Underground Train line.

The nearest residential properties, which are sited along Raydean Road sit at an oblique angle which do not have direct views of the rear façade of the cinema building.

The building was purpose-built as a cinema in 1935 by the architect Edgar Simmons. Odeon took over the site during construction. The cinema building was Statutory listed in October 1985.

The list description notes;

"Cinema. 1934 by Edgar Simmons as a County Cinema, taken over by Odeon before completion. Steel frame, clad in brick with rendered centrepiece, sheet metal roof. plan of foyer on two levels leading to double-height auditorium with balcony. Rendered 3-storey, 6-bay rounded centrepiece with half-glazed entrance 'doors: six Moorish-style' lancets rising 2 storeys. Flanked by brick towers with red brick diaperwork and tall recessed panels. Interior: foyer has Moorish-style paybox and original doors; moulded "marble" column to octagonal light well, with decorative metal balustrade to balcony and stairs. Fine Art Deco auditorium, with stepped mouldings surrounding stepped Moorish lancets, flanked by decorative metal grilles;; cornice with devrons; ceiling decoration based on octagonal patterns, with stepped mouldings surrounding central octagon with Art Deco "strapwork"; stepped mouldings to proscenium arch."

### **2. Site History**

Reference: 15/06856/LBC

Address: Everyman Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 4 January 2016

Description: Installation of new removable screen to main auditorium, with additional lighting and audio equipment

Reference: 15/07885/S73

Address: Everyman Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 17 February 2016

Description: Variation of condition 1 (plans) for planning permission 15/04342/FUL dated 27/07/2015 for `Internal and external refurbishment and alterations to the existing cinema, together with replacement plant and signage.` Variation to include minor alterations to the approved application, To allow for various minor internal and external revisions

Reference: 15/04342/FUL

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 21 September 2015

Description: Internal and external refurbishment and alterations to the existing cinema, together with replacement plant and signage.

Reference: 15/04343/LBC

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 21 September 2015

Description: Internal and external refurbishment and alterations to the existing cinema, together with replacement plant and signage. (LISTED BUILDING CONSENT)

Reference: 15/04344/ADV

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 21 September 2015

Description: 5 no. internally illuminated fascia signs, 1 no externally illuminated other sign and 1 no internally illuminated other sign

Reference: B/00397/12

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 19 March 2012

Description: Two roof mounted satellite dishes on the roof of the existing cinema building.

Reference: B/00396/12

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 19 March 2012

Description: Two roof mounted satellite dishes on the roof of the existing cinema building

Reference: N02303X/05

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 23 August 2005

Description: Installation of internal fire alarm equipment.

Reference: N02303AB/08

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Refused

Decision Date: 28 April 2008

Description: Variation to condition 7 (Operating times of machinery) of Planning Permission reference N02303Z/07 dated 14/12/2007 to allow operation of machinery on Sundays from 10am to 4pm.

Reference: N02303AA/08

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved

Decision Date: 8 May 2008

Description: Submission of details of Condition 2 (Details of colours to be used for canopy) pursuant to Planning Permission Reference N02303Z/07 dated 14/12/2007 for erection of canopy and change of use of part of car park to facilitate car wash.

Reference: N02303Z/07

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB



Decision: Approved subject to conditions

Decision Date: 14 December 2007

Description: Erection of canopy and change of use of part of car park to facilitate car wash.

Reference: N02303Y/05

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved

Decision Date: 10 November 2005

Description: Submission of details pursuant to Condition 3 of planning permission N02303X/05 granted 23.08.05 for installation of internal fire alarm equipment.

Reference: N02303V/02

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Refused

Decision Date: 1 March 2002

Description: Full planning application for the installation of 6 No. panel antennae and associated equipment cabinets.

Reference: N02303U/00

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved

Decision Date: 2 November 2000

Description: Details of materials part pursuant to condition 5 of planning permission ref.no. N02303S/99 dated 4 July 2000 for alterations and refurbishment works.

Reference: B/01604/10

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Permission Not Required

Decision Date: 25 June 2010

Description: Installation of a new green metal equipment cabinet.

Reference: N02303W/02

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Refused

Decision Date: 1 March 2002

Description: Listed building consent application for the installation of 6no. panel antennae and associated equipment cabins.

### **3. Proposal**

This application seeks consent for a painted mural to be displayed on the rear elevation.

### **4. Public Consultation**

This application was called in by Councillor Sowerby as he considers this mural will be highly intrusive within the street scene and out of character with the adjacent residential neighbourhood. I am equally concerned that it will denude the character of this grade II listed building.

A site notice was erected on 7th March 2019

A press notice was published on 7th March 2019

There is no neighbour consultation for Listed Building Consent application.

Internal / other consultations:

Heritage and Design:

As the wall proposed for the mural is at the rear of the cinema and not visible from the street, has previously been over-painted, had illuminated advertisements attached, and recently been subjected to a large amount of graffiti, I consider the proposal to have some merit. The mural would be visible to passengers on the adjoining Northern Line tube trains and is intended to attract new customers to the cinema and consequently improve its long term viability. Although the appearance of the wall would change this is not considered to be harmful to the building's wider special interest. The proviso is, however, that the paintwork should be removable and that a temporary consent is granted.

Highways:

The proposal is for a painted mural to the rear of the existing building. The applicant is not proposing any overhang onto the public highway. The proposed is not expected to have a detrimental impact on the surrounding public footway, I therefore have no objections on highways grounds.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was updated on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

#### The Mayor's London Plan 2016

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

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

## Barnet's Local Plan (2012)

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

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

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

## Supplementary Planning Documents

Sustainable Design and Construction SPD (2016)

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

The main issues for consideration in this case are:

- Whether the alterations would be a visually obtrusive form of development which would detract from the character and appearance of the street scene and the Statutory Listed building.
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to trees of special amenity value.

### **5.3 Assessment of proposals**

Section 16(2) of the Planning (Listed buildings and Conservation Area) Act 1990 states that 'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 12 of the National Planning Policy Framework at paragraph 129 sets out that the local planning authority should identify and assess the particular significance of any heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraphs 131-135 set out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

Paragraphs 193 to 202 NPPF (2018) requires the decision maker to have regard for the impact of a proposed development on the significance of a designated heritage asset,

affording great weight to the asset's conservation. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Furthermore, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Accordingly, Officers have assessed the proposals in this scheme and consider that the works put forward in this application amount to less than significant harm, which will be outweighed by the benefits of improving the dining experience for future users. As such, the proposed works are considered to be acceptable and ensure the significance of the existing building will be enhanced for the public benefit.

As per the Duty placed on the Local Planning Authority under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Officers have given special regard to the desirability of preserving the building, its setting and features of special architectural and historic interest, and therefore consider that this duty has been met in the assessment and determination of this application.

Having regard to the above therefore, there is no material harm to the designated heritage asset has been identified and therefore consent should be granted in accordance with Policy DM06 of the Development Management Policies. Due regard has been given to the provisions of Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990.

This application seeks consent for the erection of painted mural to the rear elevation of the Grade II listed cinema building. The rear elevation of the building faces on to the existing car park and railway line beyond.

The proposed mural would provide a decorative image to the rear façade of the building consisting of graphic image with familiar movie characters and features from famous 90s movies. This rear elevation has previously had advertisements sited on it, including the Odeon lettering, which was overpainted when the Everyman took over the site. The proposed design can easily be painted over in the future if necessary.

The proposed mural is entirely contained to the rear elevation of the host building, overlooking the cinema car park and railway line beyond with the nearest residential properties along Raydean Road facing away from the application site, as such it is not considered that the proposed development will give rise to any loss of amenity to neighbouring occupiers.

The proposals are considered to provide an appropriate ancillary advertisement to an otherwise blank, unattractive service façade which is not considered to contribute positively to the significance or special character and appearance of the host listed cinema building, due to a lack of architectural features or detailing. The development is not considered to result in any detrimental impact to the designated heritage asset, instead providing a positive enhancement which will improve this elevation and the building overall.

The proposals do not detrimentally impact on the qualities of the statutory listed building and protect the character of this part of the Oakleigh ward. The design, size and siting of the signage is such that it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property and street scene.

## 5.4 Response to Public Consultation

Nil.

## 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 support the Council in meeting its statutory equality responsibilities.

## 7. Conclusion

Having taken all material considerations into account, the proposals would not detrimentally impact on the qualities of the host Statutory Listed building and protect the character of this part of the Oakleigh ward. The proposed alterations are such that, as conditioned, they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual listed property and street scene.



This page is intentionally left blank

**Location**                      **Everyman Cinema Great North Road Barnet EN5 1AB**

**Reference:**                      **19/1102/ADV**

Received: 25th February 2019

Accepted: 26th February 2019

Ward:                              Oakleigh

Expiry 23rd April 2019

Applicant:                      N/A

Proposal:                      Painted mural to rear elevation

AGENDA ITEM 9

**Recommendation:** Approve subject to conditions

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

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

106.21/SK50 - Rear elevation  
Heritage Statement  
Design and Access 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 The period of consent shall be a period of five years commencing with the date of this decision.

Reason: To comply with Regulation 14(7) of Part 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 3 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 4 Where an advertisement is required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity and shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 5 The maximum luminance of the signs shall not exceed the values recommended in the association of Public Lighting Engineer's Technical Report No. 5, Zone 3.

Reason: In the interest of highway safety and amenity in accordance with Policies DM01 and DM17 of the Development Management Policies DPD (adopted September 2012).

- 6 No advertisement shall be sited or displayed so as to endanger persons using the highway, obscure or hinder the ready interpretation of any road traffic sign, or obscure or hinder the operation of any device used for the purpose of security or surveillance.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 7 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 8 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site, to the reasonable satisfaction of the Local Planning Authority.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

**Informative(s):**



## **Officer's Assessment**

### **1. Site Description**

The application site is located on the southern side of the Great North Road in Barnet. The large, detached cinema building is set back from the main road at the end of a local shopping parade known as Western Parade. To the rear of the site a car park is located and beyond this the High Barnet branch of the Northern-line Underground Train line.

The nearest residential properties, which are sited along Raydean Road sit at an oblique angle which do not have direct views of the rear façade of the cinema building.

The building was purpose-built as a cinema in 1935 by the architect Edgar Simmons. Odeon took over the site during construction. The cinema building was Statutory listed in October 1985.

The list description notes;

"Cinema. 1934 by Edgar Simmons as a County Cinema, taken over by Odeon before completion. Steel frame, clad in brick with rendered centrepiece, sheet metal roof. plan of foyer on two levels leading to double-height auditorium with balcony. Rendered 3-storey, 6-bay rounded centrepiece with half-glazed entrance 'doors: six Moorish-style' lancets rising 2 storeys. Flanked by brick towers with red brick diaperwork and tall recessed panels. Interior: foyer has Moorish-style paybox and original doors; moulded "marble" column to octagonal light well, with decorative metal balustrade to balcony and stairs. Fine Art Deco auditorium, with stepped mouldings surrounding stepped Moorish lancets, flanked by decorative metal grilles;; cornice with devrons; ceiling decoration based on octagonal patterns, with stepped mouldings surrounding central octagon with Art Deco "strapwork"; stepped mouldings to proscenium arch."

### **2. Site History**

Reference: 15/06856/LBC

Address: Everyman Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 4 January 2016

Description: Installation of new removable screen to main auditorium, with additional lighting and audio equipment

Reference: 15/07885/S73

Address: Everyman Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 17 February 2016

Description: Variation of condition 1 (plans) for planning permission 15/04342/FUL dated 27/07/2015 for 'Internal and external refurbishment and alterations to the existing cinema, together with replacement plant and signage.' Variation to include minor alterations to the approved application, To allow for various minor internal and external revisions

Reference: 15/04342/FUL

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 21 September 2015

Description: Internal and external refurbishment and alterations to the existing cinema, together with replacement plant and signage.

Reference: 15/04343/LBC

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 21 September 2015

Description: Internal and external refurbishment and alterations to the existing cinema, together with replacement plant and signage. (LISTED BUILDING CONSENT)

Reference: 15/04344/ADV

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 21 September 2015

Description: 5 no. internally illuminated fascia signs, 1 no externally illuminated other sign and 1 no internally illuminated other sign

Reference: B/00397/12

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 19 March 2012

Description: Two roof mounted satellite dishes on the roof of the existing cinema building.

Reference: B/00396/12

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 19 March 2012

Description: Two roof mounted satellite dishes on the roof of the existing cinema building

Reference: N02303X/05

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 23 August 2005

Description: Installation of internal fire alarm equipment.

Reference: N02303AB/08

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Refused

Decision Date: 28 April 2008

Description: Variation to condition 7 (Operating times of machinery) of Planning Permission reference N02303Z/07 dated 14/12/2007 to allow operation of machinery on Sundays from 10am to 4pm.

Reference: N02303AA/08

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved

Decision Date: 8 May 2008

Description: Submission of details of Condition 2 (Details of colours to be used for canopy) pursuant to Planning Permission Reference N02303Z/07 dated 14/12/2007 for erection of canopy and change of use of part of car park to facilitate car wash.

Reference: N02303Z/07

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 14 December 2007

Description: Erection of canopy and change of use of part of car park to facilitate car wash.

Reference: N02303Y/05

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved

Decision Date: 10 November 2005

Description: Submission of details pursuant to Condition 3 of planning permission N02303X/05 granted 23.08.05 for installation of internal fire alarm equipment.

Reference: N02303V/02

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Refused

Decision Date: 1 March 2002

Description: Full planning application for the installation of 6 No. panel antennae and associated equipment cabinets.

Reference: N02303U/00

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved

Decision Date: 2 November 2000

Description: Details of materials part pursuant to condition 5 of planning permission ref.no. N02303S/99 dated 4 July 2000 for alterations and refurbishment works.

Reference: B/01604/10

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Permission Not Required

Decision Date: 25 June 2010

Description: Installation of a new green metal equipment cabinet.

Reference: N02303W/02

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Refused

Decision Date: 1 March 2002

Description: Listed building consent application for the installation of 6no. panel antennae and associated equipment cabins.

### **3. Proposal**

This application seeks consent for a painted mural to be displayed on the rear elevation of the detached cinema building.

### **4. Public Consultation**

This application was called in by Councillor Sowerby as he considers this mural will be highly intrusive within the street scene and out of character with the adjacent residential neighbourhood. I am equally concerned that it will denude the character of this grade II listed building.

There is no public consultation for an Advertisement Consent application.

Internal / other consultations:

Heritage and Design:

As the wall proposed for the mural is at the rear of the cinema and not visible from the street, has previously been over-painted, had illuminated advertisements attached, and recently been subjected to a large amount of graffiti, I consider the proposal to have some merit. The mural would be visible to passengers on the adjoining Northern Line tube trains and is intended to attract new customers to the cinema and consequently improve its long term viability. Although the appearance of the wall would change this is not considered to be harmful to the building's wider special interest. The proviso is, however, that the paintwork should be removable and that a temporary consent is granted.

Highways:

The proposal is for a painted mural to the rear of the existing building. The applicant is not proposing any overhang onto the public highway. The proposed is not expected to have a detrimental impact on the surrounding public footway, I therefore have no objections on highways grounds.

#### 4.1 Main issues for consideration

Planning Practice Guidance states that the Local Planning Authority's power to control advertisements under the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 may be used only in the interests of 'amenity' and 'public safety'. This is reinforced by paragraph 67 of the NPPF which advocates that advertisements should be subject to control only in the interests of amenity and public safety.

#### 4.2 Policy context

National Planning Policy Guidance / Statements:

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

The National Planning Policy Framework (NPPF) was updated on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

Paragraph 67 states that "poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts".

Barnet's Local Plan (2012)

Relevant Core Strategy Policies: CS NPPF, CS9.

Relevant Development Management Policies: DM01, DM17.

### Barnet's Design Guidance

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

## **5.3 Assessment of proposals**

### **Public Safety**

When considering public safety, Local Planning Authorities are expected to have regard to the adverts effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), over water, or in the air. Local Planning Authorities will therefore consider such matters as the likely behaviour of drivers of vehicles who will see the advertisement; possible confusion with any traffic sign or other signal; or possible interference with a navigational light or an aerial beacon. Local Planning Authorities will also bear in mind that some advertisements can positively benefit public safety by directing drivers to their destination. In their assessment of the public safety implications of an advertisement display, Local Planning Authorities will assume that the primary purpose of an advertisement is to attract people's attention and will therefore not automatically presume that an advertisement will distract the attention of passers-by, whether they are drivers, cyclists or pedestrians.

The vital consideration, in assessing an advertisement's impact, is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others' safety. Further advice on assessing the public safety implications of the display of an advertisement is given in the Government's Planning Practice Guidance.

The proposed mural is entirely contained to the rear elevation of the host building, overlooking the cinema car park and railway line beyond with the nearest residential properties along Raydean Road facing away from the application site. There will be no view of the proposals from the front of the site or road.

It is therefore considered that the proposed mural would not be detrimental to public safety subject to conditions and that the application is therefore acceptable on this ground.

### **Visual Amenity**

When assessing an advertisement's impact on amenity, Local Planning Authorities should have regard to its effect on the appearance of the building and on the visual amenity of the immediate neighbourhood. The relevant considerations for this purpose are the local characteristics of the neighbourhood, including scenic, historic, architectural or cultural features, which contribute to the distinctive character of the locality.

Design Guidance Note 1 (Advertising and Signs) states that advertisements should relate to their surrounding in terms of size, scale and siting. In addition they should be located to avoid visual clutter.

The proposed mural would provide a decorative image to the rear façade of the building consisting of graphic image with familiar movie characters and features from famous 90s movies. This rear elevation has previously had advertisements sited on it, including the Odeon lettering, which was overpainted when the Everyman took over the site. The proposed design can easily be painted over in the future if necessary.

The proposals are considered to provide an appropriate ancillary advertisement to an otherwise blank, unattractive service façade which is not considered to contribute positively to the significance or special character and appearance of the host listed cinema building, due to a lack of architectural features or detailing. The development is not considered to result in any detrimental impact to the designated heritage asset, instead providing a positive enhancement which will improve this elevation and the building overall.

As such, the advertisement would not affect the designated heritage asset or the visual amenity of the area.

The proposals do not detrimentally impact on the qualities of the statutory listed building and protect the character of this part of the Oakleigh ward. The design, size and siting of the signage is such that it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property and street scene.

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

Nil.

#### **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 support the Council in meeting its statutory equality responsibilities.

#### **7. Conclusion**

Having taken all material considerations into account, the proposals would not detrimentally impact on the qualities of the host Statutory Listed building and protect the character of this part of the Oakleigh ward. The proposed alterations are such that, as conditioned, they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual listed property and street scene.



This page is intentionally left blank



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

**Reference:**                      **19/0464/S73**

Received: 28th January 2019

**AGENDA ITEM 10**

Accepted: 28th January 2019

Ward:                              Underhill

Expiry 25th March 2019

Applicant:                      Mr M BISHOP

Proposal:                      Variation of condition 1 (Plan Numbers) pursuant to planning appeal APP/N5090/W/18/3201916 dated 07/01/19 (planning reference 18/7820/FUL) for `Demolition of an existing garage and removal of existing roof and creation of a new pitched roof with front and rear dormer roof extensions to provide 8no additional flats at second floor level. Provision of additional 10no off street parking spaces. Provision of refuse, recycling and cycle storage.` Amendments include provision of new balconies to the rear of 6 flats

**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:

423714-20, 423714-21, 423714-22, 423714-23.

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

- 2 This development must be begun within three years from the date of the original permission ref: APP/N5090/W/18/3201916 dated 07/01/19

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

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

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

- 4 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

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

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

5

The development shall be implemented in accordance with the following documents:

Landscape Masterplan, prepared by Guarda Landscape (drg. no.18/08\_01)

Detailed soft landscape proposal, prepared by Guarda Landscape (Drg.no. GUA-DR-L-002 rev.P01)

Detailed hard landscape proposal, prepared by Guarda Landscape (Drg.no. GUA-DR-L-004 rev.P01)

Planting Schedule (drg.no. GUA-DR-L-003 P01), dated 13/02/19

Planting Schedule Wessex Court - As per Landscape Masterplan drawing no. 18/08\_01 prepared by Guarda Landscapes

Sample of the roof tile, SVK Vertessa Roofing slate, 600mm x 300mm, Blue Black in colour

Email from agent, dated 19/02/19, confirming the tile to be used as approved under discharge of conditions application 19/0153/CON approved 20.02.2019

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

- 6 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).

- 7 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).

- 8 The development shall be implemented in accordance with the following documents:

Landscape Masterplan, prepared by Guarda Landscape (drg. no.18/08\_01)  
Detailed soft landscape proposal, prepared by Guarda Landscape (Drg.no. GUA-DR-L-002 rev.P01)  
Detailed hard landscape proposal, prepared by Guarda Landscape (Drg.no. GUA-DR-L-004 rev.P01)  
Planting Schedule (drg.no. GUA-DR-L-003 P01), dated 13/02/19  
Planting Schedule Wessex Court - As per Landscape Masterplan drawing no. 18/08\_01 prepared by Guarda Landscapes  
Sample of the roof tile, SVK Vertessa Roofing slate, 600mm x 300mm, Blue Black in colour  
Email from agent, dated 19/02/19, confirming the tile to be used as approved under discharge of conditions application 19/0153/CON approved 20.02.2019

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.

- 9 Before the development hereby permitted is first occupied, details of improvement to the amenity areas shall be submitted to and approved in writing by the local planning authority.

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02

of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 10 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.

- 11 Before the development hereby permitted is first occupied access to the parking area from the public highway, the access to the parking spaces, turning and parking spaces including a disabled space shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that parking 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.

- 12 Notwithstanding the plans submitted, before the development hereby permitted is first occupied, details of the operation of the gated vehicular access as indicated on Drawing No. 423714-12 Rev. B submitted with the planning application, including maintenance contract details if electronically operated gates are proposed, shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details.

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

facilities and a further additional \_\_\_ of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

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

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan 2016.

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

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

- 15 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement 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.

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

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



## **Officer's Assessment**

### **1. Site Description**

The site property is a residential block of flats built in the 1980's as part of the redevelopment of an old factory Site. The existing block comprises of sixteen flats. The neighbouring properties are mainly 2 storey Victorian terraced Cottages on West End Lane.

To the rear of the site are two storey terrace houses of Bayford House. There are existing garages at the rear of Wessex Court, which abut the rear boundary of Bayford House.

There are two storey terraces houses 53, 59, 61, 63 West End Lane along the west boundary. Their rear gardens abut the common west boundary.

No. 1 to 5 Gladstone Place are at the south east of Wessex court. Side boundary wall of No1 Gladstone Place abuts the common boundary at the south east.

### **2. Site History**

Reference: 19/0155/CON

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

Decision: Approved

Decision Date: 20.02.2019

Description: Submission of details of conditions 2 (Details of Roof Tiles) and 5 (Landscaping) pursuant to appeal decision APP/N5050/W/18/3201916 dated (planning reference 17/7820/FUL)

Reference: 18/6020/CON

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

Decision: Split Decision

Decision Date: 14.11.2018

Description: Submission of details of conditions 3 (Materials) 4 (Demolition and Construction Management Plan) 5 (Refuse/Recycling) 6 (Sound Mitigation) 7 (Landscaping) 8 (Amenity area) 9 (Cycle parking/storage) 10 (Gates) 13 (Vehicle Charging) pursuant to planning permission 18/2390/FUL dated 26/07/18

Reference: 18/2390/FUL

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

Decision: - Approved subject to conditions

Decision Date: 02.07.2018

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

Reference: 17/7820/FUL

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

Decision: Refused

Decision Date: 05.04.2018

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

Reason(s)

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

Reference: 17/4338/FUL

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

Decision: Refused

Decision Date: 24 October 2017

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

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

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

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

Reference: 17/0453/FUL

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

Decision: Refused

Decision Date: 10 May 2017

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

Reason(s)

1. The proposed mansard roof due to its bulk, mass and excessive number of dormer windows would appear overly bulky, cluttered and out of scale with the prevailing character of West End Lane, relating poorly to neighbouring buildings and appearing obtrusive and incongruous. This would be detrimental to the character and appearance of the site



property, streetscene and the local area contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

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

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

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

Appeal Decision Date: 07.11.2017

### **3. Proposal**

This application seeks variation of condition 1 (Plan Numbers) pursuant to planning appeal APP/N5090/W/18/3201916 dated 07/01/19 (planning reference 18/7820/FUL) for `Demolition of an existing garage and removal of existing roof and creation of a new pitched roof with front and rear dormer roof extensions to provide 8no additional flats at second floor level. Provision of additional 10no off street parking spaces. Provision of refuse, recycling and cycle storage.` Amendments include provision of new balconies to the rear 6 flats

Amendments include alterations to the approved drawings by including balconies to the rear of 6 flats. Balconies would be included at the rear elevation of two flats at each level.

This application is called into Committee.

### **4. Public Consultation**

Consultation letters were sent to 178 neighbouring properties.

13 responses have been received, including 12 objections and 1 support.

#### Summary of Objections

- detrimental impact on existing parking problem in this area
- out of character
- Increased pressure on waste disposal
- Increased pressure on the existing Victorian drainage system
- destruction of trees and wildlife
- detrimental impact on neighbours privacy
- impact on daylight

- not sufficient amenity space for the flats
- Proposed rear balconies would overlook the houses and gardens of Gladstone Place
- Mature trees have been cut down, increasing the overlooking impact
- Gate would block the road and cause traffic problem

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

#### The Mayor's London Plan 2016

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

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

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

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

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

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

minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

## **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 and future occupiers.

## **5.3 Assessment of proposals**

The application seeks to amend the plans originally submitted under 18/7820/FUL which was refused and allowed under APP/N5090/W/18/3201916 dated 07/01/19.

The proposal includes 6 balconies at the rear elevation, which includes change in the approved plans and elevations.

Therefore this S73 application will only assess the balconies proposed to the rear elevation of the Flat 3 and 4 at second Floor, rear of existing Flat 7 and 8 at ground floor and Flat 15 and 16 at first floor level.

It is recognised that the proposed balconies would not change the character of the property significantly from the previous approved schemes. The proposed balconies would project only 1m at the rear and the balconies of ground floor, first floor and second floor would be one above the other and considered not to have any detrimental impact on the character of the property.

It is noted that under 18/2390/FUL, balconies for all the second floor flats were approved. Those balconies are different from the current proposal, in a way that, those were inset and not projected beyond the building fabric. Though in the current proposal, the balconies project, the projection is minimal which is only 1m.

Furthermore, the balconies would be sited to the rear elevation facing the rear parking/garage and rear communal open space.

It is mentioned in the previous report under 18/2390/FUL, which contained balconies at front and rear for all the 8 proposed flats;

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

In this context, the proposed balconies though not same as the previous application approved under 18/2390/FUL or allowed in appeal under APP/N5090/W/18/321916 dated 07/01/19; would not appear incongruous or obtrusive and considered to respect the character of the building and the area.

It is noted that under REF:18/2390/FUL dated 02.07. 2018, the previous proposal included balconies for proposed 8 flats at second floor level. 5 sqm of amenity space was provided for three 2 bed 3 person flats and one 2 bed 4 person flats. The rest of 3 the studio flats and one 1 bed 2 person unit had 4 sqm of balcony. Therefore in total 36 sqm of private amenity space was provided as balcony.

The current application does not provide balcony for all the 8 proposed flats at the second floor level. There would be 2 balconies at the rear of two, 2 bed 3 person flats at the second floor level. In addition to that, the 2 balconies would be provided to the existing four rear ground and first floor flats. The balconies would be 3sqm which does not comply with the London Plan standard.

It is noted that the current proposal would reduce the number of balconies for the proposed 8 flats from the previous granted scheme under 18/2390/FUL dated 02.07. 2018. However, it would be an improvement in terms of private amenity space, from the scheme allowed originally under appeal APP/N5090/W/18/321916, which did not include any balcony for the flats.

In the appeal APP/N5090/W/18/321916, the inspector mentioned that, "The appellant refers me to the Council's decision dated 26 July 2018, ref 18/2390/FUL under which the same proposals, in terms of outdoor amenity space, as those now forming the subject of the appeal have been approved conditionally. Based on the information which has been provided to me by the appellant, the only material difference between the approved proposals and those forming the subject of the appeal is the deletion of the balconies."

The inspector considered the proposed outdoor amenity space provided as community garden and winter garden would provide adequate and quality amenity space for the existing and future occupiers of the proposed and existing flats of Wessex Court and Bells Hill flats .

The inspector concluded that, "I therefore conclude that the proposal would be acceptable in terms of the amenity space which would be provided and the living conditions which would be experienced by existing and future occupiers of Wessex Court and Bells Hill flats."

It is therefore, considered that the proposal would provide adequate amenity space in the form of outdoor communal garden and considered acceptable.

It is noted that the proposed balconies would be sited at the rear elevation. The location of the balconies is not different from the one approved under 18/2390/FUL, which found no detrimental amenity impact on the neighbouring occupiers.

The proposed balconies would be sited approximately 24m away from the properties of Bayford House at the rear. The habitable rooms would be 24m m away from the proposed

balconies. The rear gardens of Bayford House is buffered by the existing garages abutting the rear boundaries. Owing to the separation distance there would be no significant impact on the amenities of the properties at the rear in terms of privacy, overlooking, daylight or overbearing impact. Whilst balcony areas could increase a perception of overlooking it is not considered that any impact would be excessive or amount to a reason to refuse consent.

No. 1 to 5 Gladstone Place lies to the rear of Wessex Court and to the south east and the side boundary wall of no.1 Gladstone Place is 19 m away from the proposed balconies. The proposed balconies would only overlook the flank wall of no.1 and no habitable room window is located at the flank wall of no.1 Gladstone Place. It is considered that, the proposed balconies would not have any detrimental impact on the amenities of those properties in terms so privacy or overlooking impact because of the separation gap.

No. 59, 61 and 63 West End lane lies to the west and the side boundary wall of those properties are 13 m away from the flank wall of Wessex Court. The balconies would not have any direct view towards the rear gardens of those properties, because of the orientation. Furthermore, there are mature trees along the west side boundary. It is recognized that, balconies could increase a perception of overlooking, however, it is not considered that any impact would be excessive, which can warrant a refusal. Subject to a condition for including privacy screening on the side of the proposed balcony facing property in West End Lane , it is considered, that the proposed balconies would not have any detrimental impact on the amenities of those properties in terms of privacy or overlooking impact.

There would be no balconies at the front and east and west elevation and therefore the proposal would not have any detrimental impact on the amenities of those properties on east and west side along West End Lane.

In regards to the amenity of neighbouring occupiers, it is considered that, the proposal would not result in any unacceptable harm to the amenity of neighbouring occupiers and would comply with Policy DM01 of the Development Management Policies DPD.

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

The application is for variation of condition of previously approved application allowed in appeal under APP/N5090/W/18/321916, which already established the acceptance of the proposal in term of character, neighbours amenity and amenity of future and existing occupiers.

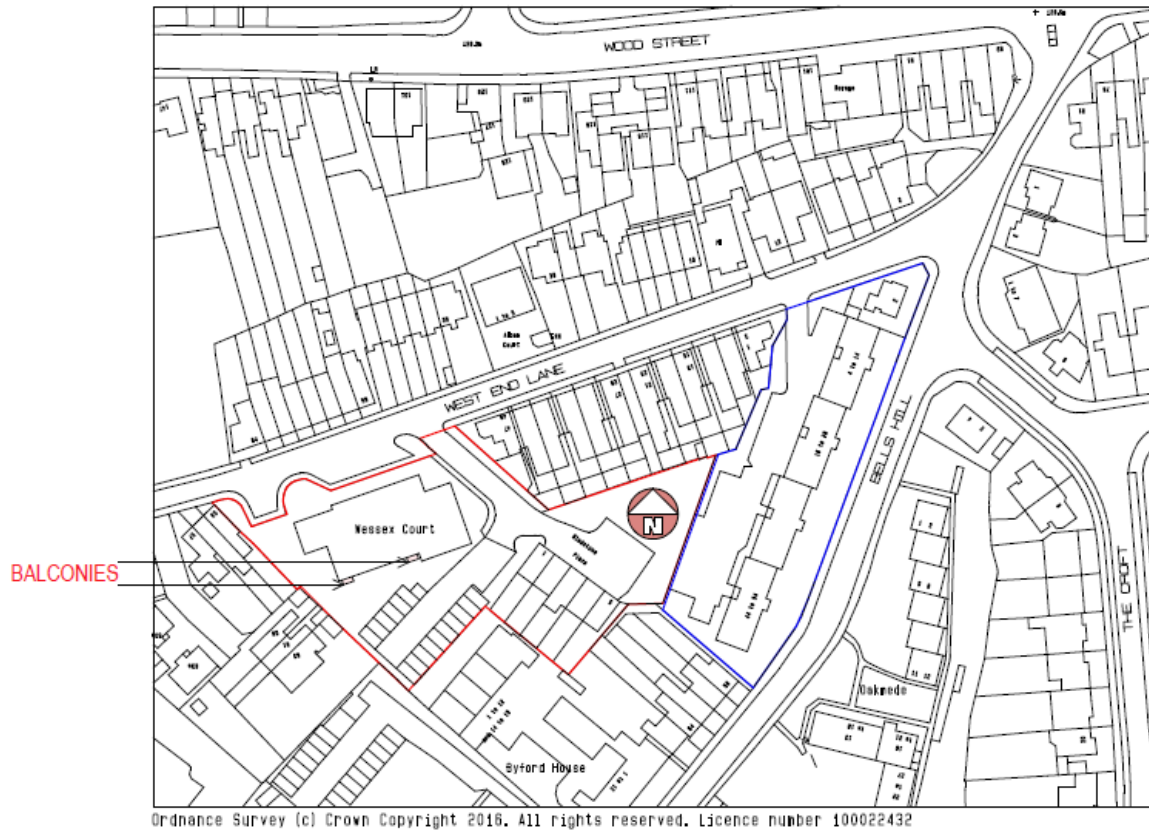
There would not be any additional impact on parking, drainage, trees, character of the area and amenity of the neighbouring occupiers.

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

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

## 7. Conclusion

The proposed variation is considered to accord with the sustainability objectives and requirements of the NPPF, the Mayor's London Plan (2016) and the Council's adopted Development Plan and is therefore recommended for approval.



**Location**                                **58 East View Barnet EN5 5TN**

**Reference:**                                **19/0629/FUL**

Received: 4th February 2019

**AGENDA ITEM 11**

Accepted: 12th February 2019

Ward:                                         High Barnet

Expiry 9th April 2019

Applicant:                                 Mr & Mrs J Penn

Proposal:                                 Erection of a two storey single family dwellinghouse following demolition of existing garage

**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, 482718-1, 482718-2 Rev B, 482718-3, 482718-4, 482718-5 Rev A, Planning 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) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 4 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevations facing no.58 and no.60 shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

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

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

- 6 a) 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.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A to E of Part 1 of Schedule 2 of that Order shall be carried out on the



approved development within the application site known as No.96 Leaside Crescent, NW11 0LA hereby approved. Planning permission would be required for these works.

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

- 8 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.

- 9 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

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

- 11 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 12 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 482718-2 Rev B; 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 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.

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

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

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

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

### **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](http://www.planningportal.gov.uk/cil).

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

## **Officer's Assessment**

### **1. Site Description**

The application site is located on the east side of East View at a bend of road where it meets Hyde Close. The site is occupied by a two- storey semi-detached dwellinghouse with a detached garage at side. The neighbouring properties are primarily detached and semi-detached properties. The site is wider than the neighbouring site no.56 on the north and no.60 on the south. The existing dwellinghouse features a forecourt and deep rear garden. The detached double garage abuts the boundary with no.60. The property features a two- storey front projection with bay window with hipped roof and a two- storey side to rear extension with hipped roof and a single storey rear extension. The front garden is hard surfaced and used for off street parking. There is a raised patio at the rear.

The road slopes down from north to south. Attached property no.56 features two storey front projection with bay window with hipped roof a two- storey side extension and single storey rear extension. Property no.54 sited to the north of no.56, is sited on a higher level and features a crown roof, front porch, rear dormer and single storey rear extension. Neighbouring property no.60 to the south, is sited on a lower level and the front elevation is setback from the building line of the subject property. It features a two- storey side extension and front porch.

The site is not located in a Conservation Area and there is no site-specific constraint. The existing building is not listed. There are mature trees at the front abutting the boundary with no.60 and in the rear garden along the side boundaries, which are not protected trees.

The application is called into Committee.

### **2. Site History**

Reference: N12014A/04

Description: Erection of brick built garage for two cars.

Decision: Approved subject to conditions

Date: 09.06.2004

Reference: N12014B/04

Description: Erection of a detached garage.

Decision: Approved subject to conditions

Date:16.11.2004

Reference: N12014

Description: Two storey side/rear extension and part single storey rear extension.

Decision: Approved subject to conditions

Date:27.04.1999

### **3. Proposal**

The application seeks permission for demolition of the existing garage of no. 58 East View and subdivision of the site to accommodate a two storey single family dwellinghouse.

### **4. Public Consultation**

Consultation letters were sent to 31 neighbouring properties.

Six Objections have been received

Summary of Objection

- Proposal would erode the character and would be out of keeping
- overdevelopment of the site
- close the gap between neighbouring properties
- detrimental to the existing trees
- impact on available street parking
- impact on sewage
- Noise impact on no.60
- amenity impact for no.60

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

#### The Mayor's London Plan 2016

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

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

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

### 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, CS9, CS13
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM17

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

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Provision of suitable accommodation for future occupiers
- Provision of waste recycling and cycle parking
- Sustainability and Accessibility
- Highways and parking.

## **5.3 Assessment of proposals**

Impact on the character and appearance of the existing site, streetscene and wider locality  
Policy CS4 provides policy on quality homes and housing choice in Barnet and states that,

"seeking a range of dwelling sizes and types of housing including family and lifetime homes that meets our identified housing priorities and does not undermine suburban character or local distinctiveness."

DM08 states that, "Development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough."

The proposed detached dwelling would provide four bed dwellinghouse which would contribute towards increase in family homes in Barnet and would comply with Policies CS4 and DM08.

Given the modest plot size and variety of different homes on the street, the proposed new dwellinghouse would provide good quality residential accommodation and would sit comfortably in the streetscene. The principle of redevelopment to provide a new dwellinghouse on this site, is therefore considered acceptable.



East View features two storey detached, semi-detached dwellinghouses of varying architectural style and roof form. The roof height also varies. The proposed two storey detached dwellinghouse, would sit comfortably between no.58 and no 60 with sufficient set back from the flank walls of the neighbouring properties. The proposed maximum height of 9m would be similar to neighbouring no.58 and no,60. The front projection with bay window and hipped roof would reflect the architectural style of the neighbouring property no. 58. The proposed hipped roof would be similar to the hipped roof of no. 58. It is considered that the new dwelling with hipped roof would be sympathetic to the neighbouring properties and the wider street scene.

The subdivided new site would have width of 7.5 m at the front, 7.6m at the middle and 5m at the rear. The width of the site for no. 58 would be 11.5m at the front, 7.6 at the middle and 5m at the rear. The depth of the rear garden would remain similar to the existing. The new subdivided plot for the proposed dwelling would have similar width as the neighbouring plot of no.56.

The flank wall of the proposal would be 1m away from the site boundary with no.60 at the front and 2.5 at the rear and 2m away from the flank wall of no.58. The proposed flank wall would be sited almost 4.8 m from the flank wall of no.60 at the front and almost 3.7m at the rear.

The existing entrance would be used from East View both for no.58 and the new dwelling. The proposed forecourt would have a depth of 10.5m. The front building line would be set back of front elevation of no. 58 which would respect the existing staggering pattern of front building lines of neighbouring properties long the bend of the road.

The two storey front projection with hipped roof would project 3 m from the front elevation. The two storey rear projection with a hipped roof would project 3.6m from the rear elevation. The rear elevation would project 3m from the rear building line of neighbouring property no.58 and 1.2m from the rear of no.60.

The form and design of the proposed detached dwelling would reflect the design of neighbouring property no.58. Brick would be used to provide visual continuity with the other dwellings along the road. Roof tiles would match the roof tiles of neighbouring dwelling.

The proposal would comply with the Barnet's Local Plan (2012) including Residential Design Guidance SPD (adopted October 2016) and Sustainable Design and Construction SPD (adopted October 2016). The proposed detached dwelling is considered to respect the overall character of the street and reflective of the pattern and character of the existing residential dwellings within the immediate area.

#### Impact on the amenities of neighbours

It is considered that, the proposal would not result in the loss of privacy, outlook or light for the neighbouring properties.

The new building would be set away 2m from the flank wall of the property at no. 58 and almost 4.8m from the flank wall of no.60. The rear elevation would only extend 3m beyond the rear building line of neighbouring property no.58 and 1.2m from the rear of no.60. The additional depth beyond the existing rear building line of neighbouring properties would comply with the standards of Residential Design Guidance SPD (adopted October 2016).

It is noted that the flank wall facing no.58 and 60 contains windows serving toilet at ground floor and bathroom and staircase at the first floor. A condition is attached required them to be obscured glazed and non-openable with a top openable panel only.

As such, officers are satisfied that the proposal will not result in any significant impacts on neighbouring amenity.

There would be a 26m separation distance between the rear elevation and the neighbouring garden to the rear. This is compliant with the Council's Residential Design guidance SPD. As such the privacy of the neighbouring gardens is not considered to be detrimentally affected by the proposal.

#### [Provision of suitable accommodation for future occupiers

In terms of amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. The proposal would provide 4-bedroom 7 person family dwelling which would have Gross Internal Floor Area (GIA) of 185 sqm . The submitted section provided shows, proposed floor to ceiling height of 2.5m for Ground and first floor. This would meet the minimum space standards for new dwellings as required by the London Plan and Barnet policy DM02. The double bedrooms would be more than required 11.5 sqm and the single bed room would be 9.5 sqm which would meet the minimum standard. The proposed storage space would also meet the minimum requirement.

The new dwelling would benefit from good outlook and receive adequate daylight and sunlight.

The dwelling would have acceptable vertical and horizontal stacking of the rooms and considered to comply with Residential Design Guidance SPD 2016.

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. The Sustainable Design and Construction SPD advises that for a dwelling with up to six habitable rooms needs to provide 70 sqm of outdoor amenity space. The proposed rear gardens measure 195 sqm and so would meet the SPD requirements.

#### -Waste Recycling and Cycle Parking

Paragraph 11.10 of the Residential Design Guidance SPD 2016, states that, "Waste and recycling storage can cause a nuisance to neighbours and future occupiers, by reason of odour and noise, and can be visually intrusive in the streetscene. Waste and recycling storage areas should be integrated within the building or provided on-site and screened within an enclosure or by landscaping avoiding garden areas in front of dwellings."

Paragraph 11.5 of the Residential Design Guidance SPD 2016, states that, "The design and layout of new residential development should take account of the needs of cyclists through the provision of safe, accessible and secure cycle parking. In accordance with the cycle parking requirements set out in the London Plan. 2 cycle parking space is required for dwelling with more than 1 bedroom.

Refuse storage would be provided in the front garden and cycle storage would be provided at the side near the boundary with no.60. However, no detail has been provided.

Conditions are attached requiring details of cycle and screened refuse storage to address this issue.

Landscaping would be provided in the forecourt, however a condition is attached to ensure sufficient landscaping is in place.

#### Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The submitted drawings show that the proposed development can be adopted to meet this requirement, and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the proposed scheme has to been designed to achieve CO2 reduction over Part L of the 2013 building regulations to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy.

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

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

#### Highways and Parking

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

London plan table 6.2 and Policy DM17 sets out parking standards as follows for residential developments:

For 4 bedroom units            2 spaces per unit

The proposal provides 2 spaces for the new dwelling and 2 spaces for the existing dwelling no.58 which is considered to comply with the Council's parking standards and London Plan.

The existing vehicle crossover would be used for both the new and existing dwelling no.58 and there would not be any detrimental impact on the Highways.

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

Addressed in the report

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

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

### 7. Conclusion

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



**Location** 151-153 High Street Barnet EN5 5SU

**Reference:** 18/6607/FUL

Received: 2nd November 2018

Accepted: 19th November 2018

**Ward:** High Barnet

Expiry 14th January 2019

**Applicant:** Mrs Devonshire

**Proposal:**

Demolition and redevelopment of 153 High Street to incorporate retail (Class A1) on the ground floor and 7no. residential units (Class C3) comprising of 5no. apartments and 2no. cottages in a newly-constructed part single, part two and part three storey building including rooms in roofspace and the part-demolition and extension to no.151 to include the change of use of ground floor to retail A1 including single storey front extension, roof extension including 2no. dormer windows to front elevation and 4no. rooflights to rear and conversion of first and second floors into 1no. self-contained duplex flat with new entrance at ground floor level. Removal of AC condenser units from rear elevation and TV aerial from chimney. Alterations to fenestration including conversion of window to door. Associated amenity space, cycle store and refuse/recycling storage, landscaping features, boundary treatments and other supporting infrastructure.

**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. 3. Highways (traffic order) £2,022.00 plus a monitoring fee of £101.10.

"A contribution would be required towards the cost to amend an existing Traffic Management Order or creation of a new order related to the development."

#### 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: 001 (D1), 002 (D1), 010(D1), 011(D1), 012(D1), 020(D1), 021(D1), 022(D1), 023(D1), 030(D1), 013(D1), 100 (D3), 110 (D3), 120 (D3), 130 (D3), 200(D4), 210 (D3), 220 (D3), 230 (D2) 300 (D2), 310 (D2), 320 (D2), 400, 401, 402, CGI Front North Elevation, CGI Front South Elevation, CGI Front Elevation, CGI Nursery Row, Internal Planning Information (520 Rev D2), Design and Access Statement, Planning Statement, Heritage Statement, Gazetteer (Received 22/3/2019), Listed Building Specification Document(22/3/2019), Archaeological Desk-Based Assessment, Daylight, Sunlight and Overshadowing Assessment, Bat Survey, Soils Limited Main Investigation Report, Transport Statement, Sustainability and Energy Statement, Hawes Price Plan No. Letter (Rec'd 21/3/2019).

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

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

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

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

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

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

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

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

7 Before the building hereby permitted is first occupied the proposed window on the second floor in apartment 2A as shown on drawing 120 (D3) in the north elevation facing 1 Hadley Parade shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

8 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the west elevation facing No. 4 Nursery Row.

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

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A,B,C,D,E and F of Part 1 of Schedule 2 of that Order shall be carried out within the area of the new dwellings hereby approved.



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

10 All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

11 Notwithstanding the details shown on the hereby approved drawings, the rooflight(s) hereby approved to No. 151 High Street and the Cottages A and B shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof.

Reason: To safeguard the character and appearance of the Conservation Area in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

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

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

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

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

14 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10.57 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet

Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

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

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

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

16 No works on public highway including provision of a crossover as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

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

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

17 No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason

To enable archaeological investigation and safeguard the archaeological interest on the site in accordance to with paragraph 199 of the National Planning Policy Framework (Revised 2019) Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2016.

18 No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. For

buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of historic building investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: Built heritage assets on this site will be affected by the development. The planning authority wishes to secure building recording in line with NPPF, and publication of results, in accordance with Section 12 of the NPPF.

19 The remediation detailed in the report by Soils Ltd, Reference 17047/MIR Rev 2.00, dated October 2018, 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.

Part 1. A Method Statement detailing the remediation requirements, using the information obtained from the site investigation (Soils Ltd, Reference 17047/MIR Rev 2.00, dated October 2018), 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. 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.

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

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of the London Plan 2011.

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

This sound insulation shall ensure that the levels of noise generated from the ground floor A1 use; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011.

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

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

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

Reason: In the interest of good air quality in accordance with London Plan policies 5.3 and 7.14

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

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

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

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

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

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

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

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

26 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

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

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

27 The use hereby permitted shall not be open to members of the public before 8am or after 9pm on weekdays and Saturdays or before 9am or after 6pm on Sundays and Bank and Public Holidays.

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

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

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

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

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

### RECOMMENDATION III:

1 That if an agreement has not been completed by 10/06/2019 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application 18/6607/FUL under delegated powers for the following reasons:

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

### Informative(s):

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

website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

2 The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. Condition 17 is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

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](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

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

#### Damage to Gullies and Sewers

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

5 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

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

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

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

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

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

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

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



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

#### Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

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

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

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

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

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

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

- 9 The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.
- 10 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

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

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

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

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

## **Officer's Assessment**

### **1. Site Description**

The application site is located on the western side of High Street, Barnet within the Monken Hadley Conservation Area (CA) and comprises two properties; No. 151 High Street, which is a two-storey Grade II Listed Building constructed c1700 and No.153 High Street, also a two-storey building, attached to No.151 High Street. No. 153 is not Listed or Locally Listed. Both buildings have been altered and extended from their original construction which includes an unsympathetically designed single storey front extension, which projects beyond the main front building line of the properties that front the High Street. The buildings are internally linked and are used as a car showroom (Sui Generis) with ancillary storage and offices found on the floors above. To the rear of the buildings is found an associated service area, storage, valet and support area which is covered by plastic canopies to protect the cars. A garage/car port is also found in the south west corner where the site abuts the rear gardens of No. 6 St Albans Road. Access to the rear is gained through the building of No. 153 High Street.

The south of the site is adjoined by Hadley House an extended two/three storey building with rooms in the roof and landscaped terraces/garden to the rear. The property is used as a restaurant with living accommodation on the second floor. To the north the site is separated from the neighbouring properties by the passage way Nursery Row. To the front of the northern boundary is sited a 1950's three-storey mixed use parade (1-5 Hadley Parade) which comprises commercial units on the ground floor with residential above. It has rear gallery access and parking. Behind this Parade is the Army Reserve Centre where a large warehouse/storage building is located adjacent to the boundary with Nursery Row. To the west of the site is found 1-4 Nursery Row, a two-storey terrace of residential properties with small gardens. The rear gardens of the properties fronting St Albans Road also adjoin the western boundary.

The site lies within the Chipping Barnet Town Centre, forming part of the secondary shopping frontage. It also lies in an Area of Special Archaeological Interest.

### **2. Site History**

Reference: N01131  
Address: 151-153 High Street, Barnet  
Decision: Refused  
Decision Date: 26 July 1967  
Description: Use as betting office

Reference: N01131B  
Address: 151-153 High Street, Barnet  
Decision: Refused  
Decision Date: 23 June 1982  
Description: Three-storey building comprising showroom, offices and caretaker's flat

Reference: N01131C  
Address: 151-153 High Street, Barnet  
Decision: Refused  
Decision Date: 23 June 1982  
Description: Demolition of building in Conservation Area

Reference: N01131D  
Address: 151 High Street Barnet  
Decision: Refused  
Decision Date: 23 June 1982  
Description: Demolition

Reference: N01131E  
Address: 151-153 High Street, Barnet  
Decision: Approved subject to conditions  
Decision Date: 12 April 1983  
Description: Double door at front, window at rear, illuminated fascia sign at front, non-illuminated sign at side.

Reference: N01131F  
Address: 151-153 High Street, Barnet  
Decision: Approved subject to conditions  
Decision Date: 21 April 1983  
Description: Change of use to car showrooms with ancillary offices, formation of parking, storage and car valeting area at rear, alterations to front and rear, new fence at side and rear.

Reference: N01131H  
Address: 151-153 High Street, Barnet  
Decision: Refused  
Decision Date: 14 September 1983  
Description: Change of use to car showrooms with ancillary offices, formation of parking, storage and car valeting area at rear, alterations to front and rear, new fence at side and rear.

Reference: N01131J  
Address: 151-153 High Street, Barnet  
Decision: Approved  
Decision Date: 21 December 1983  
Description: Change of use to car showrooms with ancillary offices, formation of parking, storage and car valeting area at rear, alterations to front and rear, new fence at side and rear.

Reference: N01131M  
Address: 151-153 High Street, Barnet  
Decision: Approved  
Decision Date: 6 September 1984  
Description: Change of use to car showrooms with ancillary offices, formation of parking, storage and car valeting area at rear, alterations to front and rear, 3m high fence at side and rear.

Reference: N01131R  
Address: 151 High Street, Barnet  
Decision: Refused  
Decision Date: 19 August 1987  
Description: Change of use of first floor from residential to offices

Reference: N01131S  
Address: 151 High Street, Barnet

Decision: Approved subject to conditions  
Decision Date: 21 October 1987  
Description: Internal Alterations

Reference: N01131U (Planning Application) and N01131V (Listed Building Consent)  
Address: 151-153 High Street, Barnet  
Decision: Refused  
Decision Date: 19 January 1989  
Description: Alterations to elevation involving new window

Reference: B/05304/14  
Address: 151-153 High Street, Barnet  
Decision: Approved subject to conditions  
Decision Date: 3 February 2016  
Description: Reconstruction of the north end chimney stack and gable and reinstatement of window to the main dwelling. (LISTED BUILDING CONSENT) (RETROSPECTIVE APPLICATION)

A number of applications for signage and adverts have also been made on the site.

### **3. Proposal**

The proposed scheme includes the following elements:

In respect of 151 High Street, (Listed Building) the scheme includes part demolition, change of use and extensions to the property. This involves:

- The demolition of the existing ground floor front extension.
- The demolition of the existing WC to the rear of the building.
- Change of use and the re-configuration of building to include a change of use of ground floor from sui generis to provide 44 sq metres of retail space (A1 Use). This includes the replacement of the existing front extension with a modern single-storey front extension. This would be set some 3.4 metres from the southern boundary, adjacent to Hadley House, High Street, where it would measure a minimum of 2.1 metres deep before splaying outwards to a maximum depth of approximately 3.8 metres before stepping in slightly by 0.6 metres to meet the northern boundary, thus extending to the front over both buildings No's. 151 and 153 High Street. The associated shop fronts would read as two shop fronts although internally the units could be interconnected. Both units would be designed to include a shallow stall riser, a transom and a single central entrance door. A flat roof is proposed over, incorporating a fascia sign which would be located just below the windowsills of the first-floor windows.
- The first and second floor of No. 151 would be converted from office and storage space to a two-bed maisonette. Access would be gained from the ground floor via a new front entrance door, created by replacing the existing ground floor window on the front elevation.
- The windows at first-floor would be replaced to include traditional mullions and transoms.
- Two traditional styled dormer windows would be introduced to the front roof slope measuring 1m wide and 1.5m high. These would be set some 1.2m below the ridge and 1.1m above the eaves. Their windows would be sash in style mirroring the first-floor windows.

- One conservation rooflight would be introduced to each roof slope to the rear elevation to give a total of three rooflights. A further flush rooflight would also be introduced to the flat asphalt roof to the rear.
- The restoration of internal wood panelling at ground and first floor, although a small section would be lost to allow for the door. Other internal alterations include opening fireplaces, installing inserts, replacing modern doors, creating a new doorway and removing some internal walls.

In respect of No. 153 High Street, the proposal includes:

- Demolishing the existing building and removing the existing canopies and car port to the rear, although the walls of the car port abutting the boundary of the site would be retained as boundary wall.
- The site would be redeveloped to provide 7 residential units comprising 2 x two-bed cottages, 1 x 2 two-bed apartment, and 4 x one-bed apartments. This would include the erection of a two-storey building with rooms in the roof fronting the High Street. 58 sq metres of retail space would be provided at ground floor which includes a new front extension as described above over the two properties. Two one-bedroom residential units are proposed at first and second floor which would be linked to a three-storey building behind. The building would be of a modern design of an increased height with a raised ridge which would align with No. 151 High Street's existing main ridge line. Two modern dormers are proposed to the front and to the rear, rooflights are proposed within the flat roof of the three-storey link rear building.
- The service area to the rear would be re-developed to provide a three-storey flat roofed building comprising a two-bed apartment at ground floor with a garden and a one-bed apartment at first and second floor. Access to these apartments and the apartments above No. 153 High Street would be a communal entrance from Nursery Row.
- Two mews cottages, part single, part two storeys in height would each include two conservation rooflights to front and rear and be located approximately 0.75m from the boundary with No. 4 Nursery Row and adjoin the three-storey building. Both would have access to a rear garden.
- The design of the buildings fronting Nursery Row would include the ground floor to be recessed which would widen the passage area along Nursery Row.
- The existing drop kerb and forecourt parking would be removed.
- No car parking is proposed on the site, although plans show two on-street car parking spaces to be introduced along the High Street, one of which would be for disabled users. Cycle storage would be provided for each unit either internally or within the proposed rear gardens. Further cycle parking would be provided under the building overhang in Nursery Row.
- Refuse storage would be provided as an enclosed recessed area within the flank wall of the retail building adjacent to No. 1 Hadley Parade.

The applicant's supporting information states that the proposal would bring a number of benefits. The main benefits would include the removal of the harmful front extension, restoration and enhancement of the Listed Building, the removal of an inappropriate use, removal of poorly designed signage and spotlights, introduction of two new Class A1 units with the creation of additional jobs, introduction of 8 residential units on previously developed land, increased footpath width along the High Street and Nursery Row, increase public parking space on the High Street, cycle storage provision, environmental enhancements, increased security to Nursery Row, provision of secure enclosed refuse areas which the site currently lacks.

#### 4. Public Consultation

Consultation letters were sent to 180 neighbours. A site notice was also erected and the application was advertised in the local press. 13 objections and comments have been received. This number includes 4 objectors who have written twice. The comments received are summarised below. Re-consultation has taken place on amended plans and additional information and any further comments received will be reported to the committee.

Barnet Residents Association comment that the application should be refused. Their comments are summarised as follows:

1. Lost opportunity to reveal part of Barnet's historic architecture by the removal of front extension and reinstating building line to follow the original route of the Great North Road.
2. The replacement flat-roofed ultra-modern front extension does not enhance the two properties and very much detracts from their architectural value.
3. The Character Appraisal Statement indicates that No 153, an early to mid-19th century cottage, contributes positively to the Monken Hadley CA. The application says its demolition would have a neutral effect on the character and appearance of the CA. The two statements are not compatible.
4. The Design and Access Statement says the existing buildings have disparate roof lines but the disparate nature of the buildings give them their appeal. They form part of historic High Barnet and should be preserved.
5. Proposed new windows from 12-pane sash windows at first floor of No. 153 is regrettable.
6. Internal changes to the listed No 151 are regrettable, the internal features should be preserved.
7. The site is at the extremity of the High Street and given high streets are contracting question whether a good opportunity to refuse the retail element and allow the entire property to be residential. Little point having new units standing empty. This would open up the frontage of the listed building and bring it back to original boundary line.

The Barnet Society comment that they are neutral about this application.

In its favour are:

- The removal of the present incongruous projecting car showroom.
- Partial restoration of the listed No.151 building and replacement of the mediocre No.153.
- Although the single-storey shopfront extension has no other local precedent, it mediates between the original street-line and that of the later shopping parade to its north.
- It is not in some pastiche style but in a lean modern idiom similar to The Spires frontage.
- Replacement of unsightly workshops to the rear with reasonably well-designed flats and 'cottages'.

Against it:

- The level of information is unsatisfactory: even though the submission is bulky, the drawings are small and lack sections, details and indications of materials.
- The replacement front projection shops would be approx. 30% bigger in footprint.
- The listed building takes another beating. It is unclear why what survives of the past ground floor plan has to be dispensed with. And if there are to be openings in the roof, the property should be re-roofed with clay tiles or slates.



- Internally, there appear to be no elevations to show how the surviving interiors would be handled (at 1:100, 1:50 for details), which should be a basic requirement for a listed building.
- The existing Nos.151 & 153 together not only have streetscape appeal, but represent the old route of the Great North Road at the very point where the road was diverted.
- The original roof profile of No.153 would be lost, and replicating that of No.151 would diminish the value of the latter.
- There is a lack of amenity space for several of the new residential units.

The Hendon and District Archaeological Society considered that the proposed watching brief would be appropriate and that the Council should follow a recommendation from Historic England on this.

Neighbours repeat some of these comments and raise the following additional comments.

1. Concern regarding proximity of building to house and building machinery will damage house, especially given limited foundations.
2. Damage to drainage system serving the neighbourhood. No drainage plans submitted.
3. Objected to sample drilling as would have caused huge cracks, although allowed sample to be taken inside property.
4. Strongly oppose the any building coming within one metre of house or encroaching on former side path.
5. Concern about size, height, view and look of proposal. Development is overbuilt, congested, bland architecture inappropriate for CA.
6. Application to build retail units questionable given current vacancy rates in Barnet and that a retailer is vacating the site.
7. No 151 is listed and No. 153 has a preservation order given the wood panelling upstairs.
8. The car parking suggestion is not for the freeholders to decide especially given Barnet's parking restrictions.
9. A bungalow was refused planning permission to the rear of 10 St Albans Road and permission was given for a single storey extension instead. This should apply to 151-153 High Street.
10. Support conversion into flats and removal of car showroom extension.
11. The contemporary shop front does not make a positive contribution to the CA. It would obscure the historic building.
12. Rebuilding 153 to the same height as 151 with modern features will result in a significant negative impact with historic value of these properties being lost. Will undermine the variable roof heights and building styles identified in CA Appraisal in this part of the CA.
13. No appropriate architectural survey has been made of No 151.
14. No. 153 High Street should not be demolished as it does not serve the primary statutory objective to preserve and enhance the CA.
15. No. 153 dates from the late Georgian period on original alignment of the Great North Road. Contrary to the applicant's Heritage Statement, the ground floor brickwork and the roof are likely to be original. It has archaeological value and provides a sympathetic setting and context for No.151.
16. The proposal provides an opportunity for enhancement of No. 153 by reinstating a door and windows in keeping with the upper floor.
17. A development of modern mews dwellings is good in principle but is overlarge. Development should not overwhelm or obscure the historic building or dominate the views of the High Street.
18. Supports Historic England's archaeological advice. The recording should be done in advance to both buildings inform the design and specification of the conversion. Relevant to listed building application as will help mitigate impact. Will also allow for investigation of drainage and service installations, which are shallowly buried, complex and fragile.

19. Support that Historic England development management branch should be consulted.
20. Inappropriate development in the CA, out of keeping, unlike proposal change should make a positive contribution to historic appearance of the town.
21. The added CGIs are more helpful than poor drawings to demonstrate how little attention has been given to the historical aspects of these buildings and how the scheme does not 'protect or 'enhance' the conservation area.
22. Approving the contemporary shop front would set a precedent resulting in other buildings in CA being vulnerable to similar insensitive 'modernisation'.

The Monken Hadley and Wood Street Conservation Area Advisory Committee made the following comments:

There is a good opportunity for enhancement which has not been addressed. Front elevation should follow line of existing building and not line of road. We are not happy with the design of the front extension. Roof of 153 should stay at the same profile as existing. Dormers should be more in style of period of house. Amenity space is missing for residential units. Lack of harmony in 4 styles of structures. Insufficient detail in drawings as to materials etc.

### **The London Fire Brigade**

Commented that insufficient information has been provided in relation to access and facilities for fire fighters, as set out in Section B5 Approved Document B. Additional plans have since been received regarding access and facilities for fire fighters and any further comments will be reported to the committee. This however is a Building Control matter.

### **Historic England)**

Historic England state that "on the basis of the information available to date, in our view you do not need to notify us of this application under the relevant statutory provisions"

### **Historic England's (Archaeology)**

Historic England raises no objection to the scheme subject to conditions relating to a Written Scheme of Investigation (WSI), archaeological excavations, Historic Building Recording and Condition Building Recording. Their comments are summarised within the main body of the report.

### Internal Consultation

The Highways Engineers raises no objection to the scheme subject to conditions and the completion of a Section 106 Agreement, their comments are included within the main body of the report.

### **Environmental Health's**

No objections are raised subject to conditions:

#### *Contamination*

The report by Soils Limited gives the results of a ground investigation. Elevated concentrations of contaminants were found; as were asbestos containing materials. Ground investigation has been undertaken and remediation proposed, subsequently a condition is proposed which seeks to secure the implementation of the remediation strategy.

An asbestos survey should be carried out and all ACMs removed as appropriately by suitably qualified personnel.

### *Air Quality*

This development is in an area that experiences poor air quality that is predicted to exceed the UK Air Quality Objective for nitrogen dioxide. Furthermore, it is adjacent to an air quality focus area. Future residents may be exposed to poor air quality. The retail units may contribute to poor air quality due to deliveries / loading. However, it is not considered necessary to attach an air quality condition given the impact of the proposal is likely to be minimal compared with the current use.

### *Noise*

The High Street is busy and noisy and the new residents will be exposed to indoor noise levels that are higher than the Council's standard requirements should sufficient mitigation not be employed. Furthermore, the public house at 149 High Street is a source of noise. There also needs to be adequate sound insulation between the A1 unit and residential first floor. If any of the existing building is retained then it is likely that without enhanced sound insulation, sound will be transferred from the commercial to the residential units. Conditions are proposed to address these matters and further conditions are proposed for a construction method statement and non-road mobile machinery.

### **Heritage Officers Comments**

The comments are summarised as follows.

- The two properties are situated within the Monken Hadley Conservation Area and form part of a terrace of properties, with no.151 being statutorily listed at Grade II. The listing for the property reads:

*Circa 1700 with alterations. Brick, painted in front, rendered on cross-gabled rear elevation. Clay tiled roof, rebuilt north end chimney and rendered chimney to south. First floor band. Two storeys, 2 windows, gauged flat brick arches on ground floor; stone cills. Sash windows, glazing bars lost. Brick buttress at left. At right projecting modern shop not of special interest. Interior shows on ground floor a room with wainscoting of simple late C17 type with panels of even size, and similar panelling painted on first floor room above, also a corner fireplace with simple chimney piece of period. Balusters replaced to stair with closed string.*

This application has been subject of pre-application advice and the majority of the scale, bulk, massing and height of the new build are as previously proposed and considered acceptable, however some issues still remain as follows.

External issues:

- Dormers on both buildings need to be traditional in appearance with lead cheeks not glass cheeks. Fenestration should match that of the windows below. Windows in the dormers should be casement opening. Scale drawings at 1:10 should be provided.
- Archive drawing mentioned on page 39 of the D and A statement should be supplied.
- On listed building rooflights are to be restricted to two in total, 460x610mm, one on each roof slope. On listed buildings, regulations such as light requirements do not apply. The rooflight over the kitchen area in the listed building should be removed from the proposals. The storage room, also forming part of the listed building at ground floor level should be restricted to one centralised rooflight 460x610mm.
- Rooflights for the new mews houses should be removed as all rooms they serve have windows. Conservation rooflights are not permitted on the front of properties in conservation

areas generally and are not a characteristic feature on the neighbouring mews terrace or on any of the two storey traditional dwelling houses, neighbouring the site.

- Green tiling is an uncharacteristic material for both the CA and Barnet in general. Natural brick should be utilised instead.

- On the new development of 153 High Street, full length windows should be removed from all external facades that front out onto the conservation area, and should be restricted to the internal facades at ground floor level. The full-length windows may be replaced with windows to match the proposed windows.

- Proposed front door to listed building is not an appropriate period style and replaced with an appropriate style. A 1:10 scale drawing or specification sheet should be supplied.

- Precedent images found within documentation should have the word "precedent" removed as, if they are not features represented in neighbouring development, they do not constitute precedence.

- The projecting shop frontage should be more characteristic in its appearance imitating detailing within its stall riser and fascia that reflects a more traditional style of shopfront as found in the high street. The LPA expect a high standard of design for shopfronts on listed building and within CA's. Whilst there may be modern shopfronts within the high street, the LPA do encourage high quality traditional design when new shopfronts come forward. It is suggested that the frontage is coloured white to soften the impact of what is a large extension to the front elevation, jutting out into the CA and facing onto the high street.

Works to no. 151 the listed building:

Insufficient details both externally and internally have been provided as would usually be required for Listed Building Consent. It is not best practice to simply condition the works and all matters should be resolved prior to consent being given. It is suggested that the proposals for 151 High Street are withdrawn.

Little change is happening to the existing plan form layout of the listed building, in which it is intended to restore it back largely to residential use, partially at ground floor and on the upper floors. A heritage statement has been submitted which examines in detail the history and development of the property and surrounding area. It includes a room-by-room gazetteer, but it would be useful for the document, which highlights what fixtures and fittings of significance remain within the property, to make clear which room is being referenced on the plans. Full details should be provided of what works are proposed to be undertaken to the interior, including new service runs shown on plans.

A schedule of works for each room should be provided. Works should utilise traditional materials and construction techniques that allow the building to breathe. Scale drawings of any new internal doors should be provided and cross sections of any new period-appropriate skirting, architraves and cornices should be submitted.

In addition, the following details should be provided:

External:

- Spec sheet for the proposed chimney pots

- Details of any render or paint, which should be of an appropriate nature for the period of building, to be used on the external and internal elevations of the listed building.

Internal:

- Scale cross section drawings of existing and proposed changes to internal elevations. Scale drawings of any alterations to historic panelling should be provided to indicate detailing.

- Schedule of works which should include method statements on processes to repair or make modifications to historic fabric, such as the historic panelling. Power tools should not be used as they can cause permanent damage to historic fabric. Modifications to historic fabric should be done carefully by hand and this should be clarified.
- All new services should be detailed on separate plans. Care should be taken to ensure there is minimal intrusion into the historic fabric. Existing runs should be utilised where possible
- Details of all new materials should be submitted, such as any thermal boarding required for the conversion of the loft area. Materials should be compatible with the age of the building and allow the structure to breathe.

Since these comments were made a number of the amendments have been made to the scheme which are discussed in the assessment below. Further details including an up dated gazetteer and schedule of works have been submitted. The Heritage Officer although would prefer details to be included within the application, considers that any outstanding details can be covered by conditions.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

#### The Mayor's London Plan 2016

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

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

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage it is considered very limited weight should be attached to the Draft London Plan. Although this weight will increase as the London Plan progresses to examination

stage and beyond, applications will continue to be determined in accordance with the adopted London Plan.

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS6, CS9 CS12, CS13, CS14.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM11, DM14, DM15, DM17.

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

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

Residential Design Guidance SPD (adopted October 2016)

Barnet Characterisation Study

Monken Hadley Conservation Area Character Appraisal Statement

Chipping Barnet Town Centre Strategy (June 2013)

Design Guidance 10: Shopfronts

- 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 principle of development;
- Whether harm would be caused to the character and appearance of the existing building, the street scene, and the wider locality and character of the conservation area;
- Whether harm would be caused to the design, character and appearance of the setting of the Listed Building;
- Whether the quality of the proposed development would provide suitable living conditions for future occupiers;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to highway safety.

### 5.3 Assessment of proposals

This application for planning permission follows pre-application discussions with the local planning authority. Officers have worked with the applicant in order to address concerns relating to the development and a number of amendments to the original scheme have been made.

#### Principle of the development

The proposal would result in the change of use of the site from a sui-generis use (car showroom) to a mixed A1 use on the ground floor of 151-153 High Street and a C3 use, in the form of a maisonette within 151 High Street and newly constructed apartments and mews cottages on the remainder of the site. Currently the site is used in conjunction with the car dealership located opposite the site at 202 High Street, providing ancillary showroom space, with the upper floors used as offices, ancillary storage space, meeting space and a staff eating area, although currently it appears to be largely unused other than for ancillary storage. The agent argues that the whole of the site including the upper floors has a sui generis use. Officer's accept this argument as there is no separate access to the upper floors, other than through the showroom and the agent indicates that the buildings have been used as a car showroom with ancillary offices to the upper floors continuously over a period of 10 years.

With regard the principle of changing the use of the site, the first issue to consider is whether the loss of the existing use is acceptable.

Policy CS8 of the Core Strategy (2012) sets out that the Council will support the Borough's economy by protecting viable employment premises and encourage improvements to the quality of existing employments spaces.

Policy DM11 (DMP (2012) states that the council will expect a suitable mix of appropriate uses as part of development within Town Centres to support their continued vitality and viability. For mixed use development the protection of employment floor-space should meet the requirements set in Policy DM14; and appropriate mixed-use re-development will be expected to provide re-provision of employment use, residential and community use. Policy DM14 states that the loss of a B Class use will only be permitted where it can be demonstrated that the site is no longer suitable and viable for its existing or alternative business use and a suitable period of effective marketing has been undertaken. Where this can be demonstrated the priority for re-use will be a mixture of small business units with residential use. Proposals to redevelop or reuse an existing employment space, which reduces the levels of employment use and impacts negatively on the economy will be resisted.

The proposal would result in a change of use to residential to the upper floors and therefore employment space would be lost. The ground floor however would remain an employment generating use. It is considered that in line with Policy DM11 the change of use of the upper floors to residential could be supported, providing there is no net loss of people employed over the whole site. At present the employment associated with the site is generated from the car dealership opposite the site and therefore the site on its own does not generate employment. However, that said a separate dealership could operate from the site generating its own employment. It is considered that the overall potential employment generated on site by the proposal would be similar if not greater to that which currently exists. In this instance it is considered that the requirement for marketing information relating to the

upper floors for alternative employment uses can be relaxed as they do not provide a separate B1 use.

The advice contained within the revised NPPF (2019) within paragraphs 118 is also of direct relevance and supports the application. It states that "planning policies should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops...)" It goes on to state within paragraph 121 that "Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. They should support proposals to: ... use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework;"

In terms of the acceptability of the proposed A1 use this is supported by Policy CS6 and DM11 which indicate that retail uses add to the vibrancy of town centres. The proposal would also reintroduce an A1 use to the existing secondary frontage that currently has a concentration of non-retail uses, which is supported by policy DM11.

With regard to the residential use on the site Policy 3.3, London Plan (2016) supports the introduction of residential uses in town centres where appropriate, stating that Boroughs should whilst having regard to other Policies of the Plan realise brownfield development capacity through intensification, mixed-use redevelopment and town centre renewal. Policy CS3 Core Strategy (2012) states that Chipping Barnet Town Centre can provide for infill housing above ground floor commercial development.

Therefore, it is considered that the loss of the existing use would be acceptable, as the scheme would comply with local plan policies by providing an active retail frontage with residential above which would increase residential provision whilst not resulting in a net loss of employment.

#### Impact on the character and appearance of the host building, street scene, wider area and Conservation Area

In line with policies 7.4 7.6, 7.8 (of the London Plan) and local plan policies DM01, DM06 and CS05 (of the Barnet Local Plan) any scheme for the site would need to respond to local character and history, and reflect the identity of local surroundings and materials of the local area, relate appropriately to the sites context and provide buildings of the highest architectural quality. The council also has a duty to protect and enhance heritage assets (including listed buildings and CA's) in line with their significance, including the need to preserve and enhance the character and appearance of its CAs and a presumption of retaining any building which makes a positive contribution to the character and appearance of the CA. Paragraph 196 of the NPPF states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.

In terms of the general character of the street scene and local area it is considered that given that the application site is located in a mixed-use area of commercial and residential properties with flatted developments above shops being common, the proposed use would



not be out of character. The site has a PTAL rating of 3, where the London Plan advises that development should be at 35-95 units per hectare. The proposal would exceed this range at 150 units per hectare. Density should not drive development however, it is an important factor to take account along with local context and design. Given the town centre location it is considered that a higher density could be supported. Furthermore, although the proposal would not provide the highest priority homes of 3/4 bed homes indicated in policy DM08, given the town centre location, it is considered that the mix as shown could be supported for market housing.

Flat developments can make an important contribution to housing provision, in particular smaller units in that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street though, for example, by the provision of additional car parking and refuse facilities, that can have an unacceptable impact on the established character of an area. The proposed development would not provide any additional parking, and the existing bin stores would be enclosed within the building, so these elements would not dominate the scheme.

Turning to the proposed impact on the CA it is important to consider that Monken Hadley is very green and leafy in character and remains at a low built density. Its special character stems from development in the 18th and 19th centuries. Approximately a quarter of the land within the Conservation Area is in residential use. The application site lies within Area Four of the Monken Hadley Conservation Area. Compared to other parts of the CA, this part of the CA has a more urban built form, with a tighter, compact grain containing a typical mix of commercial uses as well as residential and religious uses, together with a variety of building styles. Although opposite the site can be found a car showroom with a wide frontage of a modern design and to the rear of the site is found storage/warehousing, in general within the vicinity of the site the area is characterised by relatively modest sized but well-proportioned individual properties that front onto the High Street.

In describing Area Four the Monken Hadley CA Character Appraisal comments that "there are almost certainly more intrusive features in this area than in any other, due possibly to the greater demand for change and modernisation that occurs in a more commercial environment. There is a great deal of variation of roof and building heights of one and three storeys. This occurs on both sides of the road and the view from the Green end of the High Street in a southerly direction provides an interesting and varied skyline of roof levels and chimneys, as well as a great variety of building styles."

In considering new development, the Monken Hadley CA Character Appraisal states that "it is almost never acceptable to demolish buildings which contribute positively to the CA. Even when there is no objection to demolition, it will rarely be considered without a high quality proposal for its replacement. A new building must respect its context but can be of a traditional style or provide a high quality contrast. So long as the proposal is well designed and harmonises with its setting it will be looked at positively. Mediocre, purely functional buildings, or buildings which seek only to maximise internal space and pay little or no attention to the requirement for good design, are unlikely to be considered favourably".

The application is supported by a Heritage Statement by RPS CgMs which addresses the significance of the heritage assets and concludes that the proposal would have no adverse effects on the CA.

With regard to the proposed demolition of structures the removal of the existing unsympathetic front extension is welcomed as it adds no architectural merit and detracts

from both the character of the CA and the listed building. Furthermore, its removal would improve pavement access. No objections are also raised to the demolition of the WC to the rear of the property as this also has no architectural merit and is not considered to be a significant element of the historic fabric of the listed building or CA.

In respect of the demolition of No.153 High Street the building due to its age, materials, modest size and main design reflecting the historic development of the site, is identified as making a positive contribution to the CA. Local plan policies are in favour of retention of such buildings, however, that being said, the building has been unsympathetically altered with large openings to the ground floor to both the front and rear and the internal walls have been removed at both ground and first floor leaving a building with limited historic fabric with the sash windows and some of the brickwork mainly providing its remaining historical features, as well as its proportion preserving its origins as a small cottage villa. When weighing up the significance of the building against the potential benefits of the proposal, including the creation of new residential accommodation and the restoration of the listed building it is considered this outweighs the retention of the existing building. Its loss however is only supported by its replacement with a well-designed, high quality scheme, which does not adversely impact the listed building, as well as one which preserves or enhances the CA. During the life of the application various amendments requested by Officers, including addressing a large number of the Heritage Officer's concerns, have been made to the scheme to improve the design of the proposal and reduce its impact on the CA, listed building and area in general.

The replacement building at No. 153 would be of a modern design and would increase the ridgeline height to tie in with the ridge of No. 151 to provide residential accommodation, however the overall proportions of the elevation fronting the High Street would be similar to the existing building. The slate roof as opposed to the adjoining tiled roof and the simpler designed sash windows at first floor would allow the building to be read as a separate building from the adjoining listed building to which no objection is raised. Front dormers are not an uncommon feature of this part of the CA and given the size and design of the proposed front dormers it is considered that they would not appear overbearing or dominate the roof slope. The glazed cheeks originally proposed have been removed from the scheme and the proposed materials to the front elevation have been amended to white painted brickwork to reflect the style of the building to be replaced. This would allow the proposal to blend with the street scene. The green tiles have also been replaced with natural brickwork on the flank elevation. The colour of the brick is to be agreed through a materials condition.

In terms of the proposed replacement front extension, although it is of a modern design with a deep fascia, following amendments, the design now incorporates some traditional features, such as a stall riser and transoms, which breaks up the expanse of glass. The proposed overhang of the extension has also been removed, as have the originally proposed green glazed tiles at the ground floor and the shop front colour, although not amended to white as requested by the Heritage Officer has been altered from a dark grey/black to a lighter shade of grey. The extension would also allow for a wider pavement as although the retail space would be greater than existing it would project less than the existing shop front, lining through with the front building line of 1-5 Hadley Parade and the forecourt parking would be removed. The new shop front would also expose slightly more of the listed building compared to the existing extension, given the reduced height. Given the above when viewed from the High Street the proposal would result in a contemporary building, which would still reflect the traditional form and proportions of the existing building and on balance would not be detrimental to the overall character of the street scene and CA or setting of the listed building.

With regard to the proposed three storey apartment building and mews cottages at the rear it is considered that they would provide a substantial change to the current situation. However, views of these buildings would be limited from around the site. A public view would be gained along parts of St Albans Road and from Nursery Row, but other than the set backed angled frontage that links the front elevation of 153 High Street to the rear block, views would be largely restricted from the High Street. It is considered that the bulk, scale and mass of the three-storey building although substantial would on balance suitably blend with the adjoining buildings, given that they are taller and the varied roof profile common in this part of the CA would be retained. Additionally, although some of the windows would be full length in the front and side elevation and the design may have benefitted in a reduction in their size as requested by the Heritage Officer, given that they provide increased levels of lighting to the new units, only limited views are gained of them, and they are read as part of the modern building, it is considered that on balance the application could not be refused on this design matter alone. It is also considered that the proposed mews houses would relate satisfactorily in terms of size and design with the terraced properties of Nursery Row. Conservation rooflights are proposed in the front roof slope of the mews houses which is not supported by the Heritage Officer but given the restricted views of these rooflights and that they would provide increased light into the rooms below, it is considered that on balance these would be acceptable.

The alterations to the listed building and its impact on the character of the CA are set out below.

Therefore, overall it is considered that the proposal would relate satisfactorily to local character, including the surrounding built environment, while increasing densities and optimising the potential of the site to accommodate and sustain an appropriate amount and mix of development, as promoted by Paragraph 127 of the NPPF. The scheme would result in some harm to heritage assets but it would be less than substantial and this harm is outweighed by the public benefits of the scheme as outlined above. Subsequently it is considered that the scheme would not adversely impact on the character of the CA and would comply with local plan policies.

### Design, Character and Appearance & Setting of Listed Building

In line with legislation the local planning authority should have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The policy considerations for the alteration to the listed building have been considered above.

The proposal would restore the building partly to its original residential use which is considered to be the optimum viable use whilst also retaining an A1 unit in this secondary shopping parade. In terms of external alterations, the removal of the existing front extension is a substantial benefit to the listed building and its setting. The replacement extension given its reduced height would also allow more of the listed building to be viewed. The replacement windows and altered entrance to provide a front door is supported. The front windows would re-introduce and restore 6-over-6 sliding sashes. The introduction of the front door would result in the removal of a small section of brickwork and internal panelling at ground floor, however the panelling would be retained and reused elsewhere on the site. The design of the door has now been amended to the Heritage Officer's satisfaction although remaining partially glazed. Two small traditionally designed dormer windows are proposed to the front elevation and these are subservient to the roof slope and are in keeping with the design of the original building. The proposed additional rooflights to the rear have been

reduced in number to one per roof slope and would be in the style of CA rooflights. The flat rooflight over the kitchen has been retained and although not supported by the Heritage Officer given that it would not be visible when viewed from the ground floor it is considered on balance it would result in less than significant harm to the listed building.

Further internal alterations are also proposed such as removing some internal walls at first floor and introducing a new doorway, but the proposal also includes the restoration of some of the historic fabric. The alterations are not considered to adversely impact on the listed building. Further details are included within the Listed Building application, which is considered within this agenda.

In terms of preserving the setting of the listed building No. 153 High Street would provide a contemporary contrast and the buildings to the rear, although substantial would not result in significant loss of views of the building and on balance this relationship is considered acceptable.

Having regard to the above it is considered that the proposal would lead to less than substantial harm to the significance of 151 High Street and when this harm is weighed against the public benefits of the proposal and that the proposal would secure the buildings optimum viable use it is considered that consent should be granted in accordance with Policy DM06 of the DMP (2012).

#### Quality of space for future occupants

##### *Floor Area*

The proposal would provide 8 residential units. These would provide adequate gross internal areas (GIA) and bedroom sizes, in accordance with the standards prescribed in the Council's adopted Sustainable Design and Construction SPD (October 2016) and Policy 3.5 (table 3.3) of the London Plan 2016.

##### *Ceiling Heights*

The plans indicate that the new build and mews houses provide a minimum ceiling height of 2.3 meters for at least 75% of the gross internal area of the dwelling, as set by the nationally described space standards document (2015). Although the London Plan standard of 2.5 metres which is strongly encouraged is not met, Officers are satisfied the units would provide adequate ceiling heights, especially given the constraints of the site and that the heights of the proposed mews houses and the replacement building at 153 High Street have been designed to tie in with the heights of the adjoining buildings. Furthermore, although the maisonette within the listed building would not meet the standards, with the bedroom in the loft only achieving a maximum height of 2 metres and the ceiling heights in some of the rooms being below the proposed standard, this is considered acceptable given that the ceiling heights are maintaining the existing situation and historic fabric of the building. Listed buildings are also precluded in the need to meet the prescribed standards.

##### *Daylight/Outlook/Privacy*

Section 2.4 of Barnet's Sustainable Design and Construction SPD (2016) states, that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and bedrooms and living rooms/kitchens should have reasonable outlook with clear glazed windows. It is considered that all the units would provide a good standard of visual outlook for future occupants. Generally, the 20% glazing requirement is met or exceeded, although a shortfall is found in the loft bedroom of No. 153 High Street, the front bedrooms of the mews cottage and the first-floor habitable rooms of No. 151. However, given that

dormer windows that light these rooms are of a size that in design terms compliment the roof size, as well as the windows providing a reasonable outlook with clear glazed windows, and the bedrooms of the mew houses also having rooflights which would increase light it is felt that the application could not be refused on this alone. Furthermore, as previously stated in the case of the listed building these requirements do not need to be met.

In terms of outlook all the habitable rooms would receive an adequate view. In the case of the flank window of the second floor apartment that fronts the High Street, the flank window would need to be obscure glazed to prevent overlooking, however as this is not the sole window to light the room this could be supported. The ground floor lobby/entrance hall of the listed building would have no windows and the only light would be received from the glazed panels in the front door. This on balance is considered acceptable however given the room's use as a ground floor lobby.

A daylight, sunlight and overshadowing Assessment has been submitted with the application. This indicates that all the habitable rooms of the development would meet the Average Daylight Factors criteria. The results of the sunlight analysis found that all of the windows serving main living rooms would comply with the Building Research Establishment Guidance requirements for sunlight. The overshadowing assessment analysis found that only one of the proposed private amenity areas would receive good sunlight levels, with the remaining two gardens receiving reduced sunlight levels, largely due to the existing tall boundary wall to the south of the site. It is considered that the reduced levels to the rear amenity space would not be so significant to warrant refusal of the application.

The Sustainable Design and Construction SPD (2016) indicates for new residential development there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. In general, this is complied with, although the depth of the garden area of the mews cottages with the 149 Hadley House rear public garden space would not achieve this. However, an existing substantial boundary wall in excess of 3 metres would alleviate overlooking and loss of privacy issues into the gardens and therefore this relationship is considered acceptable.

### *Stacking*

The units of the apartment block have been designed so rooms are laid out on a 'like for like' basis on the ground, first and second floor limiting stacking issues between the units. A condition to ensure adequate sound proofing between floors is also proposed to the new build element helping to minimising any noise and disturbance issues.

### *Amenity Space*

Section 2.3 of the Sustainable Design and Construction SPD (2016) states that 5sqm of quality, private and usable outdoor amenity space should be provided per habitable room for each apartment and 40 sq metres would be required for the cottages. The amenity space requirement is only met by proposed Cottage A and one of the apartments, although Cottage B also has a garden area, but this is undersized. The garden depth requirement of 10.5 metres would also not be achieved for the cottages. However, given the town centre location, that Monken Hadley Common is located nearby and that with the exception of the maisonette in the listed building, the flats that have no amenity space are one-bedroom non-family flats, it is considered that under these circumstances the lack of provision can be supported.

### Impact on the amenities of neighbours

In terms of impact on the amenity of neighbouring residents, this should be considered against Policy DM01 of the DMP (2012) as describe above.

In order to avoid overlooking of adjoining neighbours any scheme should avoid windows in the flank walls unless they light non-habitable rooms, are obscure glazed and fixed shut. The design of the proposed scheme includes a number of habitable room windows and recessed balconies in the flank elevations. On the southern boundary the site is adjoined by Hadley House, a restaurant which has a garden and terrace area giving rear access to the first floor. A residential flat is located on the upper floors as well as the kitchen and function rooms. The building includes a two-storey rear projection with some flank windows. The proposal includes a number of habitable room windows in the flank wall which would look directly over the side of Hadley House and only 13 metres would separate the flank walls, however given that the flank windows of Hadley House light non-habitable room windows this relationship is considered acceptable. The relationship of the flank windows to the restaurant's garden area is considered acceptable given the public use of the garden.

In relation to the northern boundary the proposed flank windows would look over the rear car parking area of Hadley Parade and the first-floor gallery/terraced area which gives access to the individual flats and is used as a terrace. Some of the flank windows of the apartment on the second floor of the proposed block at No. 153 High Street would look directly over this terrace resulting in a loss of privacy. However, these windows have been obscure glazed to prevent overlooking and given that they are secondary windows this is considered an acceptable solution.

With regard the western boundary windows lighting a living/dining room window and a terrace would directly look over the flank wall/roof of Nursery Row so no loss of privacy would result. The other additional windows would light a stairwell which would not result in a loss of privacy. The windows to the listed building which face the rear garden of 6 and 8 St Albans Road already exist and light non-habitable rooms, so this relationship is considered acceptable.

In term of the south elevation the proposed windows would look over the High Street and directly over No. 202 High Street which is a single storey commercial use, which is considered to be an acceptable relationship.

In terms of the visual impact of the proposal on neighbouring properties the proposed building would be of a greater mass than the existing building being significantly higher, bulkier and deeper, especially when viewing the flank elevations. It is considered that although the proposed block would be clearly visible from the neighbouring properties, given the distances that separate the buildings and that the residential accommodation of Hadley Parade is located on the first and second floor, that on balance the scheme would not be so overbearing to warrant refusal if the scheme. In terms of the relationship with No. 1-4 Nursery Row the two-storey element of the proposed cottages would line through with their rear building line. At ground floor the single storey rear projection would not exceed a depth of 3 metres which is generally considered acceptable within the Residential Design Guidance SPD (2016).

With regard to the increased intensity of the use of the site, given the town centre location it is considered that on balance the 8 additional units would not result in an unacceptable level of comings and goings and associated noise and disturbance that would be detrimental to the adjoining neighbours, especially given the existing use on the site.

### Impact on Highway Safety

The Council's Highways officers have reviewed the information provided and have provided the following comments.

The site is located on High Street within a walking distance of town centre location.

The Public Transport Accessibility Level (PTAL) for the site is 3 which is considered as a medium accessibility.

### **Parking Assessment**

The proposed 8 residential units would require parking provision in the range of between 4 to 10 parking spaces. Taking into account the PTAL rating of the site as 3, the parking requirement would be 7.6 parking spaces. 2 on-street parking spaces have been proposed therefore the parking provision is not in accordance with the Development Management Policy.

Furthermore, the parking spaces on the public highway cannot be dedicated parking provision for a private development and any proposal for a disabled parking provision is subject to an application by a disabled person. Therefore, the proposed 2 parking spaces on the public highway cannot be considered as parking provision for the proposed development.

However, taking the following factors into consideration.

- The site is located in a Town Centre location and with local amenities;
- The site is within a PTAL rating of 3 which is a medium accessibility;
- The site is located within an All Day Controlled Parking Zone (CPZ) C which is in operation from Monday to Saturday 08:00-18:30 with pay by phone parking bays on High Street in the close proximity of the site;

On balance the proposed development would be acceptable on highway ground subject to permit exemption for the occupiers of the new development. A contribution of £2,022 would be required towards the amendment of the Traffic Management Order (TMO).

### **Refuse Collection Arrangements**

Servicing and deliveries will operate from kerbside as existing, with a recycle and refuse store located in the northeast corner of the site.

### **Cycle parking**

18 cycle parking spaces are being proposed in total. 12 of the cycle parking spaces are proposed for the residential units and 6 parking spaces are provided for the retail use in accordance with the London Plan Cycle Parking Standards.

### **Trip Generation**

The applicant in the Transport Statement confirmed that the proposed development is likely to generate only 1-2 vehicle trips in AM and PM peak periods and approximately 16 two-way vehicle trips across the day.

When compared to the existing use, the proposed development will result in approximately 13 fewer vehicle trips across the day.

### **Highway works**

The proposed redevelopment of the site will result in redundant crossovers which will need to be reinstated at the applicant's expense.

This application is recommended for approval subject to the comments above, a S106 Agreement to amend the Traffic Management Order to implement the permit exemption and conditions and informatives.

### Other matters

#### **Impact on Archaeological Remains**

A Desk-Based Assessment accompanies the application which in summary found that archaeological survival across the site for post-medieval activity would be moderate, but anything found would be of low significance. The archaeological potential of the site for earlier periods is considered low.

In summary Historic England commented that the application lies within the Archaeological Priority Area. Historic maps show that the site was located fronting on to the Great North Road and Hadley Green at the entrance onto the green from Chipping Barnet. The core of the medieval town lay some 400m to the south and may not have extended as far north as this site. Evidence indicates that development has occurred along the west side of the High Street by the 18th century. Little is known of the origins and early use of the building. Further investigation of the buildings' historic fabric and of the potential for buried archaeological remains is recommended.

The development could cause harm to archaeological remains. However, the significance of the asset and scale of harm can be managed using a planning condition requesting a Written Scheme of Investigation (WSI) which shall include the statement of significance and research objectives and that the development shall take place in accordance with the agreed WSI. A post investigation assessment shall be prepared and submitted as part of the condition. This pre-commencement condition is necessary to safeguard the archaeological interest on this site.

A condition is also proposed relating to archaeological excavation which would involve the investigation and recording of an area of archaeological interest and the completion of a completed 'post-excavation assessment'. Given the size of development a trial trench with contingency for extension is recommended.

Further conditions are proposed relating to Historic Building Recording and Condition Building Recording to establish the character, history, dating, form and development of an historic building or structure. The outcome of which will be an archive and a report. Building recordings should include monitoring opening up and demolition works.

### Impact of the proposals on Ecology

The applicant has submitted a bat survey in support of the scheme. This concludes that the buildings on the site have a negligible likelihood of supporting roosting bats. Bats are very unlikely to be roosting within these buildings and as such there are not anticipated to be any impacts on bats as a result of the proposed works.

### Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed



development would meet this requirement, and a condition has been proposed to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 10.57% CO<sub>2</sub> reduction to comply with building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan.

In terms of water consumption, each unit would be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day to comply with building regulations and Policy 5.15 of the London Plan.

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

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

The LPA have considered the concerns raised through the public consultation process and have addressed many of these in the above assessment of the scheme. Consideration of comments not raised within the main appraisal above include:

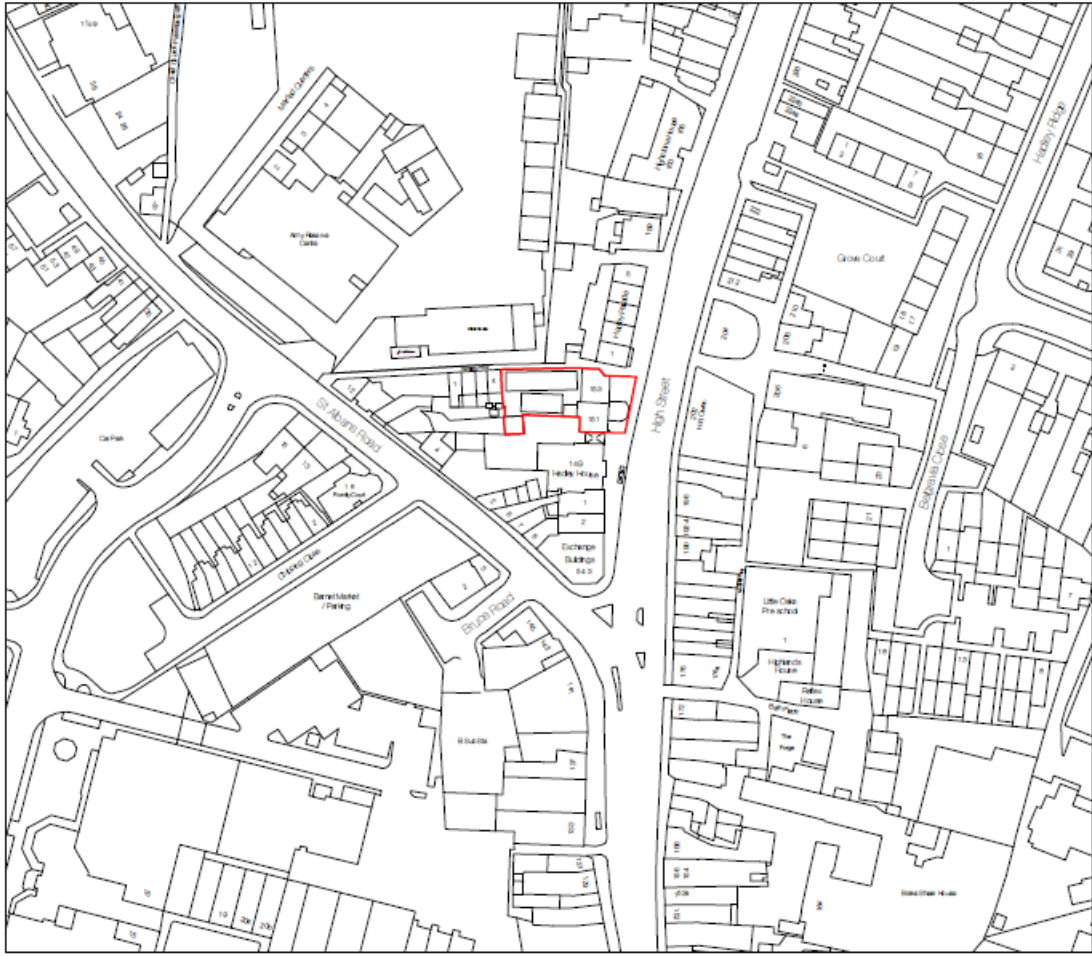
1. The comments made by the Fire Brigade are not a material planning consideration and would be considered at the Building Regulation stage. However an additional plan has been submitted and any further comments received will be reported to the committee.
2. Damage to buildings during construction is a private matter.
3. Location of drainage is not a material planning consideration.
4. A 0.75 metre gap would be retained between the adjoining mews houses which is considered an acceptable separation. Encroachment on the former side path is a private matter.
5. Retail units on the ground floor are considered an appropriate use within the town centre and comply with local plan policies.
6. Each application is treated on its own merits, previous refusals do not set a precedent.
7. Additional information has been provided regarding the works to the listed building and various conditions are proposed to address the need for further details including a condition regarding proposed materials. The level of information submitted is considered acceptable to enable a recommendation to be made and to consider the impact of the proposal on the listed building and conservation area.
8. The projecting shop front would be larger however it is considered that the increased size would not detract from the street scene, listed building or conservation area.
9. It is accepted that 151-153 High Street form a terrace representing the point where the old route of the Great North Road was diverted, however No. 153 High Street has been substantially unsympathetically altered and the benefits gained from the proposed scheme would on balance allow for its loss.
10. It is considered that the alignment of the proposed front extension is acceptable especially given that the current extension breaches the original alignment of the medieval line of the Great North Road, as do other properties.
11. The only internal alterations to No. 151 High Street at the ground floor is the introduction of the front door with the loss of some panelling, the blocking up of a doorway and the creation of a new doorway. Other alterations would include the restoration of all other surviving historic features and replacement of fire doors and modern joinery.
12. Contemporary styles can be accommodated within a CA whilst still preserving and enhancing the CA.

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

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

## **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions and the signing of a 106 Agreement restricting parking permits, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. It is considered although there would be some harm to the listed building and CA, this would be less than substantial harm and when balanced against the public benefits of the scheme and delivering the most optimum viable use the proposal could be supported. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



This page is intentionally left blank

**Location** 151-153 High Street Barnet EN5 5SU

**Reference:** 18/6608/LBC

Received: 2nd November 2018

Accepted: 19th November 2018

**Ward:** High Barnet

Expiry 14th January 2019

**Applicant:** Mrs Devonshire

**Proposal:** Demolition and redevelopment of 153 High Street to incorporate retail (Class A1) on the ground floor and 7no. residential units (Class C3) comprising of 5no. apartments and 2no. cottages in a newly-constructed part single, part two and part three storey building including rooms in roofspace and the part-demolition and extension to 151 High Street to include the change of use of ground floor to retail A1 including single storey front extension, roof extension including 2no. dormer windows to front elevation and 6no. rooflights to rear and conversion of first and second floors into 1no. self-contained duplex flat with new entrance at ground floor level. Removal of AC condenser units from rear elevation and TV aerial from chimney, reintroduction of chimney pots. Alterations to fenestration including conversion of window to door. Associated amenity space, cycle store and refuse/recycling storage, landscaping features, boundary treatments and other supporting infrastructure. Internal alterations to no. 151 including replacement of existing internal doors with new timber doors, removal of partition wall to kitchen, restoration of panelling, installation of baskets and slips to blocked up fireplaces

AGENDA ITEM 13

**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 This work must be begun not later than three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 001 (D1), 002 (D1), 010(D1), 011(D1), 012(D1), 020(D1), 021(D1), 022(D1), 023(D1), 030(D1), 013(D1), 100 (D3), 110 (D3), 120 (D3), 130 (D3), 200(D4), 210 (D3), 220 (D3), 230 (D2) 300 (D2), 310 (D2), 320 (D2), 400, 401 ,402, CGI Front North Elevation, CGI Front South Elevation, CGI Front Elevation, CGI Nursery Row, Internal Planning Information (520 Rev D2), Design and Access

Statement, Planning Statement, Heritage Statement, Gazetteer (Received 22/3/2019), Listed Building Specification Document(22/3/2019), Archaeological Desk-Based Assessment, Daylight, Sunlight and Overshadowing Assessment, Bat Survey, Soils Limited Main Investigation Report, Transport Statement, Sustainability and Energy Statement, Hawes Price Plan No. Letter (Rec'd 21/03/2019)

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

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

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

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

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

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

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

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

- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 6 Demolition work shall be carried out by hand or by tools held in the hand other than power-driven tools.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 7
  - a) Precautions shall be taken to secure and protect the interior features against accidental loss or damage, or the theft during the building work. No development including demolition shall take place until details of such precautions have been submitted to and approved in writing by the Local Planning Authority.
  - b) No internal features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or with prior approval in writing of the Local Planning Authority. Particular regard should be given to the original panelling at ground floor and first floor.
  - c) The development shall thereafter be implemented in accordance with details approved under part a of this condition.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 8
  - a) The position, type and method of installation of all new and relocated services and related fixtures (including communications and information technology servicing), shall be specified in advance of any work being carried out, and the prior approval of

the Local Planning Authority shall be obtained wherever these installations are to be visible, or where ducts or other methods of concealment are proposed. Regard should be given to work affecting the following features or parts of the building:

- a. Works affecting historic panelling at ground and first floor.
- b. New works to make the loft habitable space.

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

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 9 No new plumbing, pipes, soilstacks, flues, vents or ductwork shall be fixed on the external faces of the building unless shown on the drawings hereby approved.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 10 No new grilles, security alarms, lighting, cameras or other appurtenances shall be fixed on the external faces of the building unless shown on the drawings hereby approved.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 11 All new external and internal works and finishes and works of making good to the retained fabric, including new joinery work, shall match the existing adjacent work with regard to the methods used and to material, colour, texture, dimensions and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 12 Any hidden historic features which are revealed during the course of works shall be retained in situ, work suspended in the relevant area of the building and the Local Planning Authority notified immediately. Provision shall be made for their retention and/or proper recording, as required by the Local Planning Authority. Particular regard should be given to the following areas:

- a. ground floor
- b. first floor
- c. second floor



Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 13 All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 14 Notwithstanding the details shown on the hereby approved drawings, the rooflight(s) hereby approved shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof.

Reason: To safeguard the character and appearance of the Conservation Area in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

- 15 No repointing of brickwork is authorised by this consent without prior approval of details. Proposals shall be submitted to and approved by the Council as local planning authority before the work is begun, and the work shall be carried out in accordance with such approved proposals.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 16 Before any work is undertaken in pursuance of this consent to demolish or to alter by way of partial demolition any part of the building, structural engineers drawings and/or a method statement, indicating the proposed method of ensuring the safety and stability of the building fabric to be retained throughout the period of demolition and reconstruction, shall be submitted to and approved by the Council as local planning authority. The relevant work shall be carried out in accordance with such structural engineers drawings and/or method statement thus approved.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 17 All new partitions shall be scribed around existing ornamental mouldings.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies

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

- 18 All new external joinery shall be of painted timber.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 19 New windows to the 151-153 High Street front elevation shall be timber, double-hung, vertical sliding sashes.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 20 All new external rainwater goods and soil pipes on the visible elevations shall be of cast iron, painted black.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 21 Details in respect of the following shall be submitted to and approved in writing by the local planning authority before any work is commenced:

a) Plans, elevations and sections of existing and proposed windows at a scale of 1:10 or 1:5 as appropriate. Plan and section details shall indicate reveal depth.

b) Moulding profiles of existing and proposed meeting rails, glazing bars, transoms & mullions at a scale of 1:1.

c) Details of existing and proposed materials; samples and manufacturers specification as appropriate.

Double glazing units with proportions inappropriate to the building period and uPVC windows will not be considered acceptable. The windows shall be installed in accordance with the details so approved in this decision notice and shall be maintained as such thereafter.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 22 No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall

take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of historic building investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To safeguard heritage assets in accordance with Section 12 of the NPPF (Revised 2018)

23 No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason

To enable archaeological investigation and safeguard the archaeological interest on the site in accordance to with paragraph 199 of the National Planning Policy Framework (Revised 2018) Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2016.

24 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).

25 No permission is hereby granted for any floor strengthening or any joist strengthening, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

26 Unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent, original panel doors, architraves and door cases shall be retained in situ and where doors are no longer

required to provide access, they shall be fixed shut in their original position. The architraves and door cases shall be maintained as such thereafter.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

27 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.

28 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).

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

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

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

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

- 30 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A,B,C,D,E and F of Part 1 of Schedule 2 of that Order shall be carried out within the area of the new dwellings hereby approved.

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

- 31 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the west elevation facing No. 4 Nursery Row.

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).

- 32 The remediation detailed in the report by Soils Ltd, Reference 17047/MIR Rev 2.00, dated October 2018, 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.

Part 1. A Method Statement detailing the remediation requirements, using the information obtained from the site investigation (Soils Ltd, Reference 17047/MIR Rev 2.00, dated October 2018), 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. 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 No works on public highway including provision of a crossover as a result of the proposed development shall be carried out until detailed design drawings have been

submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

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

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

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

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of the London Plan 2011.

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

This sound insulation shall ensure that the levels of noise generated from the ground floor A1 use; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011.

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

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

Reason: In the interest of good air quality in accordance with London Plan policies 5.3 and 7.14

- 37 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments and the sub-division of the amenity area(s) have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 38 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.
- b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy

(adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.13 and 5.14 of the London Plan 2016.

- 39 The use hereby permitted shall not be open to members of the public before 8am or after 9pm on weekdays and Saturdays or before 9am or after 6pm on Sundays and Bank and Public Holidays.

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

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

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

### **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 written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. Condition 17 is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 3 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
  - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
  - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
  - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
  - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
  - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
  - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.



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

- 4 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

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

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

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

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

- 8 The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.

## **Officer's Assessment**

### **1. Site Description**

The application site is located on the western side of High Street, Barnet within the Monken Hadley Conservation Area (CA) and comprises two properties; No. 151 High Street, which is a two-storey Grade II Listed Building constructed C1700 and No.153 High Street, also a two-storey building, attached to No.151 High Street. No. 153 is not Listed or Locally Listed. Both buildings have been altered and extended from their original construction which includes an unsympathetically designed single storey front extension, which projects beyond the main front building line of the properties that front the High Street. The buildings are internally linked and are used as a car showroom (Sui Generis) with ancillary storage and offices found on the floors above. To the rear of the buildings is found an associated service area, storage, valet and support area which is covered by plastic canopies to protect the cars. A garage/car port is also found in the south west corner where the site abuts the rear garden of No. 6 St Albans Road. Access to the rear is gained through the building of No. 153 High Street.

The south of the site is adjoined by Hadley House an extended two/three storey building with rooms in the roof and landscaped terraces/garden to the rear. The property is used as a restaurant with living accommodation on the second floor. To the north the site is separated from the neighbouring properties by the passage way Nursery Row. To the front of the northern boundary is sited a 1950's three-storey mixed use parade (1-5 Hadley Parade) which comprises commercial units on the ground floor with residential above. It has rear gallery access and parking. Behind this Parade is the Army Reserve Centre where a large warehouse/storage building is located adjacent to the boundary with Nursery Row. To the west of the site is found 1-4 Nursery Row, a two-storey terrace of residential properties with small gardens. The rear gardens of the properties fronting St Albans Road also adjoin the western boundary.

The site lies within the Chipping Barnet Town Centre, forming part of the secondary shopping frontage. It also lies in an Area of Special Archaeological Interest.

### **2. Site History**

Reference: N01131  
Address: 151-153 High Street, Barnet  
Decision: Refused  
Decision Date: 26 July 1967

Description: Use as betting office

Reference: N01131B

Address: 151-153 High Street, Barnet

Decision: Refused

Decision Date: 23 June 1982

Description: Three-storey building comprising showroom, offices and caretaker's flat

Reference: N01131C

Address: 151-153 High Street, Barnet

Decision: Refused

Decision Date: 23 June 1982

Description: Demolition of building in Conservation Area

Reference: N01131D

Address: 151 High Street Barnet

Decision: Refused

Decision Date: 23 June 1982

Description: Demolition

Reference: N01131E

Address: 151-153 High Street, Barnet

Decision: Approved subject to conditions

Decision Date: 12 April 1983

Description: Double door at front, window at rear, illuminated fascia sign at front, non-illuminated sign at side.

Reference: N01131F

Address: 151-153 High Street, Barnet

Decision: Approved subject to conditions

Decision Date: 21 April 1983

Description: Change of use to car showrooms with ancillary offices, formation of parking, storage and car valeting area at rear, alterations to front and rear, new fence at side and rear.

Reference: N01131H

Address: 151-153 High Street, Barnet

Decision: Refused

Decision Date: 14 September 1983

Description: Change of use to car showrooms with ancillary offices, formation of parking, storage and car valeting area at rear, alterations to front and rear, new fence at side and rear.

Reference: N01131J

Address: 151-153 High Street, Barnet

Decision: Approved

Decision Date: 21 December 1983

Description: Change of use to car showrooms with ancillary offices, formation of parking, storage and car valeting area at rear, alterations to front and rear, new fence at side and rear.

Reference: N01131M

Address: 151-153 High Street, Barnet

Decision: Approved  
Decision Date: 6 September 1984  
Description: Change of use to car showrooms with ancillary offices, formation of parking, storage and car valeting area at rear, alterations to front and rear, 3m high fence at side and rear.

Reference: N01131R  
Address: 151 High Street, Barnet  
Decision: Refused  
Decision Date: 19 August 1987  
Description: Change of use of first floor from residential to offices

Reference: N01131S  
Address: 151 High Street, Barnet  
Decision: Approved subject to conditions  
Decision Date: 21 October 1987  
Description: Internal Alterations

Reference: N01131U (Planning Application) and N01131V (Listed Building Consent)  
Address: 151-153 High Street, Barnet  
Decision: Refused  
Decision Date: 19 January 1989  
Description: Alterations to elevation involving new window

Reference: B/05304/14  
Address: 151-153 High Street, Barnet  
Decision: Approved subject to conditions  
Decision Date: 3 February 2016  
Description: Reconstruction of the north end chimney stack and gable and reinstatement of window to the main dwelling. (LISTED BUILDING CONSENT) (RETROSPECTIVE APPLICATION)

A number of applications for signage and adverts have also been made on the site.

### **3. Proposal**

The proposed scheme includes the following elements:

In respect of 151 High Street, (Listed Building) the scheme includes part demolition, change of use and extensions to the property. This involves:

- The demolition of the existing ground floor front extension.
- The demolition of the existing WC to the rear of the building.
- Change of use and the re-configuration of building to include a change of use of ground floor from sui generis to provide 44 sq metres of retail space (A1 Use). This includes the replacement of the existing front extension with a modern single-storey front extension. This would be set some 3.4 metres from the southern boundary, adjacent to Hadley House, High Street, where it would measure a minimum of 2.1 metres deep before splaying outwards to a maximum depth of approximately 3.8 metres before stepping in slightly by 0.6 metres to meet the northern boundary, thus extending to the front over both buildings No's. 151 and 153 High Street. The associated shop fronts would read as two shop fronts although internally the units could be interconnected. Both units would be designed to include a shallow stall riser, a transom and a single central entrance door. A flat roof is proposed over,

incorporating a fascia sign which would be located just below the windowsills of the first-floor windows.

- The first and second floor of No. 151 would be converted from office and storage space to a two-bed maisonette. Access would be gained from the ground floor via a new front entrance door, created by replacing the existing ground floor window on the front elevation.
- The windows at first-floor would be replaced to include traditional mullions and transoms.
- Two traditional styled dormer windows would be introduced to the front roof slope measuring 1m wide and 1.5m high. These would be set some 1.2m below the ridge and 1.1m above the eaves. Their windows would be sash in style mirroring the first-floor windows.
- One conservation rooflight would be introduced to each roof slope to the rear elevation to give a total of three rooflights. A further flush rooflight would also be introduced to the flat asphalt roof to the rear.
- The restoration of internal wood panelling at ground and first floor, although a small section would be lost to allow for the door. Other internal alterations include opening fireplaces, installing inserts, replacing modern doors, creating a new doorway and removing some internal walls.

In respect of No. 153 High Street, the proposal includes:

- Demolishing the existing building and removing the existing canopies and car port to the rear, although the walls of the car port abutting the boundary of the site would be retained as boundary wall.
- The site would be redeveloped to provide 7 residential units comprising 2 x two-bed cottages, 1 x 2 two-bed apartment, and 4 x one-bed apartments. This would include the erection of a two-storey building with rooms in the roof fronting the High Street. 58 sq metres of retail space would be provided at ground floor which includes a new front extension as described above over the two properties. Two one-bedroom residential units are proposed at first and second floor which would be linked to a three-storey building behind. The building would be of a modern design of an increased height with a raised ridge which would align with No. 151 High Street's existing main ridge line. Two modern dormers are proposed to the front and to the rear, rooflights are proposed within the flat roof of the three-storey link rear building.
- The service area to the rear would be re-developed to provide a three-storey flat roofed building comprising a two-bed apartment at ground floor with a garden and a one-bed apartment at first and second floor. Access to these apartments and the apartments above No. 153 High Street would be a communal entrance from Nursery Row.
- Two mews cottages, part single, part two storeys in height would each include two conservation rooflights to front and rear and be located approximately 0.75m from the boundary with No. 4 Nursery Row and adjoin the three-storey building. Both would have access to a rear garden.
- The design of the buildings fronting Nursery Row would include the ground floor to be recessed which would widen the passage area along Nursery Row.
- The existing drop kerb and forecourt parking would be removed.
- No car parking is proposed on the site, although plans show two on-street car parking spaces to be introduced along the High Street, one of which would be for disabled users. Cycle storage would be provided for each unit either internally or within the proposed rear gardens. Further cycle parking would be provided under the building overhang in Nursery Row.
- Refuse storage would be provided as an enclosed recessed area within the flank wall of the retail building adjacent to No. 1 Hadley Parade.

The applicant's supporting information states that the proposal would bring a number of benefits. The main benefits would include the removal of the harmful front extension, restoration and enhancement of the Listed Building, the removal of an inappropriate use, removal of poorly designed signage and spotlights, introduction of two new Class A1 units with the creation of additional jobs, introduction of 8 residential units on previously developed land, increased footpath width along the High Street and Nursery Row, increase public parking space on the High Street, cycle storage provision, environmental enhancements, increased security to Nursery Row, provision of secure enclosed refuse areas which the site currently lacks.

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

A site notice was also erected and the application was advertised in the local press. There is no neighbour consultation for a Listed Building Consent application, however 5 objections (2 of which are from objectors writing twice) have been received. The objections include comments from the Barnet Residents Association. The comments are summarised below.

1. Lost opportunity to reveal part of Barnet's historic architecture by the removal of front extension and reinstating building line to follow the original route of the Great North Road.
2. The replacement flat-roofed ultra-modern front extension does not enhance the two properties and very much detracts from their architectural value and does not make a positive contribution to the CA.
3. The Character Appraisal Statement indicates that No 153, an early to mid-19th century cottage, contributes positively to the Monken Hadley CA. The application says its demolition would have a neutral effect on the character and appearance of the CA. The two statements are not compatible.
4. The Design and Access Statement says the existing buildings have disparate roof lines but the disparate nature of the buildings give them their appeal. They form part of historic High Barnet and should be preserved.
5. Proposed new windows from 12-pane sash windows at first floor of No. 153 is regrettable.
6. Internal changes to the listed No 151 are regrettable, the internal features should be preserved.
7. The site is at the extremity of the High Street and given high streets are contracting question whether a good opportunity to refuse the retail element and allow the entire property to be residential. Little point having new units standing empty. This would open up the frontage of the listed building and bring it back to original boundary line.
8. Support conversion into flats and removal of car showroom extension.
9. The contemporary shop front does not make a positive contribution to the CA or historic buildings.
10. Rebuilding 153 to the same height as 151 with modern features will result in a significant negative impact with historic value of these properties being lost. Will undermine the variable roof heights and building styles identified in this part of the CA.
11. No appropriate architectural survey has been made of No. 151.



12. The added CGIs are more helpful than poor drawings to demonstrate how little attention has been given to the historical aspects of these buildings and how the scheme does not 'protect or 'enhance' the conservation area.
13. Approving the contemporary shop front would set a precedent resulting in other buildings in CA being vulnerable to similar insensitive 'modernisation'.

The Monken Hadley and Wood Street Conservation Area Advisory Committee made the following comments:

There is a good opportunity for enhancement which has not been addressed. Front elevation should follow line of existing building and not line of road. We are not happy with the design of the front extension. Roof of 153 should stay at the same profile as existing. Dormers should be more in style of period of house. Amenity space is missing for residential units. Lack of harmony in 4 styles of structures. Insufficient detail in drawings as to materials etc.

### **The London Fire Brigade**

Commented that insufficient information has been provided in relation to access and facilities for fire fighters, as set out in Section B5 Approved Document B. Additional plans have since been received regarding access and facilities for fire fighters and any further comments will be reported to the committee. This however is a Building Control matter.

### **Historic England)**

Historic England state that "on the basis of the information available to date, in our view you do not need to notify us of this application under the relevant statutory provisions"

### **Historic England's (Archaeology)**

Historic England raises no objection to the scheme subject to conditions relating to a Written Scheme of Investigation (WSI), archaeological excavations, Historic Building Recording and Condition Building Recording. Their comments are summarised within the main body of the report.

### Internal Consultation

The Highways Engineers raises no objection to the scheme subject to conditions and the completion of a Section 106 Agreement, their comments are included within the main body of the report.

### **Environmental Health's**

No objections are raised subject to conditions:

#### *Contamination*

The report by Soils Limited gives the results of a ground investigation. Elevated concentrations of contaminants were found; as were asbestos containing materials. Ground investigation has been undertaken and remediation proposed, subsequently a condition is proposed which seeks to secure the implementation of the remediation strategy. An asbestos survey should be carried out and all ACMs removed as appropriately by suitably qualified personnel.

### *Air Quality*

This development is in an area that experiences poor air quality that is predicted to exceed the UK Air Quality Objective for nitrogen dioxide. Furthermore, it is adjacent to an air quality focus area. Future residents may be exposed to poor air quality. The retail units may contribute to poor air quality due to deliveries / loading. However, it is not considered necessary to attach an air quality condition given the impact of the proposal is likely to be minimal compared with the current use.

### *Noise*

The High Street is busy and noisy and the new residents will be exposed to indoor noise levels that are higher than the Council's standard requirements should sufficient mitigation not be employed. Furthermore, the public house at 149 High Street is a source of noise. There also needs to be adequate sound insulation between the A1 unit and residential first floor. If any of the existing building is retained then it is likely that without enhanced sound insulation, sound will be transferred from the commercial to the residential units. Conditions are proposed to address these matters and further conditions are proposed for a construction method statement and non-road mobile machinery.

### **Heritage Officers Comments**

The comments are summarised as follows.

- The two properties are situated within the Monken Hadley Conservation Area and form part of a terrace of properties, with no.151 being statutorily listed at Grade II. The listing for the property reads:

*Circa 1700 with alterations. Brick, painted in front, rendered on cross-gabled rear elevation. Clay tiled roof, rebuilt north end chimney and rendered chimney to south. First floor band. Two storeys, 2 windows, gauged flat brick arches on ground floor; stone cills. Sash windows, glazing bars lost. Brick buttress at left. At right projecting modern shop not of special interest. Interior shows on ground floor a room with wainscoting of simple late C17 type with panels of even size, and similar panelling painted on first floor room above, also a corner fireplace with simple chimney piece of period. Balusters replaced to stair with closed string.*

This application has been subject of pre-application advice and the majority of the scale, bulk, massing and height of the new build are as previously proposed and considered acceptable, however some issues still remain as follows.

External issues:

- Dormers on both buildings need to be traditional in appearance with lead cheeks not glass cheeks. Fenestration should match that of the windows below. Windows in the dormers should be casement opening. Scale drawings at 1:10 should be provided.
- Archive drawing mentioned on page 39 of the D and A statement should be supplied.
- On listed building rooflights are to be restricted to two in total, 460x610mm, one on each roof slope. On listed buildings, regulations such as light requirements do not apply. The rooflight over the kitchen area in the listed building should be removed from the proposals. The storage room, also forming part of the listed building at ground floor level should be restricted to one centralised rooflight 460x610mm.
- Rooflights for the new mews houses should be removed as all rooms they serve have windows. Conservation rooflights are not permitted on the front of properties in conservation areas generally and are not a characteristic feature on the neighbouring mews terrace or on any of the two-storey traditional dwelling houses, neighbouring the site.

- Green tiling is an uncharacteristic material for both the CA and Barnet in general. Natural brick should be utilised instead.
- On the new development of 153 High Street, full length windows should be removed from all external facades that front out onto the conservation area, and should be restricted to the internal facades at ground floor level. The full-length windows may be replaced with windows to match the proposed windows.
- Proposed front door to listed building is not an appropriate period style and replaced with an appropriate style. A 1:10 scale drawing or specification sheet should be supplied.
- Precedent images found within documentation should have the word "precedent" removed as, if they are not features represented in neighbouring development, they do not constitute precedence.
- The projecting shop frontage should be more characteristic in its appearance imitating detailing within its stall riser and fascia that reflects a more traditional style of shopfront as found in the high street. The LPA expect a high standard of design for shopfronts on listed building and within CA's. Whilst there may be modern shopfronts within the high street, the LPA do encourage high quality traditional design when new shopfronts come forward. It is suggested that the frontage is coloured white to soften the impact of what is a large extension to the front elevation, jutting out into the CA and facing onto the high street.

Works to no. 151 the listed building:

Insufficient details both externally and internally have been provided as would usually be required for Listed Building Consent. It is not best practice to simply condition the works and all matters should be resolved prior to consent being give. It is suggested that the proposals for 151 High Street are withdrawn.

Little change is happening to the existing plan form layout of the listed building, in which it is intended to restore it back largely to residential use, partially at ground floor and on the upper floors. A heritage statement has been submitted which examines in detail the history and development of the property and surrounding area. It includes a room-by-room gazetteer, but it would be useful for the document, which highlights what fixtures and fittings of significance remain within the property, to make clear which room is being referenced on the plans. Full details should be provided of what works are proposed to be undertaken to the interior, including new service runs shown on plans.

A schedule of works for each room should be provided. Works should utilise traditional materials and construction techniques that allow the building to breathe. Scale drawings of any new internal doors should be provided and cross sections of any new period-appropriate skirting, architraves and cornices should be submitted.

In addition, the following details should be provided:

External:

- Spec sheet for the proposed chimney pots
- Details of any render or paint, which should be of an appropriate nature for the period of building, to be used on the external and internal elevations of the listed building.

Internal:

- Scale cross section drawings of existing and proposed changes to internal elevations. Scale drawings of any alterations to historic panelling should be provided to indicate detailing.
- Schedule of works which should include method statements on processes to repair or make modifications to historic fabric, such as the historic panelling. Power tools should not

be used as they can cause permanent damage to historic fabric. Modifications to historic fabric should be done carefully by hand and this should be clarified.

- All new services should be detailed on separate plans. Care should be taken to ensure there is minimal intrusion into the historic fabric. Existing runs should be utilised where possible

- Details of all new materials should be submitted, such as any thermal boarding required for the conversion of the loft area. Materials should be compatible with the age of the building and allow the structure to breathe.

Since these comments were made a number of the amendments have been made to the scheme which are discussed in the assessment below. Further details including an up dated gazetteer and schedule of works have been submitted. The Heritage Officer although would prefer details to be included within the application, considers that any outstanding details can be covered by conditions.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

#### The Mayor's London Plan 2016

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

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

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage it is considered very limited weight should be attached to the Draft London Plan. Although this weight will increase as the London Plan progresses to examination

stage and beyond, applications will continue to be determined in accordance with the adopted London Plan.

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS6, CS9 CS12, CS13, CS14.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM11, DM14, DM15, DM17.

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

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

Residential Design Guidance SPD (adopted October 2016)

Barnet Characterisation Study

Monken Hadley Conservation Area Character Appraisal Statement

Chipping Barnet Town Centre Strategy (June 2013)

Design Guidance 10: Shopfronts

- 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 principle of development;
- Whether harm would be caused to the character and appearance of the existing building, the street scene, and the wider locality and character of the conservation area;
- Whether harm would be caused to the design, character and appearance of the setting of the Listed Building;
- Whether the quality of the proposed development would provide suitable living conditions for future occupiers;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to highway safety.

### 5.3 Assessment of proposals

This application for planning permission follows pre-application discussions with the local planning authority. Officers have worked with the applicant in order to address concerns relating to the development and a number of amendments to the original scheme have been made.

#### Principle of the development

The proposal would result in the change of use of the site from a sui-generis use (car showroom) to a mixed A1 use on the ground floor of 151-153 High Street and a C3 use, in the form of a maisonette within 151 High Street, and newly constructed apartments and mews cottages on the remainder of the site. Currently the site is used in conjunction with the car dealership located opposite the site at 202 High Street, providing ancillary showroom space, with the upper floors used as offices, ancillary storage space, meeting space and a staff eating area, although currently it appears to be largely unused other than for ancillary storage. The agent argues that the whole of the site including the upper floors has a sui generis use. Officer's accept this argument as there is no separate access to the upper floors, other than through the showroom and the agent indicates that the buildings have been used as a car showroom with ancillary offices to the upper floors continuously over a period of 10 years.

With regard the principle of changing the use of the site, the first issue to consider is whether the loss of the existing use is acceptable.

Policy CS8 of the Core Strategy (2012) sets out that the Council will support the Borough's economy by protecting viable employment premises and encourage improvements to the quality of existing employments spaces.

Policy DM11 (DMP (2012) states that the council will expect a suitable mix of appropriate uses as part of development within Town Centres to support their continued vitality and viability. For mixed use development the protection of employment floorspace should meet the requirements set in Policy DM14; and appropriate mixed-use re-development will be expected to provide re-provision of employment use, residential and community use. Policy DM14 states that the loss of a B Class use will only be permitted where it can be demonstrated that the site is no longer suitable and viable for its existing or alternative business use and a suitable period of effective marketing has been undertaken. Where this can be demonstrated the priority for re-use will be a mixture of small business units with residential use. Proposals to redevelop or reuse an existing employment space, which reduces the levels of employment use and impacts negatively on the economy will be resisted.

The proposal would result in a change of use to residential to the upper floors and therefore employment space would be lost. The ground floor however would remain an employment generating use. It is considered that in line with Policy DM11 the change of use of the upper floors to residential could be supported, providing there is no net loss of people employed over the whole site. At present the employment associated with the site is generated from the car dealership opposite the site and therefore the site on its own does not generate employment. However, that said a separate dealership could operate from the site generating its own employment. It is considered that the overall potential employment generated on site by the proposal would be similar if not greater to that which currently exists. In this instance it is considered that the requirement for marketing information relating to the

upper floors for alternative employment uses can be relaxed as they do not provide a separate B1 use.

The advice contained within the revised NPPF (2019) within paragraphs 118 is also of direct relevance and supports the application. It states that "planning policies should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops...)" It goes on to state within paragraph 121 that "Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. They should support proposals to: ... use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework;"

In terms of the acceptability of the proposed A1 use this is supported by Policy CS6 and DM11 which indicate that retail uses add to the vibrancy of town centres. The proposal would also reintroduce an A1 use to the existing secondary frontage that currently has a concentration of non-retail uses, which is supported by policy DM11.

With regard to the residential use on the site Policy 3.3, London Plan (2016) supports the introduction of residential uses in town centres where appropriate, stating that Boroughs should whilst having regard to other Policies of the Plan realise brownfield development capacity through intensification, mixed-use redevelopment and town centre renewal. Policy CS3 Core Strategy (2012) states that Chipping Barnet Town Centre can provide for infill housing above ground floor commercial development.

Therefore, it is considered that the loss of the existing use would be acceptable, as the scheme would comply with local plan policies by providing an active retail frontage with residential above which would increase residential provision whilst not resulting in a net loss of employment.

#### Impact on the character and appearance of the host building, street scene, wider area and Conservation Area

In line with policies 7.4 7.6, 7.8 (of the London Plan) and local plan policies DM01, DM06 and CS05 (of the Barnet Local Plan) any scheme for the site would need to respond to local character and history, and reflect the identity of local surroundings and materials of the local area, relate appropriately to the sites context and provide buildings of the highest architectural quality. The council also has a duty to protect and enhance heritage assets (including listed buildings and CA's) in line with their significance, including the need to preserve and enhance the character and appearance of its CAs and a presumption of retaining any building which makes a positive contribution to the character and appearance of the CA. Paragraph 196 of the NPPF states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.

In terms of the general character of the street scene and local area it is considered that given that the application site is located in a mixed-use area of commercial and residential properties with flat developments above shops being common, the proposed use would

not be out of character. The site has a PTAL rating of 3, where the London Plan advises that development should be at 35-95 units per hectare. The proposal would exceed this range at 150 units per hectare. Density should not drive development however, it is an important factor to take account along with local context and design. Given the town centre location it is considered that a higher density could be supported. Furthermore, although the proposal would not provide the highest priority homes of 3/4 bed homes indicated in policy DM08, given the town centre location, it is considered that the mix as shown could be supported for market housing.

Flat developments can make an important contribution to housing provision, in particular smaller units in that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of additional car parking and refuse facilities, that can have an unacceptable impact on the established character of an area. The proposed development would not provide any additional parking, and the existing bin stores would be enclosed within the building, so these elements would not dominate the scheme.

Turning to the proposed impact on the CA it is important to consider that Monken Hadley is very green and leafy in character and remains at a low built density. Its special character stems from development in the 18th and 19th centuries. Approximately a quarter of the land within the Conservation Area is in residential use. The application site lies within Area Four of the Monken Hadley Conservation Area. Compared to other parts of the CA, this part of the CA has a more urban built form, with a tighter, compact grain containing a typical mix of commercial uses as well as residential and religious uses, together with a variety of building styles. Although opposite the site can be found a car showroom with a wide frontage of a modern design and to the rear of the site is found storage/warehousing, in general within the vicinity of the site the area is characterised by relatively modest sized but well-proportioned individual properties that front onto the High Street.

In describing Area Four the Monken Hadley CA Character Appraisal comments that "there are almost certainly more intrusive features in this area than in any other, due possibly to the greater demand for change and modernisation that occurs in a more commercial environment. There is a great deal of variation of roof and building heights of one and three storeys. This occurs on both sides of the road and the view from the Green end of the High Street in a southerly direction provides an interesting and varied skyline of roof levels and chimneys, as well as a great variety of building styles."

In considering new development, the Monken Hadley CA Character Appraisal states that "it is almost never acceptable to demolish buildings which contribute positively to the CA. Even when there is no objection to demolition, it will rarely be considered without a high quality proposal for its replacement. A new building must respect its context but can be of a traditional style or provide a high quality contrast. So long as the proposal is well designed and harmonises with its setting it will be looked at positively. Mediocre, purely functional buildings, or buildings which seek only to maximise internal space and pay little or no attention to the requirement for good design, are unlikely to be considered favourably".

The application is supported by a Heritage Statement by RPS CgMs which addresses the significance of the heritage assets and concludes that the proposal would have no adverse effects on the CA.

With regard to the proposed demolition of structures the removal of the existing unsympathetic front extension is welcomed as it adds no architectural merit and detracts



from both the character of the CA and the listed building. Furthermore, its removal would improve pavement access. No objections are also raised to the demolition to the WC to the rear of the property as this also has no architectural merit and is not considered to be a significant element of the historic fabric of the listed building or CA.

In respect of the demolition of No.153 High Street the building due to its age, materials, modest size and main design reflecting the historic development of the site, is identified as making a positive contribution to the CA. Local plan policies are in favour of retention of such buildings, however, that being said, the building has been unsympathetically altered with large openings to the ground floor to both the front and rear and the internal walls have been removed at both ground and first floor leaving a building with limited historic fabric with the sash windows and some of the brickwork mainly providing its remaining historical features, as well as its proportion preserving its origins as a small cottage villa. When weighing up the significance of the building against the potential benefits of the proposal, including the creation of new residential accommodation and the restoration of the listed building it is considered this outweighs the retention of the existing building. Its loss however is only supported by its replacement with a well-designed, high quality scheme, which does not adversely impact the listed building, as well as one which preserves or enhances the CA. During the life of the application various amendments requested by Officers, including addressing a large number of the Heritage Officer's concerns, have been made to the scheme to improve the design of the proposal and reduce its impact on the CA, listed building and area in general.

The replacement building at No. 153 would be of a modern design and would increase the ridgeline height to tie in with the ridge of No. 151 to provide residential accommodation, however the overall proportions of the elevation fronting the High Street would be similar to the existing building. The slate roof as opposed to the adjoining tiled roof and the simpler designed sash windows at first floor would allow the building to be read as a separate building from the adjoining listed building to which no objection is raised. Front dormers are not an uncommon feature of this part of the CA and given the size and design of the proposed front dormers it is considered that they would not appear overbearing or dominate the roof slope. The glazed cheeks originally proposed have been removed from the scheme and the proposed materials to the front elevation have been amended to white painted brickwork to reflect the style of the building to be replaced. This would allow the proposal to blend with the street scene. The green bricks have also been replaced with natural brickwork on the flank elevation. The colour of the brick is to be agreed through a materials condition.

In terms of the proposed replacement front extension, although it is of a modern design with a deep fascia, following amendments, the design now incorporates some traditional features, such as a stall riser and transoms, which breaks up the expanse of glass. The proposed overhang of the extension has also been removed, as have the originally proposed green glazed tiles at the ground floor and the shop front colour, although not amended to white as requested by the Heritage Officer has been altered from a dark grey/black to a lighter shade of grey. The extension would also allow for a wider pavement as although the retail space would be greater than existing it would project less than the existing shop front, lining through with the front building line of 1-5 Hadley Parade and the forecourt parking would be removed. The new shop front would also expose slightly more of the listed building compared to the existing extension, given the reduced height. Given the above when viewed from the High Street the proposal would result in a contemporary building, which would still reflect the traditional form and proportions of the existing building and on balance would not be detrimental to the overall character of the street scene and CA or setting of the listed building.

With regard to the proposed three storey apartment building and mews cottages at the rear it is considered that they would provide a substantial change to the current situation. However, views of these buildings would be limited from around the site. A public view would be gained along parts of St Albans Road and from Nursery Row, but other than the set backed angled frontage that links the front elevation of 153 High Street to the rear block, views would be largely restricted from the High Street. It is considered that the bulk, scale and mass of the three-storey building although substantial would on balance suitably blend with the adjoining buildings, given that they are taller and the varied roof profile common in this part of the CA would be retained. Additionally, although some of the windows would be full length in the front and side elevation and the design may have benefitted in a reduction in their size as requested by the Heritage Officer, given that they provide increased levels of lighting to the new units, only limited views are gained of them, and they are read as part of the modern building, it is considered that on balance the application could not be refused on this design matter alone. It is also considered that the proposed mews houses would relate satisfactorily in terms of size and design with the terraced properties of Nursery Row. Conservation rooflights are proposed in the front roof slope of the mews houses which is not supported by the Heritage Officer but given the restricted views of these rooflights and that they would provide increased light into the rooms below, it is considered that on balance these would be acceptable.

The alterations to the listed building and its impact on the character of the CA are set out below.

Therefore, overall it is considered that the proposal would relate satisfactorily to local character, including the surrounding built environment, while increasing densities and optimising the potential of the site to accommodate and sustain an appropriate amount and mix of development, as promoted by Paragraph 127 of the NPPF. The scheme would result in some harm to heritage assets but it would be less than substantial and this harm is outweighed by the public benefits of the scheme as outlined above. Subsequently it is considered that the scheme would not adversely impact on the character of the CA and would comply with local plan policies.

#### Design, Character and Appearance & Setting of Listed Building

In line with legislation the local planning authority should have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The policy considerations for the alteration to the listed building have been considered above.

The proposal would restore the building partly to its original residential use which is considered to be the optimum viable use whilst also retaining an A1 unit in this secondary shopping parade. In terms of external alterations, the removal of the existing front extension is a substantial benefit to the listed building and its setting. The replacement extension given its reduced height would also allow more of the listed building to be viewed. The replacement windows and altered entrance to provide a front door is supported. The front windows would re-introduce and restore 6-over-6 sliding sashes. The introduction of the front door would result in the removal of a small section of brickwork and internal panelling at ground floor, however the panelling would be retained and reused elsewhere on the site. The design of the door has now been amended to the Heritage Officer's satisfaction although remaining partially glazed. Two small traditionally designed dormer windows are proposed to the front elevation and these are subservient to the roof slope and are in keeping with the design of the original building. The proposed additional rooflights to the rear have been

reduced in number to one per roof slope and would be in the style of CA rooflights. The flat rooflight over the kitchen has been retained and although not supported by the Heritage Officer given that it would not be visible when viewed from the ground floor it is considered on balance it would result in less than significant harm to the listed building.

External works would also include closing up the doorway and window in the 19th century lean-to at the rear and the demolition of the western end which serves as a WC, however given that this has been previously altered it is considered to only hold neutral heritage value.

Further internal alterations are also proposed. On the ground floor the glazed doorway to the panelled room would be closed up but the historic frame and surrounds would be maintained, as such the historic purpose of the opening would remain legible. The new door to be introduced would result in the removal of panelling however this would be relocated adjacent to the fireplace where the panelling has been lost.

The proposed alterations to the first floor would not affect any historic fabric some internal walls would be removed and the modern doors would be replaced with more appropriately styled doors, the historic panelling would also be repaired and blocked fireplaces would be reopened with appropriate inserts installed. The use of the second floor would not impact on historic timbers and the existing staircase would be retained. The alterations are not considered to adversely impact on the listed building.

In terms of preserving the setting of the listed building No. 153 High Street would provide a contemporary contrast and the buildings to the rear, although substantial would not result in significant loss of views of the building and on balance this relationship is considered acceptable.

Having regard to the above it is considered that the proposal would lead to less than substantial harm to the significance of 151 High Street and when this harm is weighed against the public benefits of the proposal and that the proposal would secure the buildings optimum viable use it is considered that consent should be granted in accordance with Policy DM06 of the DMP (2012).

### Quality of space for future occupants

#### *Floor Area*

The proposal would provide 8 residential units. These would provide adequate gross internal areas (GIA) and bedroom sizes, in accordance with the standards prescribed in the Council's adopted Sustainable Design and Construction SPD (October 2016) and Policy 3.5 (table 3.3) of the London Plan 2016.

#### *Ceiling Heights*

The plans indicate that the new build and mews houses provide a minimum ceiling height of 2.3 meters for at least 75% of the gross internal area of the dwelling, as set by the nationally described space standards document (2015). Although the London Plan standard of 2.5 metres which is strongly encouraged is not met, Officers are satisfied the units would provide adequate ceiling heights, especially given the constraints of the site and that the heights of the proposed mews houses and the replacement building at 153 High Street have been designed to tie in with the heights of the adjoining buildings. Furthermore, although the maisonette within the listed building would not meet the standards, with the bedroom in the

loft only achieving a maximum height of 2 metres and the ceiling heights in some of the rooms being below the proposed standard, this is considered acceptable given that the ceiling heights are maintaining the existing situation and historic fabric of the building. Listed buildings are also precluded in the need to meet the prescribed standards.

#### *Daylight/Outlook/Privacy*

Section 2.4 of Barnet's Sustainable Design and Construction SPD (2016) states, that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and bedrooms and living rooms/kitchens should have reasonable outlook with clear glazed windows. It is considered that all the units would provide a good standard of visual outlook for future occupants. Generally, the 20% glazing requirement is met or exceeded, although a shortfall is found in the loft bedroom of No. 153 High Street, the front bedrooms of the mews cottage and the first-floor habitable rooms of No. 151. However, given that dormer windows that light these rooms are of a size that in design terms compliment the roof size, as well as the windows providing a reasonable outlook with clear glazed windows, and the bedrooms of the mew houses also having rooflights which would increase light it is felt that the application could not be refused on this alone. Furthermore, as previously stated in the case of the listed building these requirements do not need to be met.

In terms of outlook all the habitable rooms would receive an adequate view. In the case of the flank window of the second floor apartment that fronts the High Street, the flank window would need to be obscure glazed to prevent overlooking, however as this is not the sole window to light the room this could be supported. The ground floor lobby/entrance hall of the listed building would have no windows and the only light would be received from the glazed panels in the front door. This on balance is considered acceptable however given the room's use as a ground floor lobby.

A daylight, sunlight and overshadowing Assessment has been submitted with the application. This indicated that all the habitable rooms of the development would meet the Average Daylight Factors criteria. The results of the sunlight analysis found that all of the windows serving main living rooms would comply with the Building Research Establishment Guidance requirements for sunlight. The overshadowing assessment analysis found that only one of the proposed private amenity areas would receive good sunlight levels, with the remaining two gardens receiving reduced sunlight levels, largely due to the existing tall boundary wall to the south of the site. It is considered that the reduced levels to the rear amenity space would not be so significant to warrant refusal of the application.

The Sustainable Design and Construction SPD (2016) indicates for new residential development there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. In general, this is complied with, although the depth of the garden area of the mews cottages with the 149 Hadley House rear public garden space would not achieve this. However, an existing substantial boundary wall in excess of 3 metres would alleviate overlooking and loss of privacy issues into the gardens and therefore this relationship is considered acceptable.

#### *Stacking*

The units of the apartment block have been designed so rooms are laid out on a 'like for like' basis on the ground, first and second floor limiting stacking issues between the units. A condition to ensure adequate sound proofing between floors is also proposed to the new build element helping to minimising any noise and disturbance issues.

### *Amenity Space*

Section 2.3 of the Sustainable Design and Construction SPD (2016) states that 5sqm of quality, private and usable outdoor amenity space should be provided per habitable room for each apartment and 40 sq metres would be required for the cottages. The amenity space requirement is only met by proposed Cottage A and one of the apartments, although Cottage B also has a garden area, but this is undersized. The garden depth requirement of 10.5 metres would also not be achieved for the cottages. However, given the town centre location, that Monken Hadley Common is located nearby and that with the exception of the maisonette in the listed building, the flats that have no amenity space are one-bedroom non-family flats, it is considered that under these circumstances the lack of provision can be supported.

### Impact on the amenities of neighbours

In terms of impact on the amenity of neighbouring residents, this should be considered against Policy DM01 of the DMP (2012) as describe above.

In order to avoid overlooking of adjoining neighbours any scheme should avoid windows in the flank walls unless they light non-habitable rooms, are obscure glazed and fixed shut. The design of the proposed scheme includes a number of habitable room windows and recessed balconies in the flank elevations. On the southern boundary the site is adjoined by Hadley House, a restaurant which has a garden and terrace area giving rear access to the first floor. A residential flat is located on the upper floors as well as the kitchen and function rooms. The building includes a two-storey rear projection with some flank windows. The proposal includes a number of habitable room windows in the flank wall which would look directly over the side of Hadley House and only 13 metres would separate the flank walls, however given that the flank windows of Hadley House light non-habitable room windows this relationship is considered acceptable. The relationship of the flank windows to the restaurant's garden area is considered acceptable given the public use of the garden.

In relation to the northern boundary the proposed flank windows would look over the rear car parking area of Hadley Parade and the first-floor gallery/terraced area which gives access to the individual flats and is used as a terrace. Some of the flank windows of the apartment on the second floor of the proposed block at No. 153 High Street would look directly over this terrace resulting in a loss of privacy. However, these windows have been obscure glazed to prevent overlooking and given that they are secondary windows this is considered an acceptable solution.

With regard the western boundary windows lighting a living/dining room window and a terrace would directly look over the flank wall/roof of Nursery Row so no loss of privacy would result. The other additional windows would light a stairwell which would not result in a loss of privacy. The windows to the listed building which face the rear garden of 6 and 8 St Albans Road already exist and light non-habitable rooms, so this relationship is considered acceptable.

In term of the south elevation the proposed windows would look over the High Street and directly over No. 202 High Street which is a single storey commercial use, which is considered to be an acceptable relationship.

In terms of the visual impact of the proposal on neighbouring properties the proposed building would be of a greater mass than the existing building being significantly higher, bulkier and deeper, especially when viewing the flank elevations. It is considered that although the proposed block would be clearly visible from the neighbouring properties, given the distances that separate the buildings and that the residential accommodation of Hadley

Parade is located on the first and second floor, that on balance the scheme would not be so overbearing to warrant refusal if the scheme. In terms of the relationship with No. 1-4 Nursery Row the two-storey element of the proposed cottages would line through with their rear building line. At ground floor the single storey rear projection would not exceed a depth of 3 metres which is generally considered acceptable within the Residential Design Guidance SPD (2016).

With regard to the increased intensity of the use of the site, given the town centre location it is considered that on balance the 8 additional units would not result in an unacceptable level of comings and goings and associated noise and disturbance that would be detrimental to the adjoining neighbours, especially given the existing use on the site.

#### Impact on Highway Safety

The Council's Highways officers have reviewed the information provided and have provided the following comments.

The site is located on High Street within a walking distance of town centre location.

The Public Transport Accessibility Level (PTAL) for the site is 3 which is considered as a medium accessibility.

#### **Parking Assessment**

The proposed 8 residential units would require parking provision in the range of between 4 to 10 parking spaces. Taking into account the PTAL rating of the site as 3, the parking requirement would be 7.6 parking spaces. 2 on-street parking spaces have been proposed therefore the parking provision is not in accordance with the Development Management Policy.

Furthermore, the parking spaces on the public highway cannot be dedicated parking provision for a private development and any proposal for a disabled parking provision is subject to an application by a disabled person. Therefore, the proposed 2 parking spaces on the public highway cannot be considered as parking provision for the proposed development.

However, taking the following factors into consideration.

- The site is located in a Town Centre location and with local amenities;
- The site is within a PTAL rating of 3 which is a medium accessibility;
- The site is located within an All Day Controlled Parking Zone (CPZ) C which is in operation from Monday to Saturday 08:00-18:30 with pay by phone parking bays on High Street in the close proximity of the site;

On balance the proposed development would be acceptable on highway ground subject to permit exemption for the occupiers of the new development. A contribution of £2,022 would be required towards the amendment of the Traffic Management Order (TMO).

#### **Refuse Collection Arrangements**

Servicing and deliveries will operate from kerbside as existing, with a recycle and refuse store located in the northeast corner of the site.

### **Cycle parking**

18 cycle parking spaces are being proposed in total. 12 of the cycle parking spaces are proposed for the residential units and 6 parking spaces are provided for the retail use in accordance with the London Plan Cycle Parking Standards.

### **Trip Generation**

The applicant in the Transport Statement confirmed that the proposed development is likely to generate only 1-2 vehicle trips in AM and PM peak periods and approximately 16 two-way vehicle trips across the day.

When compared to the existing use, the proposed development will result in approximately 13 fewer vehicle trips across the day.

### **Highway works**

The proposed redevelopment of the site will result in redundant crossovers which will need to be reinstated at the applicant's expense.

This application is recommended for approval subject to the comments above, a S106 Agreement to amend the Traffic Management Order to implement the permit exemption and conditions and informatives.

### Other matters

#### **Impact on Archaeological Remains**

A Desk-Based Assessment accompanies the application which in summary found that archaeological survival across the site for post-medieval activity would be moderate, but anything found would be of low significance. The archaeological potential of the site for earlier periods is considered low.

In summary Historic England commented that the application lies within the Archaeological Priority Area. Historic maps show that the site was located fronting on to the Great North Road and Hadley Green at the entrance onto the green from Chipping Barnet. The core of the medieval town lay some 400m to the south and may not have extended as far north as this site. Evidence indicates that development has occurred along the west side of the High Street by the 18th century. Little is known of the origins and early use of the building. Further investigation of the buildings' historic fabric and of the potential for buried archaeological remains is recommended.

The development could cause harm to archaeological remains. However, the significance of the asset and scale of harm can be managed using a planning condition requesting a Written Scheme of Investigation (WSI) which shall include the statement of significance and research objectives and that the development shall take place in accordance with the agreed WSI. A post investigation assessment shall be prepared and submitted as part of the condition. This pre-commencement condition is necessary to safeguard the archaeological interest on this site.

A condition is also proposed relating to archaeological excavation which would involve the investigation and recording of an area of archaeological interest and the completion of a completed 'post-excavation assessment'. Given the size of development a trial trench with contingency for extension is recommended.

Further conditions are proposed relating to Historic Building Recording and Condition Building Recording to establish the character, history, dating, form and development of an

historic building or structure. The outcome of which will be an archive and a report. Building recordings should include monitoring opening up and demolition works.

#### Impact of the proposals on Ecology

The applicant has submitted a bat survey in support of the scheme. This concludes that the buildings on the site have a negligible likelihood of supporting roosting bats. Bats are very unlikely to be roosting within these buildings and as such there are not anticipated to be any impacts on bats as a result of the proposed works.

#### Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition has been proposed to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 10.57% CO<sub>2</sub> reduction to comply with building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan.

In terms of water consumption, each unit would be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day to comply with building regulations and Policy 5.15 of the London Plan.

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

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

The LPA have considered the concerns raised through the public consultation process and have addressed many of these in the above assessment of the scheme. Consideration of comments not raised within the main appraisal above include:

1. Retail units on the ground floor are considered an appropriate use within the town centre and comply with local plan policies.
2. Contemporary styles can be accommodated within a CA whilst still preserving and enhancing the CA.

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

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

### **7. Conclusion**

Having taken all material considerations into account, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. It is considered although there would be some harm to the listed building and CA, this would be less than substantial harm and when balanced against



the public benefits of the scheme and delivering the most optimum viable use the proposal could be supported. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

