

MEETING

CHIPPING BARNET AREA PLANNING COMMITTEE

DATE AND TIME

TUESDAY 7TH JANUARY, 2020

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
Vice Chairman: Councillor Wendy Prentice

Councillors

| | | |
|-------------------|---------------------|-------------|
| Richard Cornelius | Reema Patel | Tim Roberts |
| Laurie Williams | Roberto Weeden-Sanz | |

Substitute Members

| | | |
|------------------|----------------------|--------------|
| Alison Cornelius | Pauline Coakley Webb | Jo Cooper |
| Paul Edwards | Thomas Smith | Julian Teare |
| Lisa Rutter | | |

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

Andrew Charlwood – Head of Governance

Governance Services contact: chippingbarnet@barnet.gov.uk

Media Relations Contact: Gareth Greene 020 8359 7039

ASSURANCE GROUP

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

ORDER OF BUSINESS

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| 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. | SHELL STIRLING CORNER PETROL FILLING STATION (HIGH BARNET) | 11 - 22 |
| 7. | LAND AT 49 AND 51 BERESFORD AVENUE LONDON N20 0AD (BRUNSWICK PARK) | 23 - 50 |
| 8. | 124 WHITEHOUSE WAY LONDON N14 7LU (BRUNSWICK PARK) | 51 - 62 |
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| 13. | ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT | |

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Decisions of the Chipping Barnet Area Planning Committee

12 November 2019

Members Present:-

AGENDA ITEM 1

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

Councillor Tim Roberts
Councillor Laurie Williams
Councillor Richard Cornelius

Councillor Reema Patel
Councillor Roberto Weeden-Sanz

CHAIRMAN'S INTRODUCTION

The Chairman welcomed everyone to the meeting, explained the procedure and stated that the running order had been revised.

1. MINUTES OF LAST MEETING

RESOLVED that the minutes of the meeting held on 16 October 2019, be agreed as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

None.

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

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

Items contained within the addendum would be dealt with under individual agenda items.

6. 34-36 HENRY ROAD BARNET EN4 8BD (EAST BARNET)

The Committee received the report.

Representation in relation to the application was heard from the applicant's agent.

The Committee voted on the Officer's recommendation to approve the application as follows:

| | |
|-----|---|
| For | 7 |
|-----|---|

| | |
|-----------------------|---|
| (approval) | |
| Against (approval) | 0 |
| Abstained | 0 |

RESOLVED that the application be approved subject to the conditions detailed in the report and addendum and the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 as set out in the officers report, and that 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 as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

7. KINGMAKER HOUSE STATION ROAD BARNET EN5 1NZ (OAKLEIGH)

The Committee received the report.

Representation in relation to the application was heard from the applicant’s agent.

The Committee voted on the Officer’s recommendation to approve the application as follows:

| | |
|-----------------------|---|
| For (approval) | 7 |
| Against (approval) | 0 |
| Abstained | 0 |

RESOLVED that the application be approved subject to the conditions detailed in the report and addendum and the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 as set out in the officers report, and that 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 as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

8. THE MINSTREL BOY 156 COLNEY HATCH LANE LONDON N10 1ER (COPPETTS)

The Committee received the report.

Representation in relation to the application was heard from the applicant's agent.

The Committee voted on the Officer's recommendation to approve the application as follows:

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

RESOLVED that the application be approved subject to the conditions detailed in the report and that 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 as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

9. 54 LONGLAND DRIVE LONDON N20 8HJ

The Committee received the report.

Representation in objection to the application was heard from Joyce Lucas.

The Committee voted on the Officer's recommendation to approve the application as follows:

| | |
|-----------------------|---|
| For (approval) | 4 |
| Against (approval) | 3 |
| Abstained | 0 |

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

10. 30 LANCASTER ROAD, EN4 8AP (EAST BARNET)

The Committee received the report.

Representation in relation to the application was heard from the applicant's agent.

The Committee voted on the Officer's recommendation to approve the application as follows:

| | |
|--------------------|---|
| For (approval) | 7 |
| Against (approval) | 0 |
| Abstained | 0 |

RESOLVED that the application be approved subject to the conditions detailed in the report and that 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 as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

11. 22 SADDLESCOMBE WAY LONDON N12 7LS (TOTTERIDGE)

The Committee received the report.

Representation in relation to the application was heard from the applicant's agent.

The Committee voted on the Officer's recommendation to approve the application as follows:

| | |
|--------------------|---|
| For (approval) | 7 |
| Against (approval) | 0 |
| Abstained | 0 |

RESOLVED that the application be approved subject to the conditions detailed in the report and addendum, and that 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 as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

12. WOODSIDE PARK UNDERGROUND STATION, STATION APPROACH LONDON N12 8SE (TOTTERIDGE)

The application was withdrawn prior to the meeting.

13. WHETSTONE DELIVERY OFFICE 14 OAKLEIGH ROAD NORTH LONDON N20 9EY (TOTTERIDGE)

The Committee received the report.

Representation in relation to the application was heard from the applicant's agent.

The Committee voted on the Officer's recommendation to approve the application as follows:

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

RESOLVED that the application be approved subject to the conditions detailed in the report and addendum and the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 as set out in the officers report, and that 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 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).

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

None.

The meeting finished at 8.20 pm

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COMMITTEE REPORT

- LOCATION:** SHELL STIRLING CORNER PETROL FILLING STATION
STIRLING CORNER, BARNET EN5 3JG
- REFERENCE:** 19/TPO/030
- WARD:** High Barnet
- PROPOSAL:** To seek authority for confirmation of Tree Preservation Order, without modification.
- RECOMMENDATION:**
1. That the Council, under Regulation 7 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 confirms the London Borough of Barnet Shell Stirling Corner Petrol Filling Station Stirling Corner Barnet EN5 3JG Tree Preservation Order 2019 without modification.
 2. That the person(s) making representations be advised of the reasons.

1. MATERIAL CONSIDERATIONS

Relevant Planning Policies and Guidance Adopted

- Local Plan – Core Strategy (Adopted September 2012) – Policy CS7
- Local Plan – Development Management Policies (Adopted September 2012) – Policy DM01

Relevant Planning History

- Report of Service Director – Planning and Building Control dated 17th September 2019
- 19/3978/FUL - Demolition of existing service area and construction of Shell Flagship site comprising fuel and EV charge points, hub building, drive-thru coffee facility, parking and associated works and services. (AMENDED DRAWINGS AND DOCUMENTS)
 - Shell Stirling Corner Petrol Filling Station, Stirling Corner, Barnet EN5 3JG
 - Validated 25th July 2019
 - Still under consideration
 -

Background Information/Officers Comments

The Town and Country Planning Act 1990 (as amended) at section 197 states:

“It shall be the duty of the local planning authority—

- (a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and
- (b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.”

Section 198 of the Act empowers a local planning authority to make a Tree Preservation Order if it appears to be ‘expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area’.

National Planning Practice Guidance clarifies that:

“Authorities can either initiate this process themselves or in response to a request made by any other party. When deciding whether an Order is appropriate, authorities are advised to take into consideration what ‘amenity’ means in practice, what to take into account when assessing amenity value, what ‘expedient’ means in practice, what trees can be protected and how they can be identified.”

- The Guidance states that “‘Amenity’ is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.”
- The Guidance suggests the following criteria should be taken into account: “*Visibility* - The extent to which the trees or woodlands can be seen by the public will inform the authority’s assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public. *Individual, collective and wider impact* - Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:
 - size and form;
 - future potential as an amenity;

- rarity, cultural or historic value;
 - contribution to, and relationship with, the landscape; and
 - contribution to the character or appearance of a conservation area.
- In terms of expediency, the Guidance notes “It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.”

“When granting planning permission authorities have a duty to ensure, whenever appropriate, that planning conditions are used to provide for tree preservation and planting. Orders should be made in respect of trees where it appears necessary in connection with the grant of permission.”

A Tree Preservation Order was made on 23rd September 2019 in the interest of public amenity in the light of a planning application for redevelopment at the site (19/3978/FUL). The making of the Order was considered justifiable both on grounds of amenity and expediency. As set out below, the trees are considered to be of significant public amenity value – visually and environmentally.

At the time the Order was made, a planning application had been received for “Demolition of existing service area and construction of Shell Flagship site comprising fuel and EV charge points, hub building, drive-thru coffee facility, parking and associated works and services” at Shell Stirling Corner Petrol Filling Station, Stirling Corner, Barnet EN5 3JG (19/3978/FUL). The Re Arboricultural Consultant giving arboricultural advice to the Case Officer observed “I am concerned about the loss of number of oak trees to facilitate this application 25 category B and 1 cat A and other important trees. There is considerable scope to reduce the scheme to ensure more of these trees are retained. The extent of the landscape scheme fails to provide enough mitigation to even begin to offset the loss of these trees. They have sufficient public amenity to merit special protection by TPO in accordance with policy.” and accordingly requested consideration of the merits of making an Order.

An Arboricultural Report dated 12th July 2019 prepared by Curtis Barkel of Sylvanarb Arboricultural Consultants was submitted as part of the planning application documents. The BS5837 tree survey provides details of 16 individual trees and 11 groups (of varying sizes) of trees - by reference to BS5837: 2012 categorisation these have been assessed as being:

Category A – 2 x trees

Category B – 8 x individual and 3 x groups

Category C – 5 x individual and 8 x groups

Category U – 1 x individual

The submitted Tree Removal Plan appeared to show direct loss of 1 Category A; 29 Category B; 12 Category C; and 1 Category U trees – given their proximity, it seems reasonable to believe that additional trees may well also be damaged as part of the proposed redevelopment.

The trees are of varying ages – ranging from a late mature Oak 16m in height with a trunk diameter of 1230mm (T1, category A3) located adjacent to the Barnet Road site entrance “forming a notable feature within the streetscene” to a number of young / semi-mature trees (including a group of approx. 50 Oak 10 – 13m in height, G5, category B2) in good condition.

The site is located at the eastern quadrant of Stirling Corner roundabout (the junction of A1 Barnet Bypass and A411 Barnet Road), within designated Green Belt land, on the borough boundary with Hertsmere. The trees are very clearly visible from all directions from the Barnet Bypass and Barnet Road, forming a backdrop to the filling station forecourt and forming a buffer to the surrounding undeveloped land. Especially given the traffic lights at the busy roundabout, not only is public visibility particularly high; but the trees’ environmental contribution, for example in terms of adsorbing airborne particulate pollution, filtering traffic noise, and providing wildlife habitat are very important. The range of species and sizes of trees at the site contribute significantly to aesthetic, environmental and ecological interest – both as individual specimens now and as maturing tree stock of diverse age range with the potential to maintain the interest for decades to come into the future.

The north-eastern and south-eastern boundaries of the site adjoin the “Former Stirling Corner Sports Ground, Barnet Road” land. The sportsground land is subject of an area Tree Preservation Order (internal reference TRE/BA/80) made in 1995, seemingly in connection with a planning proposal for re-grading the land which was refused. It appears that the area boundary was directly linked with the planning application submissions and trees on adjoining land were not assessed at that time.

It is believed that the collective public amenity value of the diverse range of trees at the site is considerable – as outlined above – and removal would have a significant negative impact on the local environment and its enjoyment by the public. The trees have been assessed as being clearly visible from a public place; contributing to buffering between filling station forecourt and undeveloped land; and additionally, have particular environmental value for mitigating pollutants and noise from the busy highway, and ecological value for nature conservation. Inclusion of the trees in an Order gives the Council as Local Planning Authority some measure of control over treatment considered excessive; as well as allowing imposition of planning condition(s) if deemed appropriate when determining the redevelopment application.

The submitted tree survey plan includes perhaps 100 trees, some of which are in groups that appear to have been plotted indicatively and assessed collectively. It was therefore considered reasonable to designate the trees as an 'area' – not least as their public amenity value arises from their collective importance – however, the Weeping Willow, T16 (the only Category U tree), was excluded given its poor condition and its relatively isolated position. To avoid uncertainty, the 'area' boundary was depicted to directly adjoin area A1 of the existing Order on the adjacent land – thus ensuring that all the trees are protected.

With appropriate cultural attention, the trees are capable of contributing to public amenity for a considerable period of time. For the above reasons it was considered appropriate to include the trees in a Tree Preservation Order.

Since the Order was made, there have been ongoing discussions between the Case Officer and the applicant's representatives – which have resulted in revisions being made to the redevelopment scheme (hence its currently registered description). At the time of drafting this report, application 19/3978/FUL - Demolition of existing service area and construction of Shell Flagship site comprising fuel and EV charge points, hub building, drive-thru coffee facility, parking and associated works and services. (AMENDED DRAWINGS AND DOCUMENTS) is still under consideration.

Notices were served on the persons affected by the Order in accordance with paragraph 1(a) of Regulation 5 of the Town and Country Planning (Tree Preservation) (England) Regulations.

The Tree Preservation Order secures the protection of the trees on a provisional basis for up to six months from the date of making, but an Order needs to be formally confirmed for it to have long-term effect. The Council is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

A letter of representation objecting to the Tree Preservation Order has been received from the Planning Consultant acting on behalf of Shell UK, who is the named agent for the planning application. The representations conflate matters relating to the Tree Preservation Order and to the planning application but, in terms of the Order, are as follows:

- *It is relevant to this objection that the land identified in the Order forms part of a current planning application and therefore it is considered that the Order is premature and fails to take into account the matters being considered as part of the determination of the planning application.*
- *It is considered that the Council's arboriculture consultant's report has unfairly considered the scheme will have 'a catastrophic impact on visual amenity and ecology'. In our view, while there would be a fairly high number of trees to be removed, many of these, as shown in the application details, are low or*

moderate value only, with many others being retained and/or replaced. It is considered the impact is not 'catastrophic'. Indeed, the consultant has suggested conditions which can be imposed on the permission. As part of the proposals, additional planting potentially using a specimen oak theme can be proposed to mitigate the losses. It is considered that in these circumstances and taking into account the discussions currently on the planning proposals, the blanket Tree Preservation Order, which covers all of the site outside the current service station, is inappropriate and fails to consider the merits of the development and opportunity to replace lost trees. It also fails to take account of the impact of trees outside of the application site area.

- It is also important that sufficient time is given to reflect on the Council's consultant's report, which was only forwarded to us following the meeting on 18 October. The information requested is being prepared by Shell's arboricultural consultants. The TPO does not take this matter into account. In light of this, it is considered that the Tree Preservation Order is inappropriate and unnecessary.*
- In its current form, the Order fails to reflect the proposals being considered for development or the details provided for mitigation and landscaping. Therefore, it is inappropriate at this time and should await the outcome of the current discussions.*
- In any event, if an Order is considered necessary in support of the protection of retained trees and future planting, it would be more acceptable to revise the Tree Preservation Order on the basis of an approved development and landscape scheme. The Order could therefore ensure the protection of retained trees and any replacement trees which will improve the appearance of this area and its contribution to Stirling Corner. This contribution is important as it frames the proposed development and is still set against the backdrop of trees beyond the application site.*
- The blanket scope of the Order fails to take account of the merits of the development scheme or the proposals included as part of the scheme for the retention and protection of trees, their replacement and the additional planting which forms part of these proposals.*
- It is also considered that the advice contained in Planning Practice Guidance is relevant in assessing the amenity value of the trees. While trees on the edge of the area can be seen, these are on private land and the development of the site will enhance their value, manage the trees better and provide an improvement for the public and visitors to the site in terms of their visibility and amenity value. This is a positive contribution to the area rather than a blanket TPO.*

- *It is considered that the Council's reasons for the Order are considered to be very broad in respect of amenity and fail to recognise that the land is subject to detailed proposals and, as private land, has limited value in terms of amenity.*

In response the Council's Tree and Environment Officer comments as follows:

- (i) The confirmation of the Tree Preservation Order and assessment of planning application for redevelopment are separate procedures. A Tree Preservation Order is made / confirmed in accordance with s198 of Act and the Town & Country Planning (Tree Preservation) (England) Regulations 2012); whereas the determination of the redevelopment application would be subject to section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004.
- (ii) The objection conflates the separate procedures of confirmation of the Tree Preservation Order and assessment of planning application for redevelopment. If it is considered that, because of implications for trees, a planning permission should be refused or granted subject to conditions to protect the trees, a Tree Preservation Order should be in place in accordance with the planning legislation. Confirmation of the Order would render the trees a material consideration in any planning application - the merit of trees and appropriateness of retention would be taken into account when assessing the planning application.
- (iii) The contention that the Tree Preservation Order should not be confirmed because it *"is premature and fails to take into account the proposed development"* misunderstands legislative procedures and that the making / confirmation of an Order is a separate step to the determination of a planning application for development.
- (iv) Confirmation of the Tree Preservation Order would allow the imposition of conditions for the preservation and planting of trees ('additional planting', 'mitigation and landscaping', 'temporary tree protection', 'tree felling and pruning specification') should development occur.
- (v) As noted above, the submitted Sylvanarb Arboricultural Consultants arboricultural assessment itself indicates that there are a number of good quality individual and groups of trees at the site (classified as BS5837 category A or B), and also that a large number of trees would need to be removed to accommodate the redevelopment. The Re Arboricultural Consultant giving arboricultural advice to the Case Officer raised concern about the extent of proposed tree loss and the inadequacy of mitigation - and requested the consideration of the Tree

Preservation Order, believing trees to “have sufficient public amenity to merit special protection by TPO in accordance with policy.”

- (vi) Officers do not consider that the amenity of the area will be preserved by the proposed development:
- The Re Arboricultural Consultant giving arboricultural advice to the Case Officer observed “I am concerned about the loss of number of oak trees to facilitate this application 25 category B and 1 cat A and other important trees. There is considerable scope to reduce the scheme to ensure more of these trees are retained. The extent of the landscape scheme fails to provide enough mitigation to even begin to offset the loss of these trees.”
 - The Tree Officer assessing the trees in connection with the Order at the site within designated Green Belt land noted that the trees are very clearly visible from all directions from the Barnet Bypass and Barnet Road, forming a backdrop to the filling station forecourt and a buffer to the surrounding undeveloped land; that especially given the traffic lights at the busy roundabout, not only is public visibility particularly high, but the trees’ environmental contribution, for example in terms of adsorbing airborne particulate pollution, filtering traffic noise, and providing wildlife habitat are very important; also that the collective public amenity value of the diverse range of trees at the site is considerable and removal would have a significant negative impact on the local environment and its enjoyment by the public.
- (vii) Although the objection suggests that “*the blanket Tree Preservation Order, which covers all of the site outside the current service station, is inappropriate*”, it should be noted that the ‘area’ designation was selected particularly because the submitted tree survey plan includes perhaps 100 trees, some of which are in groups that appear to have been plotted indicatively and assessed collectively as well as to reflect that the trees’ public amenity value arises from their collective importance. The Order also specifically excluded the Category U Weeping Willow given its poor condition and its relatively isolated position.
- (viii) It is unclear what is meant by the objection comment that the Order “*also fails to take account of the impact of trees outside of the application site area.*” – the ‘area’ boundary is depicted to directly adjoin area A1 of the existing Order on the adjacent land – thus ensuring that all the trees (apart from the above Willow) on and outside the application site area have the same type of statutory protection.

- (ix) The letter of representation contends that “*as private land, has limited value in terms of amenity*” and “*While trees on the edge of the area can be seen, these are on private land and the development of the site will enhance their value, manage the trees better and provide an improvement for the public and visitors to the site in terms of their visibility and amenity value*” seem unfounded. Trees at the site on the Stirling Corner roundabout (the junction of A1 Barnet Bypass and A411 Barnet Road) are very clearly visible from all directions from the Barnet Bypass and Barnet Road, forming a backdrop to the filling station forecourt; a buffer to the surrounding undeveloped land; and making an important environmental contribution in terms of adsorbing pollutants and as wildlife habitat – the fact that these trees stand on private land does not affect such attributes and it should be noted that in 2017 about 81% of trees in outer London were in private ownership.
- (x) It also appears that the objection makes contradictory assertions that (a) the existing trees of diverse age range have limited amenity value, whereas (b) following the proposed removal of “a fairly high number of trees” (including a considerable number of category A and B trees), “*the protection of retained trees and any replacement trees which will improve the appearance of this area and its contribution to Stirling Corner.*” and “*This contribution is important as it frames the proposed development and is still set against the backdrop of trees beyond the application site.*”
- (xi) In accordance with TPO legislation, a provisional Order lapses if it is not confirmed within six months of being made. As there are ongoing discussions about the redevelopment proposals, with no certainty as to duration or outcome, the decision whether or not to confirm the Order needs to be made independently of the timing of the planning application.
- (xii) If trees are unprotected, there would be no control over treatment – however, if the Tree Preservation Order is confirmed:
- The Local Planning Authority’s consent is not required for carrying out work on trees subject to an Order so far as such work is necessary to implement a full planning permission. So, if planning permission is granted, the Order is overridden in relation to the tree(s) specified to be removed to make way for the new building for which full planning permission has been granted and to implement approved conditions.
 - there is no reason to believe that consent would be refused for any future treatment in accordance with good arboricultural practice

(and, in any event, there is an appeal procedure as well as exemption provisions for e.g. removal of deadwood).

It is considered that the making of the Order fully accords with the duty imposed on the Council as Local Planning Authority as being 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'. In accordance with TPO legislation, a provisional Order lapses if it is not confirmed within six months of being made. There is no certainty as to the duration or outcome of the ongoing discussions about the redevelopment proposals, the decision whether or not to confirm the Order needs to be made independently of the timing of the planning application. Confirmation of the Tree Preservation Order would allow the imposition of conditions for the preservation and planting of trees if planning permission is granted for the redevelopment, and would provide some measure of control over inappropriate treeworks into the future.

2. EQUALITIES AND DIVERSITY ISSUES

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

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

3. CONCLUSION

The confirmation of the Tree Preservation Order is considered appropriate in the interests of public amenity and would allow the local planning authority some measure of control over treework that is considered excessive. As set out above, it is considered the trees within the boundary of area A1 identified in the Order contribute significantly to public amenity and given normal arboricultural attention are capable of providing amenity value for a considerable time. It is therefore recommended that the Order be confirmed without modification.



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

Reference: **19/5079/OUT**

Received: 17th September 2019

Accepted: 17th September 2019

Ward: Brunswick Park

Expiry 12th November 2019

Applicant: Millen

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

AGENDA ITEM 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:

Site Location Plan

BAB001 Rev 9 (dated August 2019) - Site Layout Plan

BAB002 Rev 9 (dated August 2019) - AIA Plan, received 14th October 2019

9464-15 - Site Survey Plan

Beresford Avenue Density Appraisal document, updated April 2018

Extended Phase 1 Ecological Habitat Survey Report prepared by Hone Ecology (12th February 2016, Final Report V1)

Highways Statement prepared by Abington Consulting Engineers (9th September 2019)

Noise Assessment, LF Acoustics, September 2019

Noise Impact Assessment, Hepworth Acoustics, P16-067-R01v1, March 2016

Noise Impact Assessment, Hepworth Acoustics, P16-067-R01v2, Amended July 2018

Vibration Assessment, Able Acoustics, August 2017

Sustainability Appraisal, Britscape, 19 April 2018

Tree Survey Report, Patrick Stileman Ltd, 15th February 2016

Design Access Statement, Millen Homes Ltd, 4 September 2019

Acoustic Fence details

CGIs

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

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

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

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

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

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

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

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

- 6 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to

minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

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

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

7 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

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

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

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

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

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

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

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

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

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

- 10 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations
- b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2016.

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

Reason: To safeguard the amenity of future residents in accordance with Policy CS5 of the Local Plan Core Strategy (adopted September 2012) and Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 12 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

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

- 13 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

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

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

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

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

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

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

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

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

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

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

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D, E, F of Part 1 of Schedule 2 of that Order shall be carried out within the red line area of the application site hereby approved.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- viii. details of contractor's compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.
- xi. Provision of a competent banksman.

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

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

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

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

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

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

- 27 Prior to the occupation of the development a Waiver of liability and indemnity agreement in relation to the non-adopted roads in each phase within the development must be signed by the developer and be submitted to and approved in writing by the Local Planning Authority. This is to indemnify the Council against any

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

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

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

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

- 29 Prior to occupation of the development, a drawing showing the swept paths of refuse and emergency service vehicles entering, turning around and leaving the development site must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the access is satisfactory in terms of access and 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.

- 30 a) Development shall not begin until a scheme for protecting the proposed development from vibration, has been submitted to and approved in writing by the Local Planning Authority.

The vibration protection scheme shall include such combination of land separation, vibration control techniques and other measures, as may be approved by the Local Planning Authority, in the light of current guidance on vibration levels. The said scheme shall include such secure provision as will ensure that it endures for so long as the development is available for use and that any and all constituents parts are repaired and maintained and replaced in whole or in part so often as occasion may require.

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic vibration in the immediate surroundings.

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

- 4 If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from 2 Bristol Avenue, Colindale London NW9 4EW.
- 5 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 6 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale London NW9 4EW.
- 7 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale London NW9 4EW.
- 8 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 9 The applicant is advised that the site is located within close proximity of schools and therefore deliveries during the construction period should avoided between 0800 hrs to 0900hrs and 1500 hrs to 1600 hrs.

Careful consideration must be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.

- 10 The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, 2 Bristol Avenue, Colindale London NW9 4EW, 4-6 weeks before the start of works on the public highways

- 11 Prior to commencement of works, the applicant will be required to obtain the necessary licenses and traffic orders from the Highways Authority. The applicant must contact the Council on 0208 359 2000 for any necessary Highways Licenses.
- 12 Although the Internal roads will not be considered for adoption, construction to adoptable standards will be required to allow refuse vehicles to enter the site to undertake refuse collection.
- 13 The applicant is advised that emergency services need to be consulted to ensure that the new development proposal meets the emergency access requirements.
- 14 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

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

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

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

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

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

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

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

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

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

- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

Officer's Assessment

1. Site Description

The site is occupied by 49 and 51 Beresford Avenue, a pair of semi-detached dwellings, located at the top end of the cul-de-sac, in the Brunswick Park Ward.

The gradient of the land drops away from the turning head in front of the dwellings. The site includes a substantial area of land to the rear of these dwellings, the garden land serving the houses, which extends back to the rear garden areas of Weirdale Avenue.

A railway tunnel passes under the site. The property is not located within a Conservation Area; nor are there any listed buildings on the site.

2. Site History

18/2526/OUT

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

Decision: No formal decision issued.

Decision Date: Committee date 17.07.2018.

Appeal Decision: Dismissed - APP/N5090/W/18/3208804

Appeal Decision date: 15th August 2019

The Chipping Barnet Area Planning Committee resolved to refuse the application for the following reasons (however the application was appealed on grounds of non-determination before a decision was formally issued).

1. The proposed development by reason of its size, siting, layout, design and scale would represent a cramped form of back-land development and an overdevelopment of the site that is out of keeping with and harmful to the character and appearance of the area, contrary to policies 3.5, 7.4 and 7.6 of the London Plan (Adopted 2016), policies CSNPPF, CS1 and CS5 of the Barnet Core Strategy (Adopted September 2012), policy DM01 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in the Barnet Residential Design Guide Supplementary Planning Document (Adopted October 2016).

2. The proposed vehicular access road would result in an increased level of vehicular activity on site and lead to unacceptable level of noise and disturbance from additional comings and goings to the detriment of the amenities of neighbouring occupiers in particular to Nos 47 and 49 Beresford Avenue. As such this would be contrary to Policy DM01 of the Development Management Policies (2012) and CS5 of Barnet's Core Strategy (2012).

17/3663/OUT

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

Decision: Refused.

Decision Date: 08.01.2018

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

Appeal Decision date: 19.01.2018

17/2208/OUT

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

Decision: Refusal

Decision Date: 02.06.2017

16/3054/OUT

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

Decision: Deemed Refusal

Decision Date: 28.02.2017

Appeal Decision: Dismissed

Appeal Decision date: 17.02.2017

15/06599/OUT

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

Decision: Refuse

Decision Date: 01.02.2016

3. Proposal

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

4. Public Consultation

Consultation letters were sent to 175 neighbouring properties - 55 objections were received.

Objections

- Health and safety concerns
- There are more suitable locations than this back garden site
- Cramped, back land development and an overdevelopment of the site
- Not high quality design, will undermine architectural integrity of the host property and street scene
- Insufficient car parking
- Access road is unsafe and constrained for this volume of traffic, not sufficient for emergency vehicle access, no pavement proposed
- Access road will create excessive noise and vibration for the adjacent houses
- Overlooking / loss of privacy
- Impact on visual and residential amenity

- Noise and disturbance
- Vibration from trains passing through tunnel below the site
- Impact on wildlife
- Gated development is out of character

A letter was received from the Rt. Hon. Theresa Villiers MP stating:

- Previous objections are still relevant, including the view that the development is out of character
- It is intended to widen the access to create a two way road. The access does not belong to the developer but is shared by the residents to gain access to the rear of their properties. I am told that the developer has no legal right to take ownership of the track, make changes or restrict access to it.
- I am concerned about loss of green space and wildlife habitat
- Proposal will compound existing parking problems
- I share my constituent's objections, strongly oppose the application and urge the Committee to refuse it.

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.

Draft London Plan 2017

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS9,
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (2016)

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

Residential Design Guidance SPD (2016)

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

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The planning history of the site.

- Whether harm would be caused to the character and appearance of the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the living conditions of future residents;
- The effect of the proposal on highway safety and the free flow of traffic;
- The impact of the proposal on trees, landscape features, biodiversity and protected species habitats;

- The planning history of the site

The appeal against the non-determination of application 18/2526/OUT was dismissed on 15th August 2019.

The Planning Inspector considered two main issues:

1. Effect of the proposed development on the character and appearance of the surrounding area; and
2. Effect of the proposed development on the living conditions of the occupiers of 47 and 49 Beresford Avenue, with particular regard to noise and disturbance.

Paragraphs 12-14 of the appeal decision relate to character and appearance. The Inspector concluded that, as 49 and 51 Beresford Avenue are to be retained and the proposed development would not be visible in the street scene (apart from the access), there would be no harm to the character or appearance of the area.

The Inspector also states (Para 13) that the proposed layout would not appear cramped and would not constitute overdevelopment of the site.

Paragraphs 6-11 of the appeal decision relate to living conditions. The Inspector concludes that the relationship between the access and both 47 and 49 Beresford Avenue is uncomfortably close; particularly at the bellmouth to Beresford Avenue with the ground floor windows of the front elevations less than 0.5m from the access.

The Inspector states that given the proximity and the orientation of the houses relative to the access, particularly No. 49, the intensification of its use would cause substantial harm to the living conditions of the occupiers of these houses by reason of increased noise, disturbance and lights from vehicle headlights.

He goes on to say that the harm identified would be exacerbated by the narrow width of the access lane (4.1m) which would be insufficient to allow two vehicles to pass and may therefore result in vehicles entering the site needing to wait outside 47 and 49 Beresford Avenue in order to allow another vehicle to leave.

At paragraph 9 the Inspector states that the noise report submitted did not consider the relevant scenarios and is insufficient to allow him to conclude that suitable mitigation measures such as an acoustic fence is achievable without compromising outlook or harming the character and appearance of the area.

Based on the conclusions of the dismissed appeal, it is evident therefore that the current application must overcome the Inspector's concerns in respect of impact on the living conditions of the occupiers of 47 and 49 Beresford Avenue as set out above in order to receive Officer support.

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

As set out in the 'Planning history of the site' section above, the Inspector concluded that, as 49 and 51 Beresford Avenue are to be retained and the proposed development would not be visible in the street scene (apart from the access), there would be no harm to the character or appearance of the area.

The Inspector also states (Para 13) that the proposed layout would not appear cramped and would not constitute overdevelopment of the site.

The current application proposes the same development as proposed under 18/2526/OUT, but with the following changes:

- The access road would be widened to 4.8m wide in order to allow two vehicles to pass (previously it was proposed to be 4.1m wide)
- The two storey side extension to No. 49 would be reduced in width by a further 0.5m in order to accommodate the wider access
- Noise Assessment provided which assesses impact on 49 and 51 Beresford Avenue (LF Acoustics Ltd, September 2019)
- Introduction of a low fence and hedge to the front garden of No. 49 to mitigate headlight glare to the ground floor windows.

The Planning Inspector for the previously dismissed scheme has concluded that the proposed outline development is acceptable in terms of character and appearance.

A submitted CGI image shows the proposed appearance of No. 49 along with the widened 4.8m access, also with Acoustic fence and hedge and low fence to the front garden of No. 49. This shows that the original dwelling would be retained and it is also considered that the proposed fencing and hedge would not have a harmful impact on the character and appearance of the streetscene.

It is concluded therefore that the proposed outline development is acceptable in character and appearance terms.

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

As set out in the 'Planning history of the site' section above, the Inspector concluded that given the proximity and the orientation of the houses relative to the access, particularly No. 49, the intensification of its use would cause substantial harm to the living conditions of the occupiers of these houses by reason of increased noise, disturbance and lights from vehicle headlights.

He goes on to say that the harm identified would be exacerbated by the narrow width of the access lane (4.1m) which would be insufficient to allow two vehicles to pass and may therefore result in vehicles entering the site needing to wait outside 47 and 49 Beresford Avenue in order to allow another vehicle to leave.

At paragraph 9 the Inspector states that the noise report submitted did not consider the relevant scenarios and is insufficient to allow him to conclude that suitable mitigation measures such as an acoustic fence is achievable without compromising outlook or harming the character and appearance of the area.

The current application proposal has addressed the Inspector's concerns in the following ways:

- Access widened to 4.8m to allow two vehicles to pass
- Noise report submitted assessing impact on 47 and 49 Beresford Avenue
- Acoustic fence proposed (noise mitigation for 47 and 49 Beresford Avenue)
- Low fence and hedging proposed to front garden of No. 49 (to mitigate headlight glare)

The submitted noise report (LF Acoustics Ltd, September 2019) concludes that the vehicle movements associated with the proposed development would not result in any adverse noise effects upon the occupants of the neighbouring properties, when assessed against relevant standards and guidance.

The assessment did, however, indicate that noise levels within the ground floor rooms of the neighbouring properties had the potential to be close to acceptable limits assuming windows open during the peak hour. To mitigate any potential adverse noise effects, it is proposed to construct acoustic fences along the boundaries of the two properties, which would effectively screen the ground floor and gardens. This measure would ensure that any potential adverse impacts were minimised.

The submitted noise report (LF Acoustics Ltd, September 2019) has been reviewed by the Council's Environmental Health department and it is considered to be satisfactory.

The Environmental Health department has no objection to the proposed development subject to conditions relating to noise mitigation, protection from vibration and acoustic fencing.

It is considered that the additional measure described above have overcome the Inspector's specific concerns in terms of impact on the occupiers of 47 and 49 Beresford Avenue.

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

The proposed development is considered to be acceptable in terms of impact on the living conditions of neighbouring residents.

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

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

Previous concerns with regards to vibration from the nearby railway use and its impact on future residents had been a reason to refuse consent. This application is supported by a Vibration Report to address this concern. This report has been reviewed by the Council's Environmental Health department who have suggested that a scheme of mitigation be prepared. A condition has been attached accordingly and further details will be required at reserved matters stage.

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

Application 18/2526/OUT proposed a 4.1m wide access road. In relation to that scheme, the Highways Authority cited no objection stating that technical specification of the roadway and layout could be secured at reserved matters stage and subject to suggested conditions, the proposed means of access was deemed acceptable at 4.1m.

The current application proposes to increase the width of the access to 4.8m. The Highway department have confirmed that 4.8m is sufficient to allow two vehicles to pass.

The Highways department consider that the proposed parking provision of 16 spaces as indicated on the planning application form is well above the parking provision required by policy DM17.

Between 6 and 9 parking spaces need to be provided in order to comply with DM17. For the residential development with a PTAL rating of 2 which is considered as poor accessibility, 9 spaces can be justified which is at the high end of the range. The proposed parking provision therefore needs to be reduced to 9 spaces. This can be secured by planning condition.

Cycle parking needs to be provided in accordance with the requirement of the London Plan cycle parking standards. For the proposed development, a minimum of 12 cycle parking spaces are needed. No cycle parking is shown on the site layout plan. Cycle parking should be provided in a secure, covered, lockable and enclosed compound. Also, the type of stands used must allow both wheels and the frame of the bicycle to be locked. Details of cycle parking can be secured by way of a planning condition.

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

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

Access road details should include road layout for internal roads, details of swept paths and turning movements for Heavy Goods Vehicles and Refuse Collection vehicles entering

the site and show that Heavy Goods Vehicles can turn around within the internal roads and pedestrian routes within the site.

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

The maximum width of crossover allowed would be 4.8m of the public highway.

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

Any works proposed on public highway to facilitate the development would need to be undertaken under S278/184 of the Highways Act. A separate application needs to be made to the Highway Authority for works under S278/184 of the Highways Act.

If there are any existing highway within the site affected by the proposed development then they will need to be stopped up under S247 of The Town and County Planning Act (TCPA).

The applicant to confirm and maintain all existing public or private rights of way over the access road.

The Highway department has no objection to the proposal subject to conditions. Officers are satisfied that the proposal is acceptable in respect of Highways matters.

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

An Arboricultural Appraisal and Trees Constraints Plan has been submitted in support of the application. 5 trees have been valued as category B moderate value and a material constraint to development. The remaining trees have been valued as category of C and U low value and not usually considered a constraint to development.

The Council's Trees and Landscaping Officer requested a detailed arboricultural impact assessment, draft tree protection plan and method statement to demonstrate how the category B trees would be retained.

The applicant was given the opportunity to provide the requested additional information and on 14th October 2019 provided drawing BAB002 Rev 9 - AIA Plan which shows updated Root Protection Areas and canopies of trees to be retained including tree protection fencing and a small element of no dig driveway. The drawing also shows Green living roofs to the garage blocks.

The scheme would not result in the loss of landscape features of high importance. As no trees on the site are protected and it would appear that trees of amenity value could be retained, the issue can be dealt with by condition.

Ecological enhancements have been considered and proposed within Section 8 of the submitted Hone Ecology Report (12th February 2016), which, if implemented, would contribute towards the objectives of planning policy identified within the National Planning Policy Framework (NPPF). These enhancements will be secured by planning condition.

- Network Rail

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

- Response to objections

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

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

The site is not within a flood risk area.

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

Sustainability

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

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed amended and resubmitted scheme has addressed previous concerns. Taking the most recent refusal and appeal determination as a starting point, this proposal addresses the Planning Inspector's concerns and officers consider the scheme as amended would be considered acceptable subject to conditions and reserved matters. The application is recommended for approval accordingly.



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Location 124 Whitehouse Way London N14 7LU

Reference: 19/5135/HSE

Received: 20th September 2019

Accepted: 24th September 2019

Ward: Brunswick Park

Expiry 19th November 2019

Applicant: Mr Gavril Ciuban

Proposal: Demolition of existing garage and construction of two storey side extension, single storey rear extension and formation of lower ground floor with new access steps

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:

219125/PA/001

219125/PA/110

219125/PA/120

219125/PA/121

219125/PA/130

219125/PA/131

219125/PA/140

219125/PA/010

219125/PA/020

219125/PA/030

219125/PA/031

Architectural 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.

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

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

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

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

- 5 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 ground and first floor side elevations elevations, of the extensions hereby approved, facing no. 122 or 126 Whitehouse Way.

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).

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 applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.

Officer's Assessment

1. Site Description

The subject property is a semi-detached single family dwelling located on the south western side of Whitehouse Way on a prominent location close to junction of Whitehouse Way and Hampden Way. The road is residential in character with properties varying in styles, size and design.

The application site forms part of a group of 'art deco' villas, design including flat roof and a bay window feature which is shared by each pair of properties. Many properties along this road have been extended to increase the living accommodation whilst altering the 'art deco' features.

Levels rise from north west to south east resulting in the subject property being set down at a lower level than the neighbouring property, No.126 Whitehouse Way. There is also a change in ground levels from north east to south west which means the site slopes downwards from front of the property to the rear garden.

The application site is not located within a conservation area and is not a listed building.

2. Site History

Reference: 18/6559/HSE

Address: 124 Whitehouse Way, London, N14 7LU

Decision: Refused

Decision Date: 28 December 2018

Description: Part single, part two storey side and rear extension following demolition of the existing garage. Formation of lower ground floor level with new access steps. Erection of garage to rear

Reason for refusal: The proposed two storey side and rear (ground and lower ground) floor extensions, by reason of their size, mass, bulk, design and siting would cumulatively result in a visually obtrusive form of development, severely unbalancing the pair of properties of which the application site forms part detrimental to the character and appearance of the application property and the general street scene contrary to Policy DM01 of the Development Management Policies Plan (2012), Policy CS5 of the Local Plan Core Strategy (2012), and the Local Plan Supplementary Planning Document Residential Design Guidance (October 2016)

Reference: 19/8279/QCK

Address: 124 Whitehouse Way, London, N14 7LU

Decision: Pre-application advice issued

Decision Date: 3 September 2019

Description: Part single, part two storey side and rear extension following demolition of the existing garage. Formation of lower ground floor level with new access steps. Erection of garage to rear

Reference: B/01348/08

Address: 124 Whitehouse Way, London, N14 7LU

Decision: Refused

Decision Date: 4 July 2008

Description: Two storey side and single storey rear extension.

Reason for Refusal: The proposed developments, by reason of their size, mass, bulk, design and siting are considered to result in a visually obtrusive form of development,

severely unbalancing the pair of properties of which the application site forms part detrimental to the character and appearance of the application property and the general street scene contrary to policies GBEEnv1, D1, D2, D7 and H27 of the Adopted London Borough of Barnet Unitary Development Plan (2006) and Supplementary Design Guidance Note 5: Extensions to Houses.

Reference: N13231A/03

Address: 124 Whitehouse Way, London, N14 7LU

Decision: Refused

Decision Date: 31 March 2003

Description: Two-storey side extension and part one, part two storey rear extension and conversion of property into 4no. self-contained flats.

3. Proposal

Demolition of existing garage and construction of two storey side extension, single storey rear extension and formation of lower ground floor with new access steps

The proposed part single and part two storey side extension would follow the demolition of the existing detached garage. The proposed wrap around ground floor side and rear extension would have a depth of 9.1 metres which includes a projection of 1.7m to the rear along the boundary with N0126 Whitehouse Way and 3.5m along the attached boundary with N0122.

The first floor extension would be set down from the highest point of the house by 0.4m have a height of 5.4 metres from the ground floor to the top of the flat roof, a width of 3.1 metres and a depth of 5.4 metres. The proposed first floor element would be set in off the boundary with N0126 a minimum of 1.4m and set back from the front building line by 1.3m.

The proposed basement would have a depth of the 8.9 metres 9.3 metres wide with a staggered shape accommodating a cinema room and play room. The basement would sit directly beneath the ground floor extension.

New access steps are proposed to give access to the new lower ground floor level up to the garden.

4. Public Consultation

Consultation letters were sent to 2 neighbouring properties.

3 responses have been received, comprising 3 letters of objection.

The objections received can be summarised as follows:

- effect on nature conservation and loss of trees
- previous approval on neighbouring site
- loss of light/overlooking and loss of privacy
- two ground floor windows on side elevation
- soil pipe
- demolition of garage
- the use of front driveway would cause loss of light
- boundary line disputes
- overbearing
- drain and waste issues

- whether the use would be appropriate from the area/ noise and disturbance resulting from a use/ effect on traffic and access and parking
- asbestos
- HMO
- clay foundation

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, CS5.
- Relevant Development Management Policies: DM01, DM02.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

This application follows a number of previous refusals as detailed above. The proposed application has attempted to overcome the previous reason for refusal and is assessed as follows:

The refused application was also appealed by the applicant which was dismissed in April this year. The inspectors report would form part of the material consideration of this application.

The previous application was refused due to the 'proposed two storey side and rear (ground and lower ground) floor extensions, by reason of their size, mass, bulk, design and siting would cumulatively result in a visually obtrusive form of development, severely unbalancing the pair of properties of which the application site forms part detrimental to the character and appearance of the application property and the general street scene contrary to Policy.

The inspector agreed with the reason for refusal and agreed 'development should respect local context and distinctive local character, the inspector goes on to state that Council's SPD requires that extensions should normally be subordinate to the original house.' The applicant has taken these point into consideration and has attempted to overcome the reasons for previous refusal. This application has been amended and the differences between this and the previously refused scheme is as follows:

1. reduced width and depth of the two storey side extension
2. reduced visual appearance of the lower ground level
3. the garage that formed part of the previous application (ref: 18/6559/HSE) has been omitted from this proposal
4. improved design to reflect the original features of the existing dwelling which are discussed in detail below

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

Side extension

The residential design guidance states 'Side extensions should not be more than half the width of the original house. In addition, the setting back of the front wall of side extensions from the front building line can help to reduce the visual impact on the street scene. First floor side extensions should normally be set back 1 metre from the front main wall of the existing house.' It goes on to say 'In order to reduce the visual impact of two storey or first floor side extensions, there should normally be a minimum gap of 2 metres between the flank walls of properties at first floor level'.

The proposed two storey side extension has been reduced in width from 3.8 metres to 3.1 metres to ensure the side extension is not greater than half the width of the original dwelling. The proposed ground floor element depth has been reduced so that it does not project the full depth of the side elevation which reduces the visual appearance and the mass when viewed from the streetscene.

The proposed first floor element has also been reduced in width and now has a depth of 5.4 metres reduced from 6.9 metres and is set back 2.2 metres from the front elevation and 0.4 metres from the main roof. The proposed two storey side extension would be visible from the street scene and it is considered the proposed smaller scheme would present a more subordinate extension which would not detract from the character of the existing house. The residential design guidance stipulates a set down of 0.5 metres from the main roof, on this occasion the 0.4 metres set down is considered acceptable as it mirrors the height of the bay element of the original house.

It is noted that this proposal would alter the design of the 'art deco' property, however it matches the original design of the house. Furthermore it is noted that other properties on the street have also been extended in various forms which alter the design of the original dwelling.

For example, No. 118 and 120 Whitehouse Way who proposed erection of pitched roof with dormers to the rear and side under ref: 14/07881/HSE which would completely alter the character of the 'art deco' design was refused by the local planning authority, however this was allowed by the inspectorate stating 'By contrast the appeal properties are one of

three pairs of semi detached dwellings that sit close to the junction of Whitehouse Way and Hampden Way and differ in appearance owing to their flat roof, art-deco design, unusual in the locality' the inspector went on to say 'Whilst the proposed roof extension would cause significant change to the appearance of the host dwellings, the incorporation of the hipped design with side dormers and the retention of front bay windows would be in keeping with design features found elsewhere along the street.'

The proposed development at no.124 Whitehouse way would still be retaining the design and character of the dwelling, furthermore the additional side extension is proposed with a design that mirrors the existing design and therefore protecting the character and appearance of the dwelling.

Within the Design and Access Statement the agent states there would be a separation of 5.7 metres between the flank walls of the host property and no. 126 Whitehouse Way. The plans as measures show a distance of 2 metres at the front and 1.3 metre off the boundary to the rear. It was also noted that there was an element of unbalancing the pair of semis on the previous refusal, however the reduced width extension and set back from the front elevation proposes a more subordinate extension. It is also noted that the attached semi no.122 Whitehouse Way does not have availability of land to be able to extend to the side as per the application site.

Ground and lower ground

Barnet's Residential Design Guidance SPD states the following 'Any exposed area of basement should be subordinate to the property being extended and respect its original design and proportions. The length of any visible basement wall should not dominate a property nor extend its full width.

The design of the lower ground element has been reduced significantly to produce an extension that does not extend the full depth of the dwelling. The proposed basement level has been reduced in width from 10.4 metres to 8.9 metres with a maximum depth 9.3 in a staggered form. This area would facilitate a cinema room and a play room. The basement would sit directly beneath the ground floor extension.

It is considered the principle of a basement extension is acceptable with previous approvals at the neighbouring site no. 126 and more recently in 2018 at no. 34 Whitehouse Way, however, it is considered each application must be determined on its own merits. As noted above The application site has a change in levels sloping downwards towards the rear. The proposed basement extension would be partly visible from the rear elevation with a sunken effect therefore appearing subordinate to the dwelling. The residential Design Guidance states 'lightwells should be located away from the property boundary to enable a planted boundary to be maintained. They should be proportionate to the building they relate to. Open lightwells and sunken terraces will be resisted. It goes on to state 'Illumination and light-spill from a lightwell can harm the appearance of a garden setting and cause nuisance to neighbouring properties. This will be taken into account when planning applications are considered. They should not harm any nearby trees, restrict future planting and mature development of trees typical of the area. It should be possible to establish and maintain hedges following construction of a basement. Forecourt parking arrangements should be considered carefully as light to basement windows can be severely restricted.'

The proposed lightwell is situated to the rear considered to relate appropriately to the site and is surrounded by planting and is set away from the boundary.

The proposed ground floor extension would be positioned directly above the basement extension and would have a projection of 3.5 metres along the attached boundary with

N0122 which would be in line with the advice stated within the Residential Design Guidance for semi-detached properties.

Behind the existing garage there is a raised patio area which is built to the boundary with no. 126. The proposal involved making improvements to this area whilst keeping the same levels as existing and would not extend to the attached boundary with no. 122. This is not considered to detract from the character of the locality.

The proposed development is not considered to cause harm 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

The previously refused application did not identify potential harm to the neighbouring properties.

The proposed extensions are not considered to harm the amenity of no 126. The proposed first floor extension would be set over 1metres from the boundary, furthermore, it is considered given the low height of the proposed first floor element and no windows proposed in the first floor side elevation, and the fact this neighbouring property is set on higher ground level to the host property these factors would mitigate any impact on the amenity of this property. It is noted that N0126 benefitted from a previous approval for two storey side extension and a basement which were not implemented and the permission has lapsed. Whilst this is noted this application has to be assessed as it stands on the ground at the time of the site visit therefore restrictions of any future extensions to neighbouring properties cannot be taken into consideration under this application.

This neighbouring property has a single storey extension close to the boundary with the host property, therefore the proposed extensions are not considered to give rise to harm to the amenity of this property. The proposal would have two small windows to the side elevation facing N126 one facilitating a WC and the garage. It is not considered these windows would give rise to overlooking or loss of privacy for this neighbouring property.

Furthermore the neighbouring property at no. 126 has a flank wall which runs adjacent to the proposed extension. It is noted that there is a side window in this flank elevation, however, this currently looks towards the existing garage, the proposed extension will be set further off the boundary than the garage. It is appreciated that the proposal will involve a first floor addition, however, this is not considered to result in a harmful impact due the distance maintained and the secondary nature of this window.

The proposed rear extension (basement and upper ground floor) would have a depth of 3.5 metres from the rear wall set off 0.2 metres from the boundary with no. 122 who has not extended to the rear. It is considered given the depth is within the recommended guidelines, no harm would be caused to this neighbouring property in terms of loss of light and privacy. The rear extension is not considered to have a detrimental impact on the amenities of neighbouring occupiers. The proposed patio giving access to the garden will have a depth of 1.2 metres and would be set off the boundary with no. 122 by 3.5 metres with a height of 1.7 metres from the lower ground level.

The application site benefits from a first floor balcony which forms part of the local characteristic, this allows for a level of overlooking between the properties. It is not considered the proposed extensions would increase the level of overlooking to a level that would warrant a refusal. It is also noted that the proposal would be demolishing the garage

which is built to the boundary with No.126 creating an extension that is set further away from the boundary which is considered to improve the relation between the two dwellings.

Overall, the proposal to the main house are not considered to have any appreciable adverse impact on the amenities of the aforementioned neighbouring properties in terms of daylight, sunlight, privacy, noise, disturbance and outlook for adjoining occupiers and considered acceptable.

Whilst it is acknowledged there are examples of extensions in Whitehouse Way, each case must be assessed on its own merits.

Environment and Wildlife

At the time of writing this report no comments had been received from the Ecology team. Updates will be provided within the addendum.

Trees

The site has not been identified to have any TPO's and is not within a conservation area therefore the removal of trees is not restricted.

Parking

The application site still has a garage as part of the development and parking is available to the front of the site as well as the main road which is not within a controlled parking zone.

HMO

The proposal does not seek permission to convert or change the use from a single dwelling house, therefore this concern from neighbouring properties cannot be taken into account. What happens in the future is not a material consideration and any application involving a change of use to a HMO would require the benefit of separate planning application.

Untidy Land

It is noted that complaints have been logged with the planning enforcement team regarding untidy land which would be looked into accordingly.

5.4 Response to Public Consultation

The comments of objection have been noted and assessed within the report. There were an extensive list of comments however only those that are planning related have been summarised in the report.

-Loss and removal of tree's which has resulted in a loss of privacy - This application does not propose removal of trees as stated on the application form there will be no trees or hedges removed or pruned in order to carry out the proposal. The assessment can only assess the proposals in this application.

-Issues of noise safety, soil pipe, structural issues, Clay foundation, Asbestos - structural issues would be assessed by building control

-Asbestos the applicant would be required to provide details regarding asbestos on the site before demolition.

6. Equality and Diversity Issues

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

7. Conclusion

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



Location **The Surgery 27 Wood Street Barnet EN5 4BB**

Reference: **19/5176/FUL**

Received: 23rd September 2019

Accepted: 25th September 2019

Ward: Underhill

Expiry 20th November 2019

Applicant: DR P DESAI

Proposal: First floor side and rear extension

AGENDA ITEM 9

Recommendation: Refuse

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

- 1 The proposed first floor side and rear extensions by reason of their size, siting, scale, mass and design together with the existing additions would cumulatively constitute disproportionate, discordant and incongruous additions to the existing building which would amount to overdevelopment of the subject site and fail to preserve the special architectural and historical interest of the Grade II listed building. No public benefit has been identified that would outweigh the harm to the heritage asset. The proposal would have a detrimental impact on the character and form of the original heritage building and the context of the site within the Wood Street Conservation Area, contrary to Policy DM01 and DM06 of Barnet's Development Management Policies Document DPD (2012), Policy CS1 and CS5 of the Barnet Core Strategy (2012), Policy 7.8 of the London Plan and the National Planning Policy Framework, the Adopted Residential Design Guidance SPD (2016) and the Wood Street Conservation Area Character Appraisal Statement.

Informative(s):

1 The plans accompanying this application are:

001, Site Location Plan, Heritage Statement, Supporting letter (25 March 2019), 440015/1 Rev B, 440015/1 Rev D, 440015/3 Rev D, 440015/5 Rev B, 440015/6 Rev B.

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

The applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

Officer's Assessment

1. Site Description

The Surgery is a grade II listed property which sits within the Monken Hadley and Wood Street Conservation Area.

The site is located on the south side of Wood Street.

The building is a part single and two storey end of terrace property. There is a vehicular access on the west side and parking at the rear. The property features a single storey rear extension with pitched roof.

Currently the surgery provides GP and Nurse clinics, clinical pharmacist and midwife clinics, mental health link worker and psychologist clinics, multidisciplinary team meetings and regular teaching.

The listing text states:

"Altered early C18. Two windows wide with blank recessed panel over central entrance. (Sashed windows with margin panes). Ground storey. One window wide to right of entrance, 2 windows to left. Stucco pilasters and plain pediments to all windows on front. Six panelled door - plain fanlight 2 storey with attic in tiled mansard behind parapet. Roughcast. Stair turret to rear. Later 2 storey and one storey addition on right hand side.

Listing NGR: TQ2450896433"

2. Site History

Reference: 15/04230/FUL

Proposal: Installation of air conditioning system.

Decision: Refused

Date: 01.09.2015

Reference: 15/02987/LBC

Proposal: Installation of A/C system

Decision: Refused

Date: 23.07.2015

Reference: N01112J/00

Proposal: Erection of non- illuminated projecting sign.

Decision: Refused

Date: 26.09.2000

Reference: N01112H

Proposal: Replacement and treatment of defective timber and reinstatement of associated brickwork (Listed Building Consent).

Decision: Approved

Date: N01112H

Reference: N01112G

Proposal: Installation of two floodlights on front elevation at first floor level (Listed Building Consent)

Decision: Approved subject to conditions

Date: 16.03.1993

Reference: N0112F
Proposal: Dormer window at rear (LISTED BUILDING CONSENT).
Decision: Refused
Date: 12.07.1989

Reference: N0112D
Proposal: Rear extension.
Decision: Approved subject to conditions
Date: 27.08.1986

Reference: N01112
Proposal: Use of ground floor for Doctors' Surgeries.
Decision: Approved
Date: 21.06.1967

3. Proposal

The applicant seeks planning permission for first floor side and rear extensions. The extension would accommodate three surgery rooms at first floor level.

The proposed first floor side to rear extension would be sited on top of the existing single storey addition on the west side and would feature mansard roof with two front dormers in the front elevation. The roof would set back from the front elevation.

The first floor rear extension would have same eaves height as the existing first floor eaves on the east and would feature a crown roof. The first floor rear windows would match the existing windows of the ground floor.

There would be a ground floor door and a first floor window in the side elevation facing the existing vehicular access on the west. The side elevation would feature gable roof.

Cllr Prentice called this application to Planning Committee for decision if the Officers are minded to refuse consider this application for refusal.

4. Public Consultation

A site notice was erected 10 October 2019.
A press notice was published 03 October 2019

Two Objection and Three supports received

Summary of Objections

- Expressed concern regarding access to parking at the rear of 27/29 Wood Street, during construction.
- concern regarding the quality of the extension befitting the Grade II listed building.
- stating Heritage statement did not justify the proposal. It fails to assess the architectural and historic interest of the listed building or measure the impact of the proposal on significance.
- In future, the practice could outgrow the extended building.
- The proposal is not appropriate to the listed building or the conservation area.

Summary of supports

- Sensible extension to a busy surgery

- It blends well with the surrounding property
- Extension would benefit all patients

Comments from Theresa Villers as listed below:

The surgery needs the additional space. The proposal would respect the conservation area and preserve the character of the listed building. I would like to address the application to Planning Committee.

Internal Consultation

The local authorities' Heritage Officer objected to the scheme. Officers comments are integrated within the main report.

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, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design. Policy DM06 of the Council's Development Management Plan document deals with Barnet's heritage and conservation. Policy DM06 states that the special architectural and historic interest as well as the character and appearance of conservation areas should be preserved and enhanced. Planning applications which fail to preserve or enhance the character or appearance of a heritage asset or conservation area will not be granted.

Supplementary Planning Documents

Monken Hadley Conservation Area Character Appraisal Statement

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the special architectural or historic interest of the statutory listed building street scene and this part of the Conservation Area.
- Whether harm would be caused to the living conditions of neighbouring residents

5.3 Assessment of proposals

Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The Act also requires special interest to be given to the desirability of preserving a listed building and any features or architectural interest it possesses and section 66 (1) states that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting.

Paragraph 189 of the National Planning Policy Framework (2019) states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 190 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. 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.

Paragraph 192 of the NPPF states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Paragraph 196 states that 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.

The NPPF defines 'significance' in its appendix as: 'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'

Policy 7.8 of the London Plan 2016 states that development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate and development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

Policy DM01 of Barnet's Development Management 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.

Policy DM06 of the same document states that all heritage assets will be protected in line with their significance. All development will have regard to the local historic context. Development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

Impact on heritage assets, street scene and conservation area:

The subject building is a Grade II statutory listed building and is located within the designated conservation area. A recent pre application advise officers considered that there is likely to be limited scope to extend the building without compromising the setting of the listed building.

Councils Heritage officer was consulted on the proposal. The officer informed that,

27 Wood Street is a statutorily listed building situated within the Wood Street Conservation Area. It is the end property on a terrace of listed buildings running along the south of Wood Street. Its immediate neighbour to the west is also a statutorily listed building.

The officer informed that the first floor extension on top of the single storey element with a mansard roof at front, crown roof at the rear and gable end in the side elevation would be uncharacteristic of the listed building.

The property was extended in the past and the listing description in 1983 mentions that the building was extended prior to 1986. The proposed extension would therefore be further extension on an existing extension.

The conservation officer objected on the cumulative impact on the listed building and informs that,

"The cumulative impact of incremental small-scale changes may have as great an effect on the significance of a heritage asset as a larger scale change. Where the significance of a heritage asset has been compromised in the past, consideration still needs to be given to whether additional change will further detract from the significance of the asset."

The officer further informs that, "Listed buildings do vary greatly in the extent to which they can accommodate change without loss of special interest. Some may be sensitive even to slight alterations. Some listed buildings are the subject of successive applications for alteration or extension: in such cases it needs to be borne in mind that minor works of indifferent quality, which may seem individually of little importance, can cumulatively be very destructive of a building's special interest."

For example, many Grade II listed buildings are of humble and once common building types and have been listed precisely because they are relatively unaltered examples of a particular building type; so they can as readily have their special interest ruined by unsuitable alteration or extension. The roof is nearly always a dominant feature of a building and the retention of its original structure, shape, pitch, cladding and ornament is important.

The proposal due to size, siting, design, bulk and excessive width is considered overdevelopment of the listed building. The proposed mansard roof with two front dormers is considered uncharacteristic for the listed building. The first floor extension would be an extension on top of a previous single storey extension.

It is noted that, most of the historic terraces that are found throughout the conservation area, tend to have a variety of differing roofscapes and a variety of front elevations which create an irregularity which is a significant feature of the conservation area, and mentioned in the Wood Street Character Appraisal. Therefore, the introduction of an uncharacteristic mansard roof to the front elevation, constitutes harm to this element of significance and to the character and appearance of this historic part of the conservation area.

Conservation officer further mentions that, there is a longstanding conservation principle that it is for an occupier of a listed building to adapt to the limits of that heritage asset and not for the heritage asset to be adapted in a harmful manner to the need of the occupier. If the heritage asset is no longer fit for the commercial purpose of the occupier, it is suggested that larger commercial premises are sought elsewhere in the town centre, particularly as there are many vacant retail units and a significant amount of new approved development which should be coming forward. More consideration should be given to these options over the harming of a statutorily listed building.

As such, the proposal is considered harmful to the significance of a listed building and the character and appearance of the conservation area. It is not considered that there is sufficient public benefit to outweigh the harm and the practice could relocate elsewhere in the town centre to a less sensitive location.

In the submitted Heritage Statement, the applicant states that the proposed first floor side to rear extension would accommodate three additional consultation rooms and a w.c. The submitted statement recognises that the proposal would lead to some harm to the listed building, however mentions that the proposal would bring considerable public benefit.

However, as discussed above, the officers do not consider that there is sufficient public benefit to outweigh the harm as the practice could relocate elsewhere in the town centre to a less sensitive locations.

In conclusion, the proposal would not preserve the special architectural and historical interest of the statutory listed building. Such harm would not be outweighed by public benefits, and the scheme would be contrary to policies DM01 and DM06 of Barnet's Development Management Policies Document (2012), policy 7.8 of the London Plan (2016), and to the National Planning Policy Framework (2019).

Impact on amenities of neighbouring occupiers:

The proposed first floor side and rear extension would be sited on top of the existing single storey side and rear extension.

It is considered that the proposal would not have any detrimental impact on the amenities of occupiers of no.29 Wood Street on the west, because of the separation gap present by the side access road. The side window facing no.29 would overlook the side access road and considered not to have any detrimental impact on no.29 Wood Street in terms of overlooking. Furthermore, the flank wall of no.29 and 27 already feature side windows. The proposed window would not add any additional overlooking impact than what is existing.

The proposed first floor rear windows would overlook the rear parking area and considered not to have any additional detrimental impact on the amenities of neighbouring occupiers.

The proposed front dormer windows at first floor would overlook Wood Street and considered not to have any detrimental impact on the amenities of neighbouring occupiers.

The proposal would not have any detrimental impact on the amenities of attached property no.23/25, as any impact would be buffered by the existing property.

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 this proposal would not comply with the Adopted Barnet Local Plan policies and guidance and would be detrimental to the character and appearance of this part of Conservation area.

No public benefit has been identified to outweigh the harm of the heritage asset and therefore having regard to the provisions of Policy DM06 of the Development Management Policies and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 it is recommended that planning permission should be REFUSED.

8. Suggested conditions in the event of an appeal

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

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:

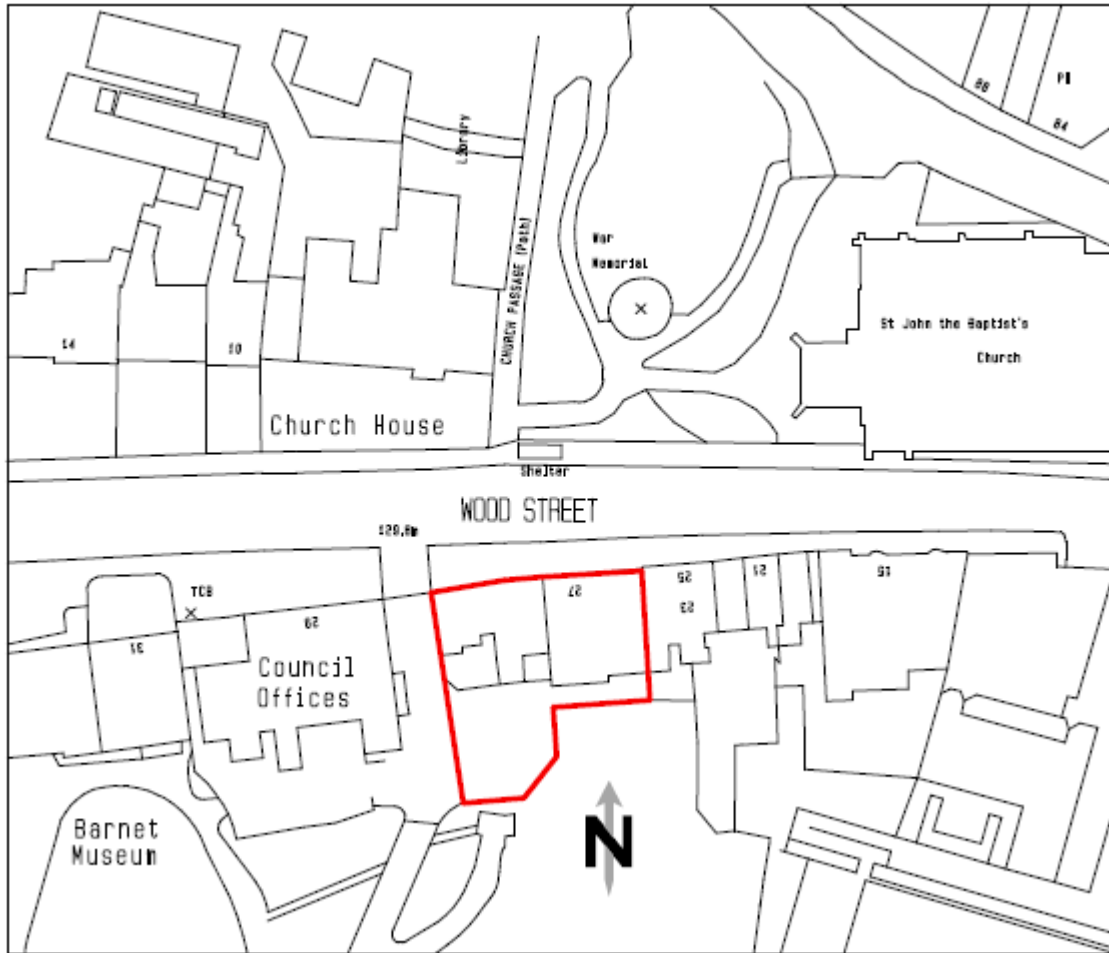
001, Site Location Plan, Heritage Statement, Supporting letter (25 March 2019), 440015/1 Rev B, 440015/1 Rev D, 440015/3 Rev D, 440015/5 Rev B, 440015/6 Rev B.

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

3. a) No development other than demolition works shall take place until details of the materials and windows to be used for the external surfaces of the building(s) 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 special architectural and historic interest of the listed building 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.



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Location **The Surgery 27 Wood Street Barnet EN5 4BB**

Reference: **19/5177/LBC**

Received: 23rd September 2019

Accepted: 25th September 2019

Ward: Underhill

Expiry 20th November 2019

Applicant: DR P DESAI

Proposal: First floor side and rear extension

AGENDA ITEM 10

Recommendation: Refuse

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

- 1 The proposed first floor side and rear extensions by reason of their size, siting, scale, mass and design together with the existing additions would cumulatively constitute disproportionate, discordant and incongruous additions to the existing building which would amount to overdevelopment of the subject site and fail to preserve the special architectural and historical interest of the Grade II listed building. No public benefit has been identified that would outweigh the harm to the heritage asset. The proposal would have a detrimental impact on the character and form of the original heritage building and the context of the site within the Wood Street Conservation Area, contrary to Policy DM01 and DM06 of Barnet's Development Management Policies Document DPD (2012), Policy CS1 and CS5 of the Barnet Core Strategy (2012), Policy 7.8 of the London Plan and the National Planning Policy Framework, the Adopted Residential Design Guidance SPD (2016) and the Wood Street Conservation Area Character Appraisal Statement.

Informative(s):

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

The applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 2 The plans accompanying this application are:

001, Site Location Plan, Heritage Statement, Supporting letter (25 March 2019), 440015/1 Rev B, 440015/1 Rev D, 440015/3 Rev D, 440015/5 Rev B, 440015/6 Rev B.

Officer's Assessment

1. Site Description

The Surgery is a grade II listed property which sits within the Monken Hadley and Wood Street Conservation Area.

The site is located on the south side of Wood Street.

The building is a part single and two storey end of terrace property. There is a vehicular access on the west side and parking at the rear. The property features a single storey rear extension with pitched roof.

The listing text states:

"Altered early C18. Two windows wide with blank recessed panel over central entrance. (Sashed windows with margin panes). Ground storey. One window wide to right of entrance, 2 windows to left. Stucco pilasters and plain pediments to all windows on front. Six panelled door - plain fanlight 2 storey with attic in tiled mansard behind parapet. Roughcast. Stair turret to rear. Later 2 storey and one storey addition on right hand side. Listing NGR: TQ2450896433"

2. Site History

Reference: 15/04230/FUL

Proposal: Installation of air conditioning system.

Decision: Refused

Date: 01.09.2015

Reference: 15/02987/LBC

Proposal: Installation of A/C system

Decision: Refused

Date: 23.07.2015

Reference: N01112J/00

Proposal: Erection of non- illuminated projecting sign.

Decision: Refused

Date: 26.09.2000

Reference: N01112H

Proposal: Replacement and treatment of defective timber and reinstatement of associated brickwork (Listed Building Consent).

Decision: Approved

Date: N01112H

Reference: N01112G

Proposal: Installation of two floodlights on front elevation at first floor level (Listed Building Consent)

Decision: Approved subject to conditions

Date: 16.03.1993

Reference: N01112F

Proposal: Dormer window at rear (LISTED BUILDING CONSENT).

Decision: Refused

Date: 12.07.1989

Reference: N0112D
Proposal: Rear extension.
Decision: Approved subject to conditions
Date: 27.08.1986

Reference: N01112
Proposal: Use of ground floor for Doctors' Surgeries.
Decision: Approved
Date: 21.06.1967

3. Proposal

The applicant seeks consent for first floor side and rear extensions. The extension would accommodate three surgery rooms at first floor level.

The proposed first floor side to rear extension would be sited on top of the existing single storey on the west side and would feature mansard roof with two front dormers in the front elevation. The roof would be set back from the front elevation.

The first floor rear extension would have same eaves height as the existing first floor eaves on the east and would feature a crown roof. The first floor rear windows would match the existing windows in the ground floor.

There would be a ground floor door and a first floor window in the side elevation facing the existing vehicular access to the west. The side elevation would feature gable roof.

MP Theresa Villiers called this application to Planning Committee for the following reasons:

- The surgery needs the additional space
- The proposal would respect the conservation area and preserve the character of the listed building
- Would like to address the application to Planning Committee.

4. Public Consultation

A site notice was erected 10 October 2019.
A press notice was published 03 October 2019

Two Objections received

- stating Heritage Statement did not justify the proposal.
- The proposal is dominating on the listed building.

One support from MP Theresa Villiers stating as below

- The surgery needs the additional space
- The proposal would respect the conservation area and preserve the character of the listed building
- Would like to address the application to Planning Committee.

The local authorities' Heritage Officer objected to the scheme. Their comments are integrated within the main report.

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, CS5.
- Relevant Development Management Policies: DM01, DM06

Supplementary Planning Documents

Monken Hadley Conservation Area Character Appraisal Statement

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the special architectural or historic interest of the statutory listed building

5.3 Assessment of proposals

Policy:

Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The Act also requires special interest to be given to the desirability of preserving a listed building and any features or architectural interest it possesses and section 66 (1) states that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting.

Paragraph 189 of the National Planning Policy Framework (2019) states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 190 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. 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.

Paragraph 192 of the NPPF states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Paragraph 196 states that 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.

The NPPF defines 'significance' in its appendix as: 'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be

archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'

Policy 7.8 of the London Plan 2016 states that development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate and development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

Policy DM01 of Barnet's Development Management 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.

Policy DM06 of the same document states that all heritage assets will be protected in line with their significance. All development will have regard to the local historic context. Development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

Assessment:

Impact on heritage assets:

The subject building is a Grade II statutory listed building and is located within the designated conservation area. A recent pre application advise considered that there is likely to be limited scope to extend the building without compromising the setting of the listed building.

Councils Heritage officer was consulted on the proposal. The officer informed that, 27 Wood Street is a statutorily listed building situated within the Wood Street Conservation Area. It is the end property on a terrace of listed buildings running along the south of Wood Street. Its immediate neighbour to the west is also a statutorily listed building.

The officer informed that the first floor extension on top of the single storey element with a mansard roof at front, crown roof at the rear and gable end in the side elevation would be uncharacteristic of the listed building.

The property was extended in the past and the listing description in 1983 mentions that the building was extended prior to 1986. The proposed extension would therefore be further extension on an existing extension.

The conservation officer objected on the cumulative impact on the listed building and informs that,

"The cumulative impact of incremental small-scale changes may have as great an effect on the significance of a heritage asset as a larger scale change. Where the significance of a heritage asset has been compromised in the past, consideration still needs to be given to whether additional change will further detract from the significance of the asset."

The officer further informs that, "Listed buildings do vary greatly in the extent to which they can accommodate change without loss of special interest. Some may be sensitive even to slight alterations. Some listed buildings are the subject of successive applications for alteration or extension: in such cases it needs to be borne in mind that minor works of

indifferent quality, which may seem individually of little importance, can cumulatively be very destructive of a building's special interest."

For example, many Grade II listed buildings are of humble and once common building types and have been listed precisely because they are relatively unaltered examples of a particular building type; so they can as readily have their special interest ruined by unsuitable alteration or extension. The roof is nearly always a dominant feature of a building and the retention of its original structure, shape, pitch, cladding and ornament is important.

The proposal due to size, siting, design, bulk and excessive width is considered overdevelopment of the listed building. The proposed mansard roof with two front dormers is considered uncharacteristic for the listed building. The first floor extension would be an extension on top of a previous single storey extension.

It is noted that, most of the historic terraces that are found throughout the conservation area, tend to have a variety of differing roofscapes and a variety of front elevations which create an irregularity which is a significant feature of the conservation area, and mentioned in the Wood Street Character Appraisal. Therefore, the introduction of an uncharacteristic mansard roof to the front elevation, constitutes harm to this element of significance and to the character and appearance of this historic part of the conservation area.

Conservation officer mentions that, there is a longstanding conservation principle that it is for an occupier of a listed building to adapt to the limits of that heritage asset and not for the heritage asset to be adapted in a harmful manner to the need of the occupier. If the heritage asset is no longer fit for the commercial purpose of the occupier, it is suggested that larger commercial premises are sought elsewhere in the town centre, particularly as there are many vacant retail units and a significant amount of new approved development which should be coming forward. More consideration should be given to these options over the harming of a statutorily listed building.

As such, the proposal is considered harmful to the significance of a listed building and the character and appearance of the conservation area. It is not considered that there is sufficient public benefit to outweigh the harm and the practice could relocate elsewhere in the town centre to a less sensitive location.

In the submitted Heritage Statement, the applicant states that the proposed first floor side to rear extension would accommodate three additional consultation rooms and a w.c. The statement recognises that the proposal would lead to some harm to the listed building, however mentions that the proposal would bring considerable public benefit.

However, as discussed above, the officers do not consider that there is sufficient public benefit to outweigh the harm as the practice could relocate elsewhere in the town centre to a less sensitive locations.

In conclusion, the proposal would not preserve the special architectural and historical interest of the statutory listed building. Such harm would not be outweighed by public benefits, and the scheme would be contrary to policies DM01 and DM06 of Barnet's Development Management Policies Document (2012), policy 7.8 of the London Plan (2016), and to the National Planning Policy Framework (2019).

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

No public benefit has been identified to outweigh the harm of the heritage asset and therefore having regard to the provisions of Policy DM06 of the Development Management Policies and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 it is recommended that planning permission should be REFUSED.

8. Suggested conditions in the event of an appeal

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

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:

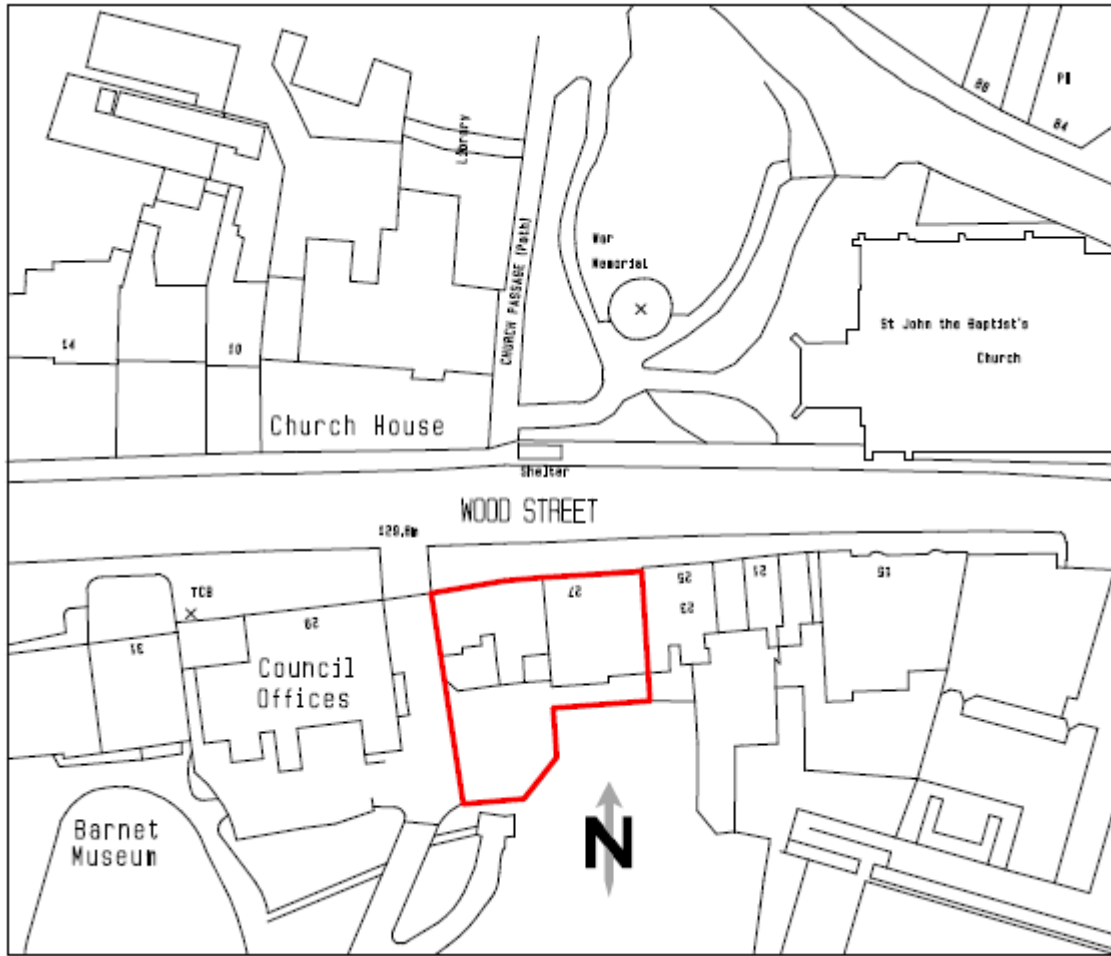
001, Site Location Plan, Heritage Statement, Supporting letter (25 March 2019), 440015/1 Rev B,
440015/1 Rev D, 440015/3 Rev D, 440015/5 Rev B, 440015/6 Rev B.

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

3. a) No development other than demolition works shall take place until details of the materials and windows to be used for the external surfaces of the building(s) 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 special architectural and historic interest of the listed building 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.



josh

Location **Woodside Park Underground Station, Station Approach London
N12 8SE**

AGENDA ITEM 11

Reference: **19/4293/FUL**

Received: 2nd August 2019

Accepted: 13th August 2019

Ward: Totteridge

Expiry 12th November 2019

Applicant: Pocket Living Woodside Limited

Proposal: Redevelopment of site to provide 86 affordable self-contained flats
(Use Class C3) within 2 x five storey blocks including roof terraces with
associated amenity space, hard and soft landscaping, refuse storage,
cycle parking and wheelchair accessible car parking

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. **Affordable units**

All units shall be affordable adhering to the following obligations below:

- Units to be marketed for the first five months of marketing to those that meet the Mayor's income threshold for intermediate housing (as updated on an annual basis in the London Plan Annual Monitoring Review) and live or work within the Borough.
- Marketing Plan with the Council prior to first marketing and initial sales;
- The sale of dwellings to eligible persons for no more than 80% open market value;

4. **Controlled Parking Zone (CPZ Review and Implementation)**

Contribution of £45,000 towards the review and Implementation of CPZ

5. **Residential Parking Permit Restrictions**

Contribution of £2,022 towards amending the Traffic Management Order (TMO) to prevent future occupiers from obtaining a parking permit in the event the CPZ is implemented.

6. **Travel Plan and Monitoring**

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

Contribution of £5,000 towards monitoring of Travel Plan.

7. **Car Club Provision**

Contribution of £5,000 towards implementation of an on-street car club bay and a car club scheme for the site and free 3 years car club membership for all occupants of the development

8. **Employment and Enterprise**

The applicant would be required to enter into a Local Employment Agreement with the Council.

Alternatively, the applicant may wish to make a financial contribution in lieu of the employment outcomes outlined above. Such a contribution would be commensurate with the number of outcomes secured and in line with SPD guidance.

9. **Carbon Off-set**

A carbon offset contribution of £70,601.89

10. **Section 106 monitoring**

A contribution of £2,646.06 towards the monitoring of the S106 agreement.

RECOMMENDATION II:

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

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

- 0001 (Site Location Plan)
- 0002 (Existing Site Plan)
- 0003 (Block Plan)
- 0200 Rev A (Proposed Ground Floor Plan)
- 0201 (Proposed 1st - 4th Floor Plan)
- 0202 (Proposed Roof Plan)
- 0301 (Proposed Floor Plans Building A)
- 0302 (Proposed Floor Plans Building B)
- 0500 (Contextual Sections)
- 1400 Rev A (Building A Elevations West)
- 1401 Rev B (Building A Elevations North & South)
- 1402 Rev B (Building A Elevations East)
- 1403 Rev A (Building B West)
- 1404 Rev B (Building B Elevations North & South)
- 1405 Rev A (Building B Elevations East)
- 1406 Rev A (Proposed Contextual Elevations 1)
- 1407 Rev A (Proposed Contextual Elevations 2)

- PLL-WPB HTA-L 00 DR 0904 (Levels and Falls Plan)
- 31114/AC/020 (Swept path analysis of 10.5m refuse vehicle turning within site)
- C-001 P01 (Flood Flow Paths)
- Greenfield runoff estimation for sites
- Storm Sewer Design

- Arboricultural Impact Assessment and Method Statement
- Air Quality Assessment
- Construction Logistics Plan
- Contamination Assessment
- Daylight & Sunlight Report (Neighbouring Properties)
- Daylight & Sunlight Report Addendum (Neighbouring Properties)
- Daylight and Sunlight Study (within Development)
- Design and Access Statement
- Drainage Strategy
- Ecological Impact Assessment
- Energy Statement
- External Lighting Strategy
- Heritage Statement
- Heritage Statement Update
- Landscape Masterplan
- Noise and Vibration Assessment
- Parking Note

Phase 1 Environmental Study
Planning Statement
Planning Addendum
Planting Strategy
Travel Plan
Tree Report

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) Before the relevant parts of the works are begun, details of the materials to be used for the external surfaces of the building(s), and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 4 a) No development or site works shall take place on site until a 'Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The 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 relevant part commences details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 6 Development shall not commence until a detailed surface water drainage scheme for the site, based on the agreed Drainage Strategy prepared by Whitby Wood (ref: P4500195-REP-001) dated February 2019 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

- 7 a) The submitted Air Quality Assessment shows that the site does not conform to the air quality neutral benchmark for building emissions. A scheme to mitigate offset the excess emissions of 17.3 kgNOx/yr shall be submitted to and approved by the Local Planning Authority prior to occupation of the development.

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

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development

Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan 2016.

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

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

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

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

- 9 The level of noise emitted from ventilation/ 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.

- 10 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

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

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

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

Reasons: In the interest of good air quality in accordance with London Plan policies 5.3 and 7.14.

- 12 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 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.

13 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

15 The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 17 shall be submitted for approval in

writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

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.

- 16 Prior to the first occupation of the development, the proposed cycle parking and cycle storage facilities shall be installed in accordance with the approved plans and such spaces shall be permanently retained 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.

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

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012

- 18 a) Notwithstanding the details submitted with the application and otherwise hereby approved, the development shall not be occupied until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

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

19 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).

20 Prior to the occupation of the development, an External Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority detailing the type, design, lux levels of proposed external lighting as well as measures to control glare. The External Lighting Assessment submitted shall detail the existing and proposed average night time luminance and light spread levels across the application site at night, identify the levels of light pollution received at the windows to both neighbouring residential properties as well as residential properties within the proposed development and, where appropriate, identify the measures to be used to mitigate the impacts of light pollution on the future occupiers proposed dwellings. Any light pollution mitigation identified in the External Lighting Assessment shall be implemented in full prior to first occupation.

Reason: To ensure the development provides adequate amenities of neighbouring residential properties as well as the future occupiers of the proposed dwellings and to accord with policy DM01 of the Barnet Local Plan.

21 Prior to the erection and installation of photovoltaic panels, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out and constructed in accordance with the approved details.

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 CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

22 The development shall proceed and be carried out in strict accordance with all the findings and recommendation of the Ecological Impact Assessment (ACD Environmental, 10.07.2019), including mitigation measures, ecological enhancements and proposed lighting strategy

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

- 23 a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.
- b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.
- c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

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

- 24 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.

- 25 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.

- 26 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 37% 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.

- 27 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).

- 28 a) Prior to carrying out above grade works of each building or part of any new building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate how such building or such parts of a building seek to apply the principles of Secured by Design'.
b) The development shall only be carried out in accordance with the approved details.

Reason: To protect the amenity of the area in accordance with Policies DM01 and DM04 of the Barnet Development Management Policies (adopted) September 2012.

- 29 a) Prior to the commencement of the development hereby permitted, a reptile survey shall be undertaken by an appropriately qualified person and a survey report shall be submitted to, for the written approval of, the local planning authority, which shall include details of mitigation measures in the event that reptiles are found.
b) Mitigation shall be carried out, where necessary, in accordance with the approved details.

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

- 30 Notwithstanding the parking layout submitted with the planning application, prior to construction of the development; a parking layout plan showing the exact dimensions of the proposed two disabled parking spaces on Station Approach shall be submitted to and approved in writing by the Local Planning Authority. Should a person eligible for a blue badge purchase a residential unit within the development hereby permitted these parking spaces shall be made available and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 31 The applicant shall carry out a "before" and "after" condition survey of the agreed route (i.e. 50m distance from the site entrance to the west of Woodside Park Underground Station) to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the

commencement of the development. The "after" survey shall take account of ongoing construction works along Holden Road and be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority or where this relates to Station Approach, by Transport for London. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey, which is a result of the development hereby approved and not caused by other construction works within the vicinity of the site, shall be implemented as approved following completion of the development.

Reason: To ensure that the road is maintained in a suitable condition in order to minimise danger, obstruction and inconvenience to users of the highway.

RECOMMENDATION III:

That if the above agreement has not been completed or Section 106 agreement has not been submitted by 31.01.2020, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).
2. The proposed development does not provide a legal agreement to mitigate the impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Adopted Core Strategy and policy DM17 of the Adopted Development Management Policies DPD.
3. 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 CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM04 of the Adopted Development Management Policies DPD.

Informative(s):

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

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

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

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

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

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

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

5 The proposed development is located within 15m of our underground waste water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a->

largesite/Planningyour-development/Working-near-or-diverting-our-pipes. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.

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

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

- 7 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
 - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
 - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
 - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
 - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

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

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

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

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

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

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

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

9 The applicant is advised of the following ecological advice matters:

Slow-worm and hedgehog are known to utilise residential gardens, therefore, to assure they can attain access to the proposed soft landscaping it is recommended that each stretch of boundary fencing has a 5sq" hole cut at the base so as not to reduce connectivity for these species in the local area;

Climbers such as jasmine *Jasminum officinale* and honeysuckle *Lonicera periclymenum* are to be planted on boundary fences and proposed properties to provide additional value for invertebrates and foraging bats. The planting strategy supplied by hta and includes a wildflower meadow and native shrub planting should be undertaken.

Three Terraced Sparrow Boxes or Schwegler 1SP Sparrow Terrace Boxes (dependent on whether integrated or external fixtures are preferred) are to be installed. The boxes are to be installed on properties, facing north or east exclusively, and at least 3m from the ground, away from window ledges; o One Habibat Bat Box or similar is to be installed. This box is to be installed on properties, facing north or east exclusively, and at least 3m from the ground, away from window ledges; and At least three discrete Bug Boxes²⁴ are to be installed along the western boundary tree

line, within the proposed shrub planting, and well hidden from the public to prevent vandalism.

Additional hibernacula can be incorporated into the proposals in the form of wooden compost bins that provide opportunities for slow-worm to enter/egress and one large hibernaculum situated at the south site boundary.

Officer's Assessment

1. Site Description

The proposal site is located on a narrow section of land to the south-west of Woodside Park London Underground Station. It measures approximately 0.25 hectares (Ha) and was previously used as a storage facility with a number of shipping containers and other storage. The southern part of the site was previously occupied by 2no single storey buildings and were utilised and occupied by St Barnabas Church. The site has now been cleared and the buildings removed.

The site is accessed via Station Approach, off Holden Road to the north of the site. The eastern boundary of the site is bounded by the underground tracks, with the western boundary backing onto the back gardens of Holden Road and the former St Barnabas Church building.

The topography of the site is such that level falls by 4 metres from north to south and falls from the eastern boundary where the railway line is elevated by approximately 3 metres.

The site has a Public Transport Accessibility Level (PTAL) of 3 and is located adjacent to Woodside Park Station (underground/ TfL). North Finchley Town Centre is located approx. 500 metres to the east.

The site is located with the ward of Totteridge and is not located within a conservation area not within the setting of a listed building. The site is located in Flood Zone 1. There are two Locally Listed Buildings adjacent to the site; Woodside Park Tube Station to the north-east and St Barnabas Church to the south-west.

There is 1no tree on the corner of the proposed new access point and Station road which is safeguarded under a Tree Preservation Order (TPO).

2. Site History

Reference: 19/1809/FUL

Address: Woodside Park Underground Station, Station Approach London N12 8SE

Decision: Refused

Decision Date: 31.07.2019

Description: Redevelopment of site to provide 86 affordable self-contained flats (Use Class C3) within 2 x five storey blocks including roof terraces with associated amenity space, hard and soft landscaping, refuse storage and cycle parking.

3. Proposal

Planning permission is sought for the erection of 2no. five storey buildings comprising 86 one-bedroom one-person residential units (Use Class C3), with associated communal and private amenity space, cycle store and refuse, recycling stores and capacity for two wheelchair accessible parking spaces.

The proposed scheme is classified as affordable housing under the National Planning Policy Framework (NPPF) and will be delivered by Pocket Homes, who are a private developer providing intermediate affordable housing. The Pocket model will be explained in further detail in the affordable housing section of the report.

The proposal comprises of two buildings (A and B) which would both be 5 storeys in height, with the top storey being slightly recessed. The building would be constructed from predominately red brick corbelled brick on the top floor of both buildings. Large floor to ceiling windows would be provided to serve the living area and bedrooms of each unit and to the communal areas. Juliet balconies would be provided only along the northern elevation facing onto Station Road.

The development proposes a series of communal outdoor spaces through a central courtyard between the buildings and separate roof terraces on top of each building. In addition, new and improved landscaping is proposed along the east and western boundaries.

The site entrance to the north would be retained and improved, leading down to the central courtyard where the entrances to both buildings are located. The necessary plant and refuse stores are located to the east façade to provide as much active frontage to the entrance and courtyard.

The scheme would provide the ability to provide two wheelchair accessible spaces if required and bike stores accommodating 90 cycle spaces would be provided.

The application has been amended during the course of the application to include the following changes:

- Use of warmer, redder brick colour, similar to that used for St. Barnabas Church;
- A lighter band of soldier course at every level, reflective of the stone horizontal bands;
- Vertical Soldier courses after every two windows, reflective of the vertical buttresses;
- Corbelled brick to the upper level like the corner of the station roof eaves.
- Submission of verified views to illustrate the visual impact of the development from the surrounding area.

4. Public Consultation

Consultation letters were sent to 345 neighbouring properties.

45 responses have been received, comprising 34 letters of objection and 11 letters of support.

Following the submission of amended plans, a period of re-consultation was undertaken.

4 responses have been received, comprising of 4 letters of objection.

The objections received can be summarised as follows:

- Contrary to Barnet's Core Strategy and Development Management Policies and Residential Design Guidance SPD;
- No substantial changes to previous application;
- Overdevelopment and density out of scale;
- Excessive height which is not in keeping with the surrounding area;
- Design and external appearance is not reflective of surrounding area;
- Overprovision of flats in this area;
- Impact on the setting of the locally listed St Barnabas Church and Woodside Park Station. Loss of view of the church from the station;
- Not affordable units;
- Provide poor amenity and quality of life for future residents;
- Loss of neighbouring amenity;

- Overlooking;
- Loss of outlook;
- Reduction of daylight / sunlight levels;
- Increased noise and pollution;
- Cumulative impact with nearby developments under construction;
- Holden Road is already at capacity in terms of parking, access and thoroughfare;
- Traffic is a constant problem with restrictive street parking;
- Disagree that the future occupier will have no cars;
- Disruption construction period;
- Additional congestion;
- Disabled residents will continue to be discriminated against;
- Impact on existing trees;
- Strain on local infrastructure;
- No benefit to existing community;

The letters of support received can be summarised as follows:

- Plans are sympathetic to the character of the local area and redevelop poorly used land in a sustainable location for affordable housing;
- Take advantage of the underused and unkempt land beside the station;
- Provision of much needed affordable housing;
- Important to provide homes to own for people on moderate incomes which will people to stay in the borough;
- Hard to become a home owner in the borough;
- Allow people on moderate incomes to stay in the borough; and
- The site is extremely well served by public transport.

An objection has been received from **Theresa Villiers MP** who comments:

"Following the refusal of the previous application relating to the development of the above site, I have been informed that a further application to develop this land has been submitted.

However, while I understand that the new plan addresses one of the reasons for refusal, I remain concerned about the proposals because they are still an overdevelopment of the site and out of style and character with the area.

The developers state that the development will be car-free, with the exception of 2 wheelchair accessible car parking spaces, aiming to encourage future residents to travel to and from the site using sustainable modes of travel. While this is a laudable aim, I find it difficult to believe that the majority of residents will be content to use a bicycle. How will this be enforced?

Therefore, I believe that my comments on the previous application about the parking pressures in the local vicinity are still relevant. Additionally, given the fact that the number of residential units has not been reduced, I remain opposed to the development of this site and believe that the application should be refused."

Responses from External Consultees

Metropolitan Police (Secure by Design)

I do not wish to object to this specific proposal but if planning is approved and due to comments raised, I would respectfully request the inclusion of a planning condition whereby this proposal must achieve Secured by Design accreditation prior to occupation.

Thames Water

With regard to Foul Water sewage network and surface water infrastructure capacity, we would not have any objection to the planning application.

Transport for London

Noise and Vibration

The site adjoins Woodside Park Underground Station, which is served by the northern line. Draft London Plan Policy D12 makes reference to the Agent of Change principle, which places responsibility for mitigating the impacts from existing noise-generating activities or uses on proposed new noise-sensitive development with the applicant/developer. TfL cannot be responsible to the tenant or anyone using the land for any nuisance, disturbance, annoyance or inconvenience (howsoever caused) arising in consequence of or in relation to the operation of the Transport Undertaking or anything arising from this station. Therefore, the applicant will need to demonstrate to TfL how this development will comply with this policy.

Taking the above into consideration, TfL request that approval at this site is conditional on entering into an agreement requiring protective measures in such a format as TfL specifies to adequately protect the Transport Undertaking and the Transport Assets in carrying out any works, and agreement on protection for TfL against future claims from residents regarding disturbance from the railway or adjacent compound, or other claims that affect the operation, maintenance of future upgrade of the transport network. The tenant cannot limit or affect the rights of TfL to deal with its adjoining land and Transport Assets or be entitled to make any objection or complaint in respect of any noise, vibration or discharge or any electromagnetic disturbance from the Transport Assets arising from the operation of the Transport Undertaking. It is considered that the Noise and Vibration assessment should be revised to include an allowance for future worsening (night time operation and track ageing).

It is useful to highlight that since the previous application; the applicant has been engaging with TfL on the above matter and have committed to entering into an agreement to protect TfL from future claims regarding noise from transport operations and maintenance at Woodside Park. This agreement should be secured through condition. Furthermore, Pocket have also confirmed that the design of the building will make allowances for current noise levels and potential future increases due to 24 hour running and track ageing to ensure that the new homes are comfortable and reduce the probability of complaints being raised.

Any items placed within 3m of the boundary should be easily removable for maintenance of the boundary fence and TfL structures. TfL are concerned about the management of the façade facing the railway. Further information on how this will be maintained needs to be provided, and agreed with TfL.

Car Parking

The proposed development will be car-free, with the exception of two wheelchair accessible car parking spaces which could be provided if the need arises. Draft London Plan Policy T6 requires the starting point for all proposals in places that are well connected by public transport to be car-free. While the site is in an area of PTAL 3, it is immediately adjacent to Woodside Park Underground station, which provides access to Northern line services. This provides direct connections to a range of destinations including Finchley Central, Archway, Camden Town and central London along both the Charing Cross and Bank branches. The station also offers Night Tube services, while the amenities of North Finchley town centre are within walking distance.

Given the proximity of the site to the station and the connectivity this offers, the proposals for no general car parking are strongly supported and is considered to be in line with the aims of the draft London Plan and the Mayor's Transport Strategy. The development should be supported by the implementation of a CPZ in the area surrounding the station to ensure that car-dominance is not increased in line with the Healthy Streets approach. This should be secured through condition. Residents of the development (other than Blue Badge holders) should not be eligible to apply for parking permits. This should be secured via an agreement under section 16 of the Greater London Council (General Powers) Act 1974.

Two disabled car parking spaces are proposed to serve the development, which is an increase in provision from the previous application. The draft London Plan policy requires spaces for three percent of dwellings from the outset, which in this case would round up to three spaces. TfL acknowledges the site is significantly constrained by the railway line, associated operational infrastructure and space for servicing which limits the options for the additional space to be provided on site. Given that any alternative proposals would not be able to provide an additional space, the scheme's high level of affordable housing is likely to outweigh any dis-benefits from not providing the space from the outset. Consideration should also be given to the probable occupier profile of the proposed development, which has been identified within the applicant's Planning Statement (Chapter 6). However, the applicant should closely monitor demand for the two spaces, and, should they both be in use, engage with TfL and Barnet to explore options for further provision, such as reviewing operational practices around the station to release land or providing a further space on-street. One space should provide an electric vehicle charging point, with passive provision for the other space. This should be secured through condition.

Cycle Parking

TfL notes that 86 long stay cycle parking spaces and 4 short-stay cycle parking spaces are proposed to serve the development. This is in accordance with draft London Plan policies and is welcomed. All cycle parking on this site should be designed in accordance with London Cycling Design Standards (LCDS), with at least 5 per cent of spaces being able to accommodate larger cycles.

It is noted that there is no change in the location of cycle parking since the previous application. Sufficient justification was provided as to the location of cycle parking as part of the applicant's response to TfL's comments on the previous application.

Responses from Internal Consultees

Arboricultural Officer

There are no Arboricultural reasons to object to this application and the development is in accordance with local planning policy DM01.

Affordable Housing

The development is supported by the Council's Director of Growth and Head of Housing Strategy, Growth & Development and therefore the development is supported from an affordable housing basis.

Drainage / SUDS

No objection subject to a condition requiring the submission of a surface water drainage scheme.

Ecology

This EclA report has set out mitigation aimed at ensuring no net loss in biodiversity and no adverse effects on protected species, to support the planning application. The mitigation will ensure compliance with relevant legislation and policy. The recommended enhancements in the form of wildflower meadow creation, new tree and hedgerow planting, wildlife beneficial borders, compost bins and bat and bird boxes will provide a net gain biodiversity in accordance to NPPF and Local Planning Policy.

Environmental Health

Air Quality

Due to the size of the site it is necessary to have a number of extra air quality conditions.

The site is next to a busy tube line railway. It is relatively far away from road traffic and other noise/ air sources of pollution. The taxi rank Abetta cars does operate all night and has received complaints of noise. A noise report is conditioned.

I have read the air report. This has been carried out already and the scheme has been found to be compliant with benchmarks for travel but exceeding benchmark for heating; therefore, a detailed scheme of mitigation is advised within the report' conclusion, but not provided in detail. Otherwise, the report is acceptable. Therefore, I am still including a condition for air quality neutrality assessment because although the results are available there has been no detailed mitigation which will need to be added to the updated report. I have also included a condition for the CHP assessment and air quality report but this does not need to be updated.

Noise

Conditions will be attached to ensure the concerns relating to noise in the vicinity from the trains are addressed.

Conservation Officer

It is not felt that the proposed changes to the materials and appearance of the blocks can be considered, in any way, to have overcome the Committee's grounds of objection in relation to height, scale, massing and bulk. It is still considered that it would detrimentally harm the setting of the Locally Listed Church. It is not felt that the submitted heritage statement fully recognises or appreciates the significance of the historic relationship between the church and Underground Station. As such, the previous comments provided by the heritage team on the original application (19/1809/FUL) still stand.

Highways and Development

Highways advise their preference is for on-site parking to be provided. However, if minded to recommend approval, then a proposed package of mitigation measures should alleviate any potential displacement problems.

Highways and Development - Travel Plan

The Travel Plan for the proposal is acceptable and as a result is considered satisfactory for use. The applicant will be required to provide a £5K Travel Plan Monitoring Fee to be secured under section 106 agreement.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2016

The London 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 draft London Plan has undergone an Examination in Public with the Panel's recommendations and report published in October 2019. As such the Draft London Plan now carries significant weight and is a material consideration in the determination of planning applications.

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, CS12, CS13, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM16, DM17.

Supplementary Planning Documents

- Affordable Housing (2008)
- Delivering Skills, Employment, Enterprise and Training (SEET) from development through S106 (2014)

- Green Infrastructure (2017)
- Planning Obligation (2013)
- Residential Design Guidance SPD (adopted October 2016)
- Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Provision of affordable housing;
- Whether harm would be caused to the character and appearance of the existing site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Highways and parking; and
- Other material considerations.

5.3 Assessment of proposals

The previous application (19/1809/FUL) was refused by the Chipping Barnet Area Planning Committee on 15th July 2019 for the following reasons:

1. The proposed development in particular 'Block B' by reason of its massing, excessive height, close proximity to St Barnabas Church and its extensive depth across the entire rear elevation of the Church Building would detrimentally harm the setting of the Locally Listed Building. Furthermore, the proposed building would significantly obscure the rear elevation of this non-designated heritage asset when viewed from the Northern Line and be visually obtrusive when viewed from Holden Road contrary to policies 7.4, 7.6 and 7.8 of the London Plan, policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012) and policies DM01 and DM06 of the Adopted Development Management Policies DPD (2012) and paragraph 197 of the National Planning Policy Framework 2019.
2. The proposal would provide no-off street parking or disabled provision to serve the proposed development. This would result in additional kerbside parking to the detriment of highway and pedestrian safety and the free flow of traffic, contrary to policy 6.13 of the London Plan and policies CS9 and CS15 of the Local Plan Core Strategy (adopted September 2012) and policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012).

Principle of development

Whilst the site was previously used for a series of ancillary uses (storage and parking), the surrounding area is predominantly residential with a variety of detached and semi-detached properties as well as purpose built flatted buildings. Taking into account the predominate residential character of the area, it is considered that subject to relevant planning policy considerations, the principle of new residential development as the land use is acceptable on this site.

Housing Tenure and Mix

Barnet Policy CS4 aims to maximise housing choice providing a range of sizes and types of accommodation that can meet aspirations and increase access to affordable and decent new homes.

Policy DM10 requires 40% of housing provision to be affordable from all new sites providing 10 units. In line with the Core Strategy the tenure mix of affordable housing which will be sought is 60% social rented and 40% intermediate.

All the units proposed would be one bedroom and all offered at intermediate tenure for discounted sale. It is recognised and acknowledged that the proposal does not comply with policy DM10, however Officers have been in dialogue with the Council's Housing team who have confirmed that the model proposed by Pocket would be acceptable to the Council as affordable housing, as well as the proposed tenure mixture.

Pocket homes are all designed to be one-bedroom units for first time buyers. Taking this into account, the proposal would contribute to the Borough's housing stock and would consist of 100% affordable housing which is a significant positive aspect of the scheme. In addition, it is considered that one bed units would be appropriate in this location, adjacent to the underground station.

It is recognised that policy 3.8 of the London Plan concerning housing choice requires that 10% of new housing should be designed as wheelchair or easily adaptable for wheelchair users. Within the proposed scheme this would equate to the provision of 8 wheelchair units, however Pocket has advised it is not proportionate to the evidenced level of demand. Within the submitted Planning Statement, it states that Pocket has provided a number of wheelchair units in the majority of its developments, however, no Pocket units in all developments to date, have been sold to a wheelchair user despite best efforts in the marketing process. Pocket consider that this is principally due to the demographic of typical Pocket purchasers which is between 25 and 40; in this age range the requirement for part M4(3) wheelchair user dwellings is at lowest. Nevertheless, all the proposed units would be finished to M4(2) accessible and units can be altered in the future should the circumstances change in the future. Both buildings would be step free and have internal lift access to all levels.

Affordable Housing

As stated earlier, Pocket are a business dedicated to the provision of affordable homes in London. Pocket is a private developer that provides intermediate affordable housing delivering homes for first time buyers on an moderate wage in London.

Pocket builds an innovative form of affordable housing in London which does not require public subsidy. Housing affordability is secured in perpetuity through a Section 106 legal agreement requiring purchasers to demonstrate that their income is below the eligibility threshold designated by the Mayor of London for intermediate affordable housing. Pocket units are by definition affordable housing in accordance with the definition contained within Annex 2 of the NPPF. Pocket builds principally one-bedroom apartments that are designed specifically for single occupiers who want to own their homes outright. A 20% discount to the open market price for comparable flats in the same area is applied on the initial sales of Pocket homes. Pocket homes are sold to local people who either work or live in the Borough in the first instance.

Unlike conventional shared ownership and shared equity products whereby buyers increase their stake by 'stair-casing'. Pocket buyers own 100% of the equity and the value of their home from day one. Pocket's homes are restricted on resale to buyers with eligible household income (as designated by the Mayor of London) through Pocket's bespoke Section 106 legal agreement and this restriction is also enshrined in lease covenants. Priority is given to those who already live or work in the relevant borough; people on any intermediate nominations list operated by the Council; or who are otherwise approved by the Council. Pocket's homes therefore remain part of the intermediate housing stock in perpetuity.

On resale the Section 106 covenants require a vendor to sell the Pocket home to an 'eligible person' this is a person with an income below which the Mayor of London has deemed should be afforded the opportunity to buy intermediate affordable housing. The administrator supervises the sale and certifies that the purchaser is an eligible person. There are also restrictions on renting out the units. Restrictions mean that the units can only be bought by eligible persons and also effectively mean that the price at which they are bought and sold is below the price at which they would otherwise reach on the open market.

Pocket homes therefore qualify as affordable housing under both the current NPPF and London Plan and the draft London Plan because the homes satisfy the three key criteria contained within the definition of affordable housing:

- Restricted Eligibility;
- Provision to remain at an affordable price; and
- Cost Below Market Level

Restricted Eligibility

All buyers must have a household income below the Mayor's maximum household income threshold (currently £90,000). However, the average Pocket purchaser has a household income of £42,000. For resales the restriction on eligibility remains in place through the S106 agreement.

Provision to Remain at an Affordable Price

The lease for all Pocket homes includes conditions that oblige owners to follow the same eligibility rules when selling (or in exceptional circumstances renting) their home. Mortgage providers will not release their security to allow a sale to proceed unless Pocket, as Administrator, has issued a legal certificate confirming that the buyer is 'eligible'. This condition is relaxed only in the event the property has not been sold within 6 months of first marketing, and the eventual buyer is bound by the same restrictions on resale. In practice, all re-sales of Pocket's units to date have been to qualified eligible buyers, and Pocket considers that referrals from Councils' Housing Departments will ensure that this applies to most if not all future sales.

Through these conditions Pocket will ensure its homes remain affordable in perpetuity. It is anticipated that only rarely will the units be sold on the open market; however, this has not occurred once to date. This on-going requirement distinguishes these units from shared equity or shared ownership homes, whose buyers can over time acquire additional equity (so-called "stair-casing") until they own 100% and are no longer subject to any resale restrictions. In those circumstances any grant is repaid or eventually recycled by the original developer or Registered Provider but those homes, unlike Pocket's units, are forever lost to the intermediate housing stock.

Cost Below Market Levels

Pricing for the units is agreed with a valuer before they are released onto the market. Pocket commit to a discount of 20% to the local open market value for equivalent homes on the first sale. The open market value is set by an independent valuer assessing the local market values and can be supported by further valuations by other surveyors if queries are raised. Secondary sales do not include a fixed discount; however, the aforementioned restrictions imposed on the sale do remain in perpetuity. When an owner decides to sell their home, they appoint an independent valuer to determine the sale price. The valuer will have regard to the restrictions ensuring the units sell for below market value.

Restrictions to Borough Residents

Whilst not a formal requirement of meeting the definition of affordable housing, Pocket often applies a further restriction on the sale of its home to local residents or people who work in the borough. Thus, applicants must also either live or work in Barnet to be eligible for a Pocket homes.

The key benefit of this restriction is that it reduces demand on local transport, health and community infrastructure. This also enables people to stay in their communities.

Design, Layout and height

The proposal comprises of two roughly rectangular footprints with a centralised landscaped courtyard. The buildings would occupy a large proportion of the site but it is considered that there is sufficient space between the adjacent boundaries to provide appropriate setting for the proposal. In addition, there is sufficient space for considerable new landscaping along all the site's boundaries.

At ground floor level, the majority of rooms would face onto the entrance ramp and central courtyard, comprising of main habitable rooms which provides an active frontage. Areas of plant and refuse storage, as well as cycle storage are mainly located to the eastern façade facing on the underground tracks. Overall the proposed layout and siting of the proposed buildings are considered to be acceptable.

The topography of the site and surrounding area is such that the land slopes down from east to west. When viewing the east-west context in terms of built form, there is a gradual and consistent rise of building height and form. The buildings would be expressed as five storeys each with the top level having a small set back from all elevations. The applicants have undertaken and provided wider street sections which illustrate the heights and scale of the street scene along Woodside Park Road and Holden Road. Reviewing this, Officers consider that the proposal fits appropriately within the gradual rise of the area and the proposal is considered to respect this context and would not appear out of scale with the surrounding area.

The massing of the buildings is broken up with the incorporation of bays and levels which are repeated along the facades. Each bay predominately relates to an individual unit on each floor.

In order to address the previous refusal reason, a number of design amendments have been made to the proposed blocks that help the proposal better reflect the St. Barnabas Church building. The main alterations include the use of a warmer, redder brick colour, similar to that on the church and the replacement of the previous metal cladding on the top level with

an identical brick colour. Also, the detailing of the building has been amended to include more traditional features to reflect the historic and traditional characters of both St. Barnabas Church and the Underground Station; these detailing features include extended banding to mirror the church; traditional corbelling to reflect both the church and the station; and coining on window sills to respond to the station.

The use of red brick is acceptable and can be widely seen within the wider context but also now better reflects the adjacent St. Barnabas Church. The proposal incorporates the use of variances in the brick such as colour and orientation to help break up the massing and provide visual interest. These detailing features will the proposal appear more traditional in character and appearance.

It is considered that the proposed design changes have the effect of reducing the visual impact of the proposal, by incorporating the existing materiality of St. Barnabas Church and ensuring that the proposal has a positive relationship with the nearby heritage assets.

It should be noted that the proposed development is supported by the Council's Urban design team.

Impact on Locally Listed Buildings

St Barnabas Church and Woodside Park Station are both Locally Listed Buildings. In assessing the potential impact, Barnet Policy DM06 states that there will be a presumption in favour of retaining all Locally Listed Buildings. In this case, the proposal does not involve the loss of any locally listed buildings as they are located on adjacent sites. Therefore, any assessment is restricted to the potential impact on their setting. Paragraph 197 of the NPPF states that "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

In the previous application, the Council's Conservation Officer raised concerns that the setting of the church when viewed from the platforms of Woodside Park Station, for passengers on passing trains and from Holden Road will be lost. They consider that the height of proposed Block B is overly dominant and that the proposed external appearance conflicts with the church. There was also the concern that the view of the rear of the church would be obscured from the Underground Station and this was a historic visual relationship. These two issues were previous shared by the Area Planning Committee and the application was refused on this considered harmful impact.

Within this application, the applicant has submitted an updated heritage statement and addendum to address the previous raised concern, and in addition has provided a number of visualisation and verified viewpoints from Holden Road and the underground station. The view of the submitted heritage report is that the proposed development of the site will result in a minor change that will not significantly alter the contribution of the setting of the locally listed St Barnabas's Church to the significance of the asset. The report considers that the setting of the church has changed following the consent of schemes at No.42 and No.44.

With regards to the loss of views of the church from Woodside Park, the report states that the church is not visible along the vast majority of both the south and north bound platforms due to the presence of the station building and dense foliage. It is only when one walks to the southernmost and of the platforms that the roof of the church is partly visible. In addition,

views of the church when travelling along the northern line are fleeting and until recently would have been seen in the context of three portacabins which stood to the rear of the church for some 17 years.

However, the Council's Heritage Officer does not agree with the findings of the submitted report and does not consider that the proposed design amendments help mitigate the harm caused to the heritage assets.

It is acknowledged that the proposal will result in the loss of this view by virtue of the massing, siting and height of proposed block B and that this application does not reduce the scale. However, the proposal has incorporated other new design elements which seek to reference the traditional features of the church and station buildings. Previously, Planning Officers considered that this rear view is only available from short-distance views of the surrounding area. The only available public views of the rear of the church are experienced from users of Woodside Park Station from the platform and on the tube. There are limited views of the rear of the church from outside the station. Given the very limited view of the church and that it's only experienced from users of the Station, the loss of this view is not considered to be significant by Officers. In addition, the existing trees and vegetation currently provide considerable screening of this view which is not considered as prominent. As such this impact is still considered to be minimal by Officers.

In terms of the scale and height of proposed block B, when you view the street scene elevations from Holden Road, the height of Block B would not exceed the height of the church. Additionally, it is important to note the flank elevation of the four storey properties at Hoptree Close are currently visible behind the Church when viewed from Holden Road, thus affecting its setting. The submitted Holden Road visualisations and viewpoints demonstrate the proposal would not dominate the church building and Officers are satisfied that there is no adverse harm in this regard. Adjacent to the church, the site is under development for the erection of a large flatted building. This will have a more considerable impact on the current view experienced along Holden Road. The proposed scheme will be sited further back and will be screened by the existing and proposed landscaping. It is acknowledged that view of the proposed development will be visible between sites and will introduce a new visual element to the surrounding area. When experiencing the views of St Barnabas Church along Holden Road, it is considered that the Church still maintains its prominence within the street scene and the views of the proposal will only be experienced in between buildings.

Planning Officers consider that the proposed layout, height, scale and bulk and external appearance have been carefully considered in terms of the site's constraints, wider context and urban form. Overall, the proposal is considered to be of a high quality in terms of form and detailed appearance. However, the previous concerns raised by the Council's heritage officer and Area Planning Committee are acknowledged and it is noted that the proposal will have a level of harm upon the setting of the Locally Listed Buildings.

As required by the NPPF, applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. This will be made within the 'Planning Balance' section at the end of the report.

Impact on the amenity of adjacent occupiers and surrounding area

Barnet policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining users. Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission.

Privacy, overlooking and outlook

Barnet's Residential Design Guidance SPD states that there should be a minimum distance of about 21m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5m to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justification justifications.

The site is located within a residential area with a variety of building forms. In terms of potential impact there are existing residential properties to the east and west of the site.

To the east there are purpose built flatted buildings (Winterberry, Carolina and Silver Bell Court) which vary in height. However, their main orientation is north-south with only a row of single windows along the west elevation facing towards the proposal. In addition, these buildings are located across the underground tracks, with a distance varying between 28-31m and therefore Officers are satisfied that they would not be harmfully affected by the proposed development in terms of overlooking.

To west of the site lie the rear gardens of the residential properties of Holden Road. To the west of building A are two pairs of semi-detached properties, a detached property comprises of flats in the middle and St Barnabas Church to the west of Building B. Officers acknowledge that St Barnabas Church is currently being converted to flats and the adjoining site at No.42 is currently under construction. No.44 also benefits from a recent permission to demolish the existing building and erect a new flatted building. It is noted along this western boundary that there are areas of significant and mature planting which will help limit or screen views towards the sites. In terms of separation distances, there would be varying distances of between 6m to 8m from the western elevations of the buildings and the boundary. In terms of window-to-window distances between the properties at Nos. 42-52 Holden Road, there would be approximate distances of 35m to 50m. In terms of direct overlooking, the proposal would comply and exceed the window-to-window requirements. Whilst there would be shorter window to boundary distances, Officers consider that the existing mature trees and dense vegetation along the boundary would provide significant screening and help mitigate any perceived levels of overlooking from neighbouring gardens.

At the southern end, the separation distances between the proposal and the St Barnabas scheme are much less, with proposed windows facing onto the site. There would be approximately 6m to the boundary and 16m to the rear elevation of St Barnabas. Within the submitted Design and Access statement, the applicant has undertaken detailed analysis of the potential impact of the converted church units. It has been analysed that a number of proposed windows serve as secondary windows. Officers have also assessed the potential impact and consider that the impact will not be significantly detrimental. In addition, it is noted that new landscaping is proposed along the western boundary which may help reduce the potential impact.

In summary, Officers are satisfied that the proposed development will safeguard the residential amenity of the neighbouring occupiers along Holden Road and the future occupiers of the development under construction.

Residential amenity within the proposed development

In terms of the amenity for future occupiers, the Planning Authority expects a high standard of internal design and layout in new residential development to provide an adequate

standard of accommodation. The London Plan and Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

All the units proposed are one-bedroom units measuring 38sqm. A number of design principles are incorporated into all Pocket schemes in order to maximise space, comfort and sustainability. This includes floor-to-ceiling windows, a low ratio of circulation spaces to liveable space, high quality sound proofing, built in storage and high quality internal and external amenity spaces. All of the units would exceed the 37sqm national minimum requirement.

The majority of units would be single-aspect, which is not an issue in principle, as none of the units would be north facing. Each unit would benefit from floor to ceiling windows to increase the level of daylight and sunlight received into each unit. The applicant has submitted a Daylight and Sunlight Study, to assess the whether the proposed habitable rooms will receive satisfactory levels of daylight and sunlight. The study demonstrates that all of the proposed habitable rooms would receive a high level of both daylight and sunlight and would exceed BRE targets by significant margins.

As the site is located adjacent to the underground tracks, a Noise and Vibration Assessment has been undertaken and submitted in support of the application. The assessment advises that with a well-built building fabric and good quality double-glazed windows, both these elements would contribute towards a significant reduction of ambient noise levels. In terms of vibration, the assessment states that there is a low probability of adverse impact from future occupiers. The Council's Environmental Health Officers have raised no objections.

Overall, Officers are satisfied that that high standard of accommodation would be provided for future occupiers.

In terms of outdoor amenity space, Barnet's Sustainable Design and Construction SPD sets out the minimum standards for outdoor amenity space provision in new residential developments. Flats are expected to provide 5sqm of usable outdoor communal or private amenity space per habitable rooms. All of the ground floor units within both buildings would benefit would be provided with private amenity spaces. In addition, the proposed would provide 860sqm of external communal amenity space on the roofs of both buildings and within the courtyard and south western linear garden. The provision of external spaces is therefore compliant with Barnet requirements but Officers are satisfied that the proposed spaces would be useable and available throughout the year and would help create a sense of community within the development.

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.

The Council's Traffic and Development service had previously raised concerns regarding a car free scheme at this location given that the site is not located within a Controlled Parking Zone (CPZ) and the non-provision of disabled parking spaces.

The development is still proposing a car free scheme; however, the applicant is now providing 2no. wheelchair accessible spaces to the front of the development should the need arise, which can be provided should one of the units be purchased by a disabled user. These disabled spaces will be installed for the sole use of residents and signs will be erected to encourage compliance. Highways and TfL have confirmed that they are satisfied with the provision of disabled spaces. Pocket developments are generally car free as the purchasers are young people who commute to work using public transport. The risk of overspill parking is therefore considered low and can be overcome by a range of mitigation measures as outlined below.

Whilst Highways have been advocating for parking spaces, they acknowledge that potential parking displacement and overspill can be overcome by a range of mitigation measures. These include a contribution towards the review and implementation of a CPZ, permit restrictions, a contribution towards the provision of a car club space in the vicinity of the area and the travel plan measures. With these mitigation measures, Highways consider that these would sufficiently alleviate any potential parking displacement issues. The applicant has agreed to all these financial contributions and they will be secured by S106 obligations.

In light of the above, Officers consider that the agreed measures would satisfactorily overcome the previous reason for refusal and would ensure that there is no adverse parking displacement or overspill into the surrounding area. The proposal is therefore considered to be acceptable on highways grounds.

Trees, landscaping and ecology

Trees

The application is accompanied by an Arboricultural Impact Assessment & Method Statement (25/03/2019). The site comprising of trees of varying values, age and categories. There are also a number of mature trees along the western boundary. The very large Horse Chestnut tree adjacent to the north-west corner of the site has been recently safeguarded under a Tree Protection Order (TPO). Proposed tree removals are proposed within the site and the scheme proposes suitable protection fencing and bespoke construction measures to ensure that the existing western trees are protected during construction and in the future once the development is completed.

The application has been reviewed by the Council's Arboricultural Officer and further information and details has been provided in relation to the foundations in the north-west area. The revised plans illustrate that the building is to be built of pile and beam foundations which will reduce the risk of harming tree roots and would retain space for tree root growth. Officers are therefore satisfied the proposed measures are satisfactory and protected TPO tree and western sited trees will be appropriately safeguarded.

Landscaping

The proposed landscape design seeks to deliver a high-quality resident focused environment through the provision of well-considered spaces and carefully identified planting and materials. The primary entrance to the site is at the northern boundary where the aim is to create a safe and functional access arrangement for all users, providing a pedestrian focussed paved space leading down the western part of the site. Within the central part of the site, there will be a courtyard created between the two blocks with new ornamental trees, to help create a space where the residents of both blocks can meet. Along the western boundary, a linear community garden is proposed, with seating and sensory planting.

The two roof terraces will offer additional areas of amenity space for residents. The terraces will primarily comprise of raised planting areas, pergola structures and seating.

Ecology

The application is supported by a Preliminary Ecological Appraisal (October 2018) undertaken by ACD Environmental Ltd. The appraisal comprised of a desk study and an Extended Phase 1 Survey. The report advises that the site primarily comprises of scrub and ephemeral/short perennial grassland. The results of the survey have advised that neighbouring trees on the adjacent land have ecological value. These trees will not be affected by the proposed development but a number of mitigation and enhancement measures are proposed during the construction phase and will remain once the development is constructed.

The Council's Ecological Consultants have been consulted and have commented that the submitted EclA report has set out mitigation aimed at ensuring no net loss in biodiversity and no adverse effects on protected species, to support the planning application. The mitigation will ensure compliance with relevant legislation and policy. The recommended enhancements in the form of wildflower meadow creation, new tree and hedgerow planting, wildlife beneficial borders, compost bins and bat and bird boxes will provide a net gain biodiversity in accordance to NPPF and Local Planning Policy CS7.

Sustainability

London Plan Policy 5.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in new developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayors targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy.

The application is accompanied by an Energy Statement from TUV SUD (February 2019) which sets out how the development accords to the London Plan energy hierarchy.

Be Lean

Passive design measures included within the development to reduce energy demand would include the following:

- energy efficient building fabric and insulation to all heat loss floors, walls and roofs;
- high efficiency double-glazed windows throughout;

- efficient building services including high efficiency heating systems;
- low energy lighting throughout the building.

These measures are assessed as providing a 1% reduction in regulated CO2 emissions.

Be Clean

At the present date, there is no decentralised heating network in close proximity of the site. However, the scheme shall be future proofed with space allocated in the plantroom for heat exchangers and pump sets to enable future connection. The proposal seeks to install a Combined Heat and Power (CHP) due to the energy demands of the site. The CHP is assessed as providing a 24% reduction in regulated CO2 emissions.

Be Green

The applicant has investigated the feasibility of range of low and zero carbon technologies for the development and is proposing to install roof mounted solar photovoltaic panels.

The installation of PV panels will result in a reduction of 11% reduction in regulated CO2 emissions.

Summary

Overall, an on-site reduction of 39 tonnes of CO2 per year in regulated emissions compared to a 2013 Building regulations compliant development is expected for the development, equivalent to an overall saving of 37%. The carbon dioxide savings exceed the on-site target set within policy 5.2 of the London Plan.

New residential developments are required to meet the zero-carbon target. The applicant is therefore required to mitigate the regulated CO2 emissions, equating to a financial contribution of £70,601.89 to the Borough's offset fund.

Flood Risk and SUDS

Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does no cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels".

The application is accompanied by a Drainage Strategy Report from Whitby Wood Limited (February 2019). This has been assessed by the Council's appointed drainage specialists who, following the submission of further details, have raised no objection to the development. If permission were granted, a condition securing the submission of a surface water drainage scheme would be attached.

5.4 Response to Public Consultation

Design, scale and height - This is considered and addressed within the report. Officers consider that the design is of a high quality, responding appropriately to the levels of the site and surrounding area and incorporates a predominate red brick which is appropriate to the site's context.

Overprovision of flats in this area and greater need for larger family flats - Officers consider that 1-bed units are highly appropriate for this highly accessible location and that family units would not be suitable. Taken into account the targeted demographic of Pocket users, this location is ideally located, particularly for young, single professionals or those who struggle to afford elsewhere in the Borough.

Impact on the setting of the locally listed St Barnabas Church and Woodside Park Station. Loss of view of the church from the station - This is thoroughly assessed within the report. Officers have taken a balanced judgement that the provision of a high-quality development that provide 100% affordable housing would outweigh any adverse effect on the non-designated heritage asset.

Impact on neighbouring amenity - This has been assessed within the report. Officers consider that the proposal would not detrimentally harm the residential amenity of neighbouring occupiers. The application is supported by a Daylight and Sunlight Assessment which demonstrates that recommended BRE requirements would be met. Officers consider that there is sufficient separation distances between neighbouring properties and that existing and enhanced landscaping will help mitigate any potential overlooking / overbearing impact.

Highways and parking -The application is subject to a legal agreement which seeks contributions towards the review and implementation of a CPZ and for future occupiers to be restricted for applying for residential parking permits. Therefore, these mitigation measures are considered to help alleviate any parking displacement/overspill issues.

Impact on trees- This has been assessed within the report and by the Council's Arboricultural Officer. The proposal is considered to adequately protect trees on and around the site.

6. Equality and Diversity Issues

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

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

The site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site.

A potential negative impact will be the non-provision of any specific wheelchair adaptable units with the proposal. However, Pocket have provided justification for not providing on-site M4(3) units which is based on evidence gathered from all other Pocket developments. To date, Pocket advise that no wheelchair unit has been sold to a wheelchair user. Whilst no wheelchair adaptable units will be provided on-site, Pocket advise that units can be altered should circumstances change in the future. Capacity for two wheelchair accessible parking spaces have now been provided within the scheme. Nevertheless, the development will be fully constructed to M4(2) standards including step-free pedestrian access to all levels. On balance, whilst this is identified as a negative impact, Officers considered that there are acceptable justifying reasons to deviate from planning policy in this instance.

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

7. Conclusion

In order to make a recommendation on the application, it is necessary to take a balanced judgement based on all the issues identified as discussed within this report. It is noted that the site's location adjacent to the underground tracks, as well with the site levels pose challenging constraints. Significant harm had previously been identified by the Area Planning Committee that resulted in the application being refused for the impact on the Locally Listed Building. However, it is considered that the additional heritage information submitted and the resolution of the previous highways issue, in combination with the high-quality design, with further design amendments and the provision of 100% affordable housing, the previous identified harm is considered to be outweighed by the proposed benefits. The typology of 1-bed units, adjacent to the tube station is considered to be very appropriate. The scale, height and massing is considered to be acceptable and has been progressed, in conjunction with Officers, as a direct response to the site constraints. These factors including the use of red brick are considered to help the proposal integrate successfully within the surrounding area and have a more positive relationship with the adjacent heritage assets.

Having taken all material considerations into account, the application proposed the redevelopment of a highly accessible and under-utilised small site and will provide 86no. affordable units which will provide a significant benefit to the Borough and its housing supply. Subject to mitigation, measure relating to highways, noise, contamination, air quality transport impact and sustainability will be secured via S106 obligations and relevant conditions.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development

plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development generally and taken overall accords with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 Agreement, **APPROVAL** is recommended subject to conditions as set out above.



Location Land To Rear Of 46 - 48 High Street Barnet EN5 5SJ

Reference: 19/5044/FUL

Received: 13th September 2019

Accepted: 18th September 2019

Ward: High Barnet

Expiry 13th November 2019

Applicant: c/o Agent

Proposal: Partial demolition of existing retail unit. Erection of 2 storey building with pitched roof (below 50deg) with office use at ground floor level and 3no flats above, to include 1 x 1 bed flat and 1 x 2 bed flat at first floor and 1 x 1 bed flat at second floor, within the roof space. Associated refuse/recycling store, cycle store

AGENDA ITEM 12

Recommendation: Refuse

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

- 1 The proposed development, by reason of the siting, scale and poor design of the building, including a higher, more dominant and more complex roof form, and associated features and its prominent corner location would cause harm to the character and appearance of the general locality and fail to preserve or enhance the character and appearance of the Conservation Area. As such, the proposal would be contrary to the NPPF 2012, Policies CS1 and CS5 of the Barnet Local Plan Core Strategy 2012, policies DM01, DM02 and DM06 of the Barnet Local Plan Development Management Policies Development Plan Document 2012, the Wood Street Character Appraisal and SPD: Residential Design Guidance 2016.
- 2 The proposed two storey building by reason of its size, massing, positioning and proximity to neighbouring properties would lead to a detrimental loss of outlook for neighbouring occupiers, detrimental to their residential amenity. As such, the proposal is contrary to Policy CS5 of the Barnet's Local Plan (Core Strategy) 2012 and Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD 2012, SPD: Sustainable Design and Construction (Adopted 2016) and SPD: Residential Design Guidance (Adopted 2016).

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

Informative(s):

- 1 The plans accompanying this application are: 1924-NMA-00-00-DR-B-00100, 1924-NMA-00-00-DR-A-00001, 1924-NMA-00-00-DR-A-00002, 1924-NMA-00-01-DR-A-00100, 1924-NMA-00-02-DR-A-00100, 1924-NMA-00RF-DR-A-00100, 1924-NMA-00-00-DR-A-00101, 1924-NMA-00-ZZ-DR-A-00201, 1924-NMA-00-ZZ-DR-A-00203, 1924-NMA-00-ZZ-DR-A-00300
- 2 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

Councillor Call-in

This planning application would normally be considered under Officer Delegated powers. However, it has been “called in” by Councillor Prentice, at the request of Councillor Gordon.

Councillor Prentice states that her reasons for the call in are that she would like “the committee to reach a decision on residents’ concerns with reference to the roof and parking. I believe this should be done via the committee”

Officer’s Assessment

1. Site Description

The application site comprises a three-storey building with a hipped roof at the junction with the High Street and Park Road, with land to the rear. The site lies within the Wood Street Conservation Area, although the subject property is not statutorily listed.

The site is also located within the Chipping Barnet Town Centre and the existing building on the site forms part of the Secondary Shopping Frontage.

2. Site History

Reference: 17/3983/FUL

Address: 46 - 48 High Street, Barnet, EN5 5SJ

Decision: Refused and Dismissed at Appeal

Decision Date: Refused 20th December 2017. Appeal Dismissed 20th July 2018

Description: Partial demolition of existing retail unit. Erection of a two-storey building with two-storey front and side projections to facilitate 4no self-contained flats. Insertion of balconies to half of front elevation and side projection. Amenity space, cycle storage and refuse and recycling storage.

Reasons for refusal:

1. The proposed development, by reason of the siting, scale and poor design of the building and associated features and its prominent corner location would cause harm to the character and appearance of the general locality and fail to preserve or enhance the Conservation Area. As such, the proposal would be contrary to the NPPF 2012, Policies CS1 and CS5 of the Barnet Local Plan Core Strategy 2012, policies DM01, DM02 and DM06 of the Barnet Local Plan Development Management Policies Development Plan Document 2012, the Wood Street Character Appraisal and SPD: Residential Design Guidance 2016.

2. The proposed two storey building by reason of its size, massing, positioning and proximity to neighbouring properties would lead to a detrimental loss of outlook for neighbouring occupiers, detrimental to their residential amenity. As such, the proposal is contrary to Policy CS5 of the Barnet's Local Plan (Core Strategy) 2012 and Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD 2012,, SPD: Sustainable Design and Construction (Adopted 2016) and SPD: Residential Design Guidance (Adopted 2016).

3. As amended for the purposes of defending the appeal:

The proposed external amenity space of all units by reason of their positioning and proximity to the public highway, would provide inadequate useable private amenity that would be detrimental to the amenity of future occupiers contrary to Policy CS5 of the Barnet's Local Plan Core Strategy 2012 and Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD 2012, SPD: Sustainable Design and Construction (Adopted 2016) and SPD: Residential Design Guidance (Adopted 2016).

4. Inadequate information has been submitted in respect of the treatment of the rear of the host building and the local planning authority is therefore unable to properly assess the impact of the proposed development on future occupiers of the host building and the application site. In the absence of detailed information it is considered that the proposed development would result in harm to the amenity of future occupiers contrary to the Council's policies CS5 of the Local Plan Core Strategy (Adopted September 2012), policies DM01 and DM02 of the Local Plan Development Management Policies DPD (Adopted September 2012) and the SPD: Residential Design Guidance 2016 and SPD: Sustainable Design and Construction 2016.

Reference: 18/5089/FUL

Address: 46 - 48 High Street, Barnet, EN5 5SJ

Decision: Approved following legal agreement

Decision Date: 29.04.2019

Description: Partial demolition of existing retail unit. Erection of 2 storey building with office use at ground floor level and 2no flats at first floor level. Associated refuse/recycling store, cycle store.

Reference: 17/6004/CON

Address: First and Second Floor Maisonette, 46 - 48 High Street, Barnet

Decision: Approved

Decision Date: 17 November 2017

Description: Submission of details of condition 3 (Materials) pursuant to planning permission 16/4386/FUL dated 24/04/17

Reference: 16/4386/FUL

Address: First and Second Floor Maisonette, 46 - 48 High Street, Barnet

Decision: Approved, following legal agreement

Decision Date: 24 April 2017

Description: Conversion of first and second floors of the existing building to 4 no self-contained residential units. Second floor rear extension.

Reference: 16/1216/192

Address: Pop-In, 46 - 48 High Street, Barnet

Decision: Lawful

Decision Date: 2 March 2016

Description: Change of Use of ground floor premises from Use Class A1 (Retail) to Use Class A2 (Financial and Professional).

Reference: 15/07184/FUL

Address: 46 - 48 High Street, Barnet, EN5 5SJ

Decision: Refused

Decision Date: 21 January 2016

Description: Conversion of first and second floors of the existing building to 3 no self-contained residential units. Alterations to the existing building include demolition of the single storey rear extension, construction of second floor rear extension and terrace, and changes to fenestration including insertion of new windows. Construction of 3 storey building at the rear of the property to create 6 no residential units.

Reference: 19/5089/FUL

Address: 46 - 48 High Street, Barnet, EN5 5SJ

Decision: Recommended for approval subject to legal agreement

Decision Date: Pending

Description: Roof extension to provide 1 no. self-contained flat at third floor level

3. Proposal

Partial demolition of existing retail unit. Erection of 2 storey building with pitched roof (below 50deg) with office use at ground floor level and 3no flats above to include 1 x 1 bed flat and 1 x 2 bed flat at first floor and 1 x 1 bed flat at second floor. Associated refuse/recycling store, cycle store.

4. Public Consultation

Consultation letters were sent to 138 neighbouring properties. 13 responses have been received, comprising 13 letters of objection and one letter of representation.

The objections received can be summarised as follows:

- Loss of daylight
- Loss of sunlight
- Increase in noise
- Loss of a view
- Loss of privacy
- Loss of parking
- Over development
- The office could become residential use too
- There should be no rooflights
- Noise from the development

External Consultation

Historic England - No objection, subject to conditions.

Monken Hadley and Wood Street CAAC, 8th October 2019 Meeting: Concern over visual impact of dormer windows and balconies.

Internal Consultation

Urban Design and Heritage - the proposal diminishes the approved scheme, with the odd roof form and uncharacteristic dormers.

Highways - No objection, subject to legal agreement to restrict the ability of future occupants to apply for residents parking permits, and 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 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, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06, DM , 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;
- Whether the dwelling would provide a suitable standard of accommodation;
- The principle of office space in this location;
- Whether harm would be caused to highway safety.

5.3 Assessment of proposals

Impact on the character of the area

It is evident from the planning history section of the report set out above there are a number of recent planning decisions on the site, including a refusal subsequently dismissed at appeal.

This proposal is said to be informed by the previously refused and approved schemes for the site. The refused scheme (17/3983/FUL), like the current proposal was a two-storey building with a pitched hipped roof and side wing with lower pitched roof. As a result, the Inspectors decision (APP/N5090/W/18/3197844) is a material consideration that should have significant weight attached to it. That proposal, although for four flats to the ground and first floor, was within a building with a relatively low set pitched roof form without dormer windows or roof lights. The scheme was not, consequently, refused on design and conservation grounds. Key extracts from the Planning Inspector's Report are as follows:

In particular paragraph 8 -

"The proposed building would be reasonably simple in its design and the hipped roof would slope away from Park Road to ensure that the building was not over dominant within the street scene..." is relevant in the way the Inspector considered the earlier scheme.

Paragraph 9 –

"...the proposed development would be subservient in scale"

Paragraph 7

"it would reflect the two-storey nature of properties along the road further emphasise the subordinate nature of the building".

The scheme was dismissed at appeal (20 July 2018) and following this a second proposal (ref 18/5089/FUL) was submitted. This proposal was approved under delegated powers after amendments were made to it as the scheme was considered to be acceptable. Key to this proposal being acceptable was its subservience relative to the substantive building

fronting the High Street. The roof height and scale was low and there were no dormer windows, or roof lights, to break up the form. The scheme retained a wing at the northern end, but like the previous proposal, this had a pitched roof to it. Moreover, the elevations of the scheme were more simple than those of the refused appeal scheme and the openings for balcony areas reduced in length. Making a different decision to the one made on the appeal proposal was, therefore, a reasonable approach.

The current proposal, in order to accommodate an additional unit within the roof space, requires an alteration and increase to the pitch of the roof as well as the introduction of dormer windows and roof lights. It introduces a more irregular and haphazard ground floor arrangement of door and window openings. Furthermore, it introduces a flat roof, two storey addition to the northern end which is clearly an incongruous element, does not sit comfortably with the principal hipped roof of the building and is not appropriate or characteristic of the conservation area. This would introduce an element of complexity to the design and it would lose the simple and sympathetic roof form of the previously approved scheme.

Although a different roof form and change to fenestration has been considered and put forward by the applicant, this will of course affect the quality and quantity of proposed accommodation and amenity space. The approved scheme had a relative simplicity to its form. It had a simple pitched, hipped roof without either dormer windows or roof lights. This plain and unbroken roof would be a modest and subservient addition to the streetscape and was only intended as a roof and not as a space for further accommodation. As a result of the current proposal seeking to accommodate a third unit within the roof space the design has been compromised to the extent it would no longer be a simple and subservient rear building, but one that has become more complex, bulky and dominant in the streetscape.

The increase in the roof pitch, the introduction of dormer windows and roof lights and a flat roof element would present a very different building compared to the approved scheme. It would also introduce issues that the Planning Inspectorate had previously considered to be unacceptable in the appeal scheme. The approved scheme was one that achieved a successful balance between being an appropriate scale, form and design for the conservation area, protecting neighbour amenity, as well as providing acceptable internal accommodation and standards. The current scheme has clearly lost that balance. Consequently, it would be harmful to the setting of adjacent locally listed buildings and to the character and appearance of the conservation area.

Impact on the amenities of neighbours

When the Council considered application 18/5089/FUL it noted the site is located adjacent to the large Vantage Point building and which has several windows with a direct view of the site. Concerns over the impact of the development on the outlook for the occupiers of these properties were raised at the time, but the Inspector in their decision considered the outlook would not be unduly harmful or that adequate light would not be received.

The current proposal seeks to increase the pitch of the roof, and whilst this is a relatively modest change, it would have a bearing on the outlook of residents of Vantage Point, particularly at the lower floors. The alteration in the height of the roof would exacerbate the situation regarding light and outlook and given the relatively short distance between the properties of approximately 10 metres there would be an increased impact on their amenity.

Whether the dwelling would provide a suitable standard of accommodation

The current application addresses this area of concern in the following ways:

Flat 1 would have a south facing balcony of approximately 8sq m.

Flat 2 would have an east facing balcony of approximately 5sq m.

Flat 3 would have an east facing balcony of approximately 7sqm.

The development is considered to provide satisfactory private amenity space for each of the three residential units.

Flat 1 is a 1 bed 2-person unit measuring 51 sqm.

Flat 2 is a 2 bed 3-person unit measuring 61 sqm.

Flat 3 is a 1 bed 2-person unit of 71 sqm.

As such, the units comply with the minimum space London Plan space standards.

It is proposed to obscure glaze the first-floor windows in the north (rear elevation). All of these windows serve non-habitable rooms and as such this is acceptable.

All habitable rooms within the proposed flats would have a reasonable level of light and outlook from the windows in the south, west and east elevations.

In summary, it is considered that the proposed development would provide a satisfactory quality of accommodation for future occupiers.

The suitability of offices in this location

The current application, like the previously approved scheme, proposes office space at ground floor level (2 units of 53 sq m and 62 sq m respectively, total 115 sq m). The site lies within a Town Centre location where mixed-use buildings are characteristic. The proposal for a mix office and residential building is, therefore, considered to be acceptable in principle.

Impact of the proposal on highway safety

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.

Policy DM17 sets out parking standards as follows for the residential use:

For 1-bedroom units 0.0 - 1.0 space per unit.

For 2-bedroom units 1.0 - 1.5 spaces per unit.

The proposal is for a residential development for 3 residential units comprising 2 x 1-bedroom unit and 1 x 2 bedroom unit. Based on the above parking standards, the parking requirement for the proposed development is calculated as follows:

A range of 1.0 - 3.5 parking spaces is required.

Therefore, the proposed development would require parking provision of between 1 to 3.5 parking spaces in accordance with Policy DM17. The proposal provides for no off-street parking provision.

The Council's Highways team has reviewed the submitted scheme and comment that taking into account that the site is located within a town centre, on balance the proposed application without any parking provision on site, but with permit exemption (exemption of future residents from obtaining parking permits) would be acceptable on highway grounds, subject to securing this via a Section 106 legal agreement. Failure to control any increase in on-street car parking in the locality that would derive from the development would be unacceptable and would potentially prejudice highway safety.

Members should note that the previously approved 18/5089/FUL which proposed 2 flats on the site was subject to a similar "car-free" agreement restricting the ability of residents to apply for car parking permits. A legal agreement was subsequently signed by the parties in connection with that application to ensure that the necessary control was in place and a similar agreement also needs to be in place now. No such agreement exists and, therefore, there needs to be a reason for refusal on these grounds.

Cycle parking within the application site needs to be provided in accordance with the London Plan Cycle Parking Standards and a condition would be required were permission to be given in order to secure this.

Accessibility and Sustainability

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

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

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

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

5.4 Response to Public Consultation

The objections are addressed in the evaluation.

6. Equality and Diversity Issues

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

7. Conclusion

The application has sought to provide additional accommodation within the roof space. Whilst in principle this form of development is not necessarily unacceptable in every instance, the requirement to provide adequate internal living accommodation has resulted in alterations to the form and appearance of the building that would be significantly harmful to the character and appearance of the conservation area and affect the amenities of the adjacent residents of Vantage Court. It is noted that any attempt to address the design and impact on neighbour amenity will be likely to result in an unacceptable standard of internal accommodation for the additional unit being proposed here.

The proposal is, therefore, considered not to accord with the requirements of the Development Plan and is therefore recommended for refusal.

Recommended conditions in the event of appeal

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 1924-NMA-00-00-DR-B-00100, 1924-NMA-00-00-DR-A-00001, 1924-NMA-00-00-DR-A-00002, 1924-NMA-00-01-DR-A-00100, 1924-NMA-00-02-DR-A-00100, 1924-NMA-00RF-DR-A-00100, 1924-NMA-00-00-DR-A-00101, 1924-NMA-00-ZZ-DR-A-00201, 1924-NMA-00-ZZ-DR-A-00203, 1924-NMA-00-ZZ-DR-A-00300

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 north west elevation facing Vantage Point shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

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

6. Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 5 long stay and 1 short stay spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of bicycles in connection with the approved development.

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

7. No site works 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. Construction Management 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. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- v. Details of interim car parking management arrangements for the duration of construction;
- vi. Details of a community liaison contact for the duration of all works associated with the development.

vii. Provision of a competent banksman.

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

8. Condition: Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved delivery service plan.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

9. Prior to commencement of the development a Condition Survey of the existing public highway shall be undertaken and the result submitted to the Local Planning Authority. Within one month of the construction work ceasing a second road condition work shall be undertaken and the results submitted to the Local Planning Authority. Thereafter, any damage to the public highway identified by the two condition surveys shall be rectified by the applicant in agreement with the Highway Authority within one year of the development being constructed.

Reason: Details are required to be submitted prior to the commencement of development to provide a record baseline assessment of the condition of the highway in the interest of highway safety.

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

Reason: Details are required to be submitted prior to the commencement of development to provide a record baseline assessment of the condition of the highway in the interest of highway safety.

