

MEETING

CHIPPING BARNET AREA PLANNING COMMITTEE

DATE AND TIME

TUESDAY 11TH FEBRUARY, 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: Tristan Garrick 020 8359 2454

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.

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Decisions of the Chipping Barnet Area Planning Committee

7 January 2020

Members Present:-

AGENDA ITEM 1

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

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

CHAIRMAN'S INTRODUCTION

The Chairman welcomed everyone to the meeting, noting that the running order had been changed, the meeting was being recorded and that both the Wood Street applications had been withdrawn on Officer advice.

1. MINUTES OF LAST MEETING

RESOLVED that the minutes of the meeting held on 12 November 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 in the addendum would be dealt with under individual agenda items.

6. SHELL STIRLING CORNER PETROL FILLING STATION (HIGH BARNET)

The Committee received the report and voted on the Officer recommendation for approval:

For	7
Against	0
Abstained	0

RESOLVED

1. That the Council, under Regulation 7 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 confirms the London Borough of Barnet 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.

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

The Committee received the report and the addendum to the report.

Representations were heard from Olivia Ellah, David Moss, Theresa Villers MP and the Applicant.

A vote was taken on approving the application, subject to the following additions:

Subject to:

1. An amendment to condition 22 (Ecological Report) to read as follows:

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, provision of swift box 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).

2. An amendment to the planning obligations to be secured under Section 106 of the Town and Country Planning Act 1990:

a. To agree a Marketing Plan with the Council to market the affordable units for a period of 6 months to Eligible Persons who have lived or worked within the London Borough of Barnet for a minimum period than 3 months.

b. To enable the use of the CPZ Review and Implementation Contribution towards a wider exercise to mitigate parking congestion in the immediate area attributable to the Development.

Note to officers:

Officers are advised to ensure sufficient tree planting when details of discharge of landscaping condition is sought by the applicant.

Also, Members requested both Condition 3 (Materials) and Condition 12 (Hard and Soft Landscaping) applications to discharge be referred back to CB Area Planning Committee for their decision.

For	5
Against	2
Abstained	0

RESOLVED that the application be approved, subject to s106, the addendum and the additions outlined above 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 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. LAND AT 49 AND 51 BERESFORD AVENUE LONDON N20 0AD (BRUNSWICK PARK)

The Committee received the report.

Representations were heard from Rob Tsintas, Kirsty Fraser, Councillor Rutter, Theresa Villers MP and the Applicant.

There was a 5 minute adjournment at 8.35pm, to check that due process had been followed, to ensure correct Certificate of ownership had been signed and notices had been served on the interested parties. Following adjournment it was confirmed by officers that correct certificate of ownership had been signed and notices were served properly.

A vote was taken on approving the application in line with Officer recommendations:

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

It was moved by Councillor Weeden-Sanz and seconded by Councillor Patel that the application be refused for the following reasons:

The development would result in an increased level of vehicular activity on the proposed vehicular access road and 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. The increased vehicular activity would also impede the movement of larger vehicles on Beresford Avenue as a result of the narrow turning point at the top of the cul-de-sac. As such this would be contrary to Policy DM01 of the Development Management Policies (2012) and CS5 of Barnet's Core Strategy (2012).

For (Refusal)	7
Against (Refusal)	0
Abstained	0

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

9. THE SURGERY 27 WOOD STREET BARNET EN5 4BB - 195176 FULL (UNDERHILL)

Withdrawn.

10. THE SURGERY 27 WOOD STREET BARNET EN5 4BB - 195177 LBC (UNDERHILL)

Withdrawn.

11. 124 WHITEHOUSE WAY LONDON N14 7LU (BRUNSWICK PARK)

The Committee received the report and addendum to the report.

Representations were heard from Mrs Frazzani and the Applicant's agent.

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

For	4
Against	2
Abstained	1

RESOLVED that the application be approved 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 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. LAND TO REAR OF 46 - 48 HIGH STREET BARNET EN5 5SJ (HIGH BARNET)

The Committee received the report.

Representations were heard from the Applicant's agent.

The Committee voted on the Officer recommendation to **refuse** the application:

For (Refusal)	4
Against (refusal)	2
Abstained	1

RESOLVED that the application be refused 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 reasons for refusal as set out in this report 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)

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

None.

The meeting finished at 9.20pm

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Location 183 Victoria Road Barnet EN4 9PA

Reference: 19/3313/FUL

Received: 12th June 2019

Accepted: 19th June 2019

Ward: East Barnet

Expiry 18th September 2019

Applicant: Mr Paul Nanasbaum

Proposal: Demolition of the existing car sales buildings and workshops and erection of a part single, part two, part three and part four storey building providing new car sales showroom at ground floor level and 15no. self-contained flats on upper floors, plus new single storey workshop building. Associated amenity space, hard and soft landscaping and refuse storage, cycle parking and 25 off-street parking spaces

AGENDA ITEM 6

Recommendation: Approve subject to s106

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

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. The applicant and any other person having a requisite interest in the site are invited to enter into a section 106 Agreement to secure the following:
 1. 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. Provision of a financial contribution of £110,000 towards affordable housing along with an early stage review mechanism on viability and affordable housing.
4. A financial contribution towards carbon off-setting of £44,748 in order to achieve net zero carbon dioxide emissions from the residential component of the development.
5. Provision of £24,000 towards street tree planting
6. Meeting the Council's costs of monitoring the planning obligation - £3,575

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:

Drawing number P-318-01 - Site Location & Existing Block Plan

Drawing number P-318-02 - Proposed Site Layout Plan Sheet 1 of 2, Rev A received 4.12.19

Drawing number P-318-03 - Proposed Site Layout Plan Sheet 2 of 2

Drawing number P-318-04 - Proposed Ground Floor Plan, Rev A received 4.12.19

Drawing number P-318-05 - Proposed First Floor Plan, Rev A received 4.12.19

Drawing number P-318-06 - Proposed Second Floor Plan

Drawing number P-318-07 - Proposed Third Floor Plan

Drawing number P-318-08 - Proposed Roof Plan

Drawing number P-318-09 - Proposed Front (North West) Elevation

Drawing number P-318-010 - Proposed Rear (South East) Elevation, Rev A received 4.12.19

Drawing number P-318-011 - Proposed Side (South West) Elevation, Rev A received 4.12.19

Drawing number P-318-012 - Proposed Side (North East) Elevation, Rev A received 4.12.19

Drawing number P-318-13 - Proposed Section AA

Drawing number P-318-14 - Proposed Workshop Building Floor Plans

Drawing number P-318-15 - Proposed Workshop Building Elevations

Drawing number P-318-16 - Proposed Workshop Building Roof Plan & Section BB

Drawing number P-318-017 - Proposed Site Layout Showing Daylight & Privacy Minimum Distances, Rev A received 4.12.19

Drawing number P-318-18 - Existing Building Floor Plans

Drawing number P-318-19 - Existing Building Elevations

Drawing number P-318-20 - Relative Building Heights with Proposed Street Scene

Drawing number 17036_01 - Topographical Survey

Drawing number LLD1355-LAN-DWG-100 Rev 05 - Hard and Soft Landscape GA Sheet 1 of 6

Drawing number LLD1355-LAN-DWG-101 Rev 04 - Hard and Soft Landscape GA Sheet 2 of 6
Drawing number LLD1355-LAN-DWG-102 Rev 04 - Hard and Soft Landscape GA Sheet 3 of 6
Drawing number LLD1355-LAN-DWG-103 Rev 03 - Hard and Soft Landscape GA Sheet 4 of 6
Drawing number LLD1355-LAN-DWG-104 Rev 03 - Hard and Soft Landscape GA Sheet 5 of 6
Drawing number LLD1355-LAN-DWG-105 Rev 03 - Hard and Soft Landscape GA Sheet 6 of 6
Drawing number LLD1355-LAN-DWG-200 Rev 03 - Detailed Planting Plan Sheet 1 of 7
Drawing number LLD1355-LAN-DWG-201 Rev 03 - Detailed Planting Plan Sheet 2 of 7
Drawing number LLD1355-LAN-DWG-202 Rev 03 - Detailed Planting Plan Sheet 3 of 7
Drawing number LLD1355-LAN-DWG-203 Rev 03 - Detailed Planting Plan Sheet 4 of 7
Drawing number LLD1355-LAN-DWG-204 Rev 03 - Detailed Planting Plan Sheet 5 of 7
Drawing number LLD1355-LAN-DWG-205 Rev 03 - Detailed Planting Plan Sheet 6 of 7
Drawing number LLD1355-LAN-DWG-206 Rev 03 - Detailed Planting Plan Sheet 7 of 7
Detailed Plant Schedule and Specification Ref LLD1355-LAN-SCH-001, Lizard, 31 May 2019
Hard and Soft Landscape Specification Ref LLD1355-LAN-SPE-001 (Rev 03), 31 May 2018
Preliminary Ecological Appraisal Survey & Protected Species and Bat Roost Assessment, Lizard, 15th June 2018.
Site Habitat Plan Ref LLD1355-ECO-FIG-001-00, Lizard
CGI - Front, received 5.8.19
CGI - Rear 1, received 5.8.19
CGI - Rear 2, received 5.8.19
Flood Risk Assessment and Drainage Strategy Ref: 3608PL-FRA, Gyoury Self, 7 June 2018
Flood Risk Assessment and Drainage Strategy Addendum Ref 13608PL-FRA Ad2, Gyoury Self, 11 December 2019.
Waste Minimization Strategy Statement, Bale House CAD Ltd, 11.06.2019
Design and Access Statement, Bale House CAD Ltd, 11.06.2019
Noise Impact Assessment, Anderson Acoustics, 29 March 2018
Phase 1 Contamination Risk Assessment Ref 11924, Ground Environmental Services Ltd, March 2018
Daylight, Sunlight & Overshadowing Report, XDA Consultants Ltd, 28.06.2018
Daylight, Sunlight & Overshadowing Supplementary letter, XDA Consultant Ltd, 09.05.2019
Town Planning & Affordable Housing Statement, Absolute Town Planning, 19.11.2018
Transport Statement Final, Motion, 03.07.2018
Supplementary Transport Note, Vectos, May 2019
Sustainability & Energy Statement, SRE, 10.04.2018
Email from Daniel Fyne dated 21.1.20 confirming Zero Carbon Offset payment.

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

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

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

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

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

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

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

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

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

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;

- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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

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

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

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

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

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

7 Prior to occupation of the development the proposed parking spaces within the parking area as shown in Drawing No.P-318-02 Rev A submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason

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

8 a) Notwithstanding the details submitted with the application and otherwise hereby approved, the development hereby approved 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).

9 Part 1

Before development commences other than for investigative work:

A site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model in the report by Ground and Environmental Services Limited, ref 11924, dated March 2018. 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.

b) 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

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

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

10 Before use commences, a scheme of proposed mitigation measures for noise from the Jetwash shall be submitted to and approved by the Local Planning Authority. The scheme shall follow the design criteria in the report by Anderson Acoustics dated March 2018, reference 3699_001R_1-0_SZ. The approved mitigation scheme shall be implemented in its entirety before the use commences.

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

11 The car repair/servicing workshop shall not operate outside of the hours 8.30am to 6.30pm Monday to Saturday.

Reason: To ensure that occupation of the premises does not prejudice the amenities of future residential occupiers and to safeguard the amenities of the area in accordance with policies DM01 of the Barnet Local Plan.

12 The level of noise emitted from the machinery 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.

13 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 undercroft car park 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.

14 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

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

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

15 Prior to the commencement of any built development phase the associated surface water infrastructure works (including attenuation features, pipe work, controls and outfalls) shall be completed in accordance with the agreed site-wide drainage strategy (Flood Risk Assessment and Drainage Strategy, 7 June 2018 (Reference 13608PL-FRA) and Flood Risk Assessment and Drainage Strategy Second Addendum, 11 December 2019 (Reference 13608PL-FRAAd2)), unless otherwise approved in writing by the Local Planning Authority.

Reason

To prevent an increased risk of flooding and protect water quality and to ensure a satisfactory method of surface water drainage, and to prevent the increased risk of flooding to third parties

16 Further details for the long-term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any building. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

Reason: To ensure the satisfactory maintenance of drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 103 and 109 of the National Planning Policy Framework.

17 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.

18 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.

19 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection 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 scheme of temporary tree protection as 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.

Reason: To safeguard the health of existing tree(s) 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 (adopted September 2012) and Policy 7.21 of the London Plan 2015.

20 a) Prior to the first occupation of the hereby approved development, details of the proposed green roof (main building and workshop building) have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and

retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

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

21 Prior to the commencement of the development (other than for Groundworks and Site Preparation Works) details comprising a scheme of measures to enhance and promote biodiversity at the site as redeveloped shall be submitted the Local Planning Authority and approved in writing in accordance with the recommendations set out in Section 7.1 of the submitted Ecology Report. The scheme submitted shall include (but not be limited to) details of biodiversity enhancement measures related specifically to birds, bats and the implementation of the areas of green roof and soft landscaping. The approved scheme of measures shall be implemented in full in accordance with the approved details before the first occupation of the development.

Reason: To ensure that the development represents high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan.

22 Prior to the commencement of development (other than for demolition works) details of a lighting scheme incorporating measures for the protection of roosting, hibernating and breeding bats shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details.

Reason: To ensure that the development represents high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan.

23 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.

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

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

25 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).

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

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

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

27 Other than the balconies and terraces shown on the approved plans, the roofs of the development 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).

28 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. Calculations demonstrating the additional carbon emission reductions that would be achieved through the provision of additional panels shall also be submitted. 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.

29 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 (2016) and the 2016 Mayors Housing SPG.

30 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.

31 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part the roof of the building(s) hereby approved, including any structures or development otherwise permitted under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any equivalent Order revoking and re-enacting that Order.

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with Policies DM01 and DM18 of the Development Management Policies DPD (adopted September 2012).

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

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

33 Before the main building hereby permitted is first occupied the proposed windows shown on the approved drawings to be obscure glazed (denoted "O.G") 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).

34 Before the workshop building hereby permitted is first occupied the windows on the north-west side elevation facing 179 Victoria Road (shown to be obscure glazed "O.G" on approved drawing P-318-15) shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be non-openable and permanently fixed shut.

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).

RECOMMENDATION III:

1 That if the above agreement has not been completed or Section 106 agreement has not been submitted by 11.04.2020, 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 secure an adequate contribution to affordable housing provision to meet the demand for such housing in the area. The application is therefore unacceptable and contrary to Policies 3.12 and 3.13 of the London Plan (2016), Policies CS NPPF, CS1 CS4, CS15 of the Barnet Local Plan Core Strategy, Policies DM01, DM02, DM10 of the Development Management Policies Document (both adopted September 2012), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and including subsequent amendments) Supplementary Planning Documents, and the Mayoral Affordable Housing and Viability SPG (adopted August 2017).

2. The proposed development does not include a formal undertaking to meet the costs of the required carbon off-set provision. The proposal would therefore not address the impacts of the development, contrary to Policy 5.2 of the London Plan (2016), Policy CS13 of Barnet's Local Plan Core Strategy (2012) and Policy DM04 of the Barnet's Adopted Development Management Policies Document DPD (2012).

3. The development fails to provide a legal agreement to enable contributions towards local tree planting within the London Borough of Barnet and therefore would not provide street trees to mitigate the visual massing of the building in the local area, contrary to Policy DM02 of the Barnet's Development Management Policies DPD (2012), Barnet's Sustainable Design and Construction SPD (2016) and the Planning Obligations SPD.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The 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 developer is informed that a temporary/habitual crossover licence is required for the proposed works. Also note that any hoarding on or abutting the public highway requires a licence. To make an application for a hoarding licence please contact the council's Highways

Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk, (Kayleigh.Jones@Barnet.gov.uk).

4 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that photographic survey shall be undertaken of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

To receive a copy of our Guidelines for Developers and an application form please contact:
Traffic & Development Section - Development and Regulatory Services, London Borough of
Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ.

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

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

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

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

- 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 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.
 - 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.
 - Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - For major developments only: provide a copy of an asbestos survey;
 - 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.
- 9 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/Planning-your-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

10 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.

11 It is recommend that treatment of polluted surface water runoff from the car parking areas should be compliant with UK Government Pollution prevention for business guidance.

It is recommended that the surface water runoff from the site during demolition activities is managed effectively in accordance with water resources statutory and general guidance and provision of SuDS.

12 It is recommended that the surface water runoff from the site during demolition activities is managed effectively in accordance with water resources statutory and general guidance and provision of SuDS

Officer's Assessment

1. Site Description

The application site contains a series of single storey buildings, used both for the repair/service and sale of motor vehicles (Sui Generis use class).

The buildings are set within a plot with a maximum depth of some 100 metres, and a width at the Victoria Road end of some 32 metres and a width at the north-eastern end of just over 9 metres.

The site is surrounded by mixture of uses. To the west of the site, the former Alexandra public house at 133 East Barnet Road has been demolished and replaced by a 3 storey flatted development fronting East Barnet Road. To the north, planning permission has been granted for the demolition of part of the site at No. 181 and the construction of a four-storey block of flats which has now been completed. Further to the north of that neighbouring site, planning permission has been granted for an office building, and permission has been granted at 179a Victoria Road for two pairs of semi-detached dwellings which are currently being built out. To the east of the site there is a 3 storey block of flats (1-15 Warwick Close).

In terms of planning permissions granted but not yet implemented, to the east of the site (between the site and the existing flats at 1-15 Warwick Close) planning permission has been granted for a three storey block of flats (Land adjacent to 1-15 Warwick Close, 16/3259/FUL) and to the west of the site planning permission has been granted for a 3 storey mixed use development (office and residential) at land to rear of the former Alexandra Public House, 18/4287/FUL).

The application site is not within a town centre or a conservation area and does not contain any listed buildings or protected trees.

2. Site History

Reference: 18/7223/FUL

Address: 183 Victoria Road

Description: Demolition of the existing car sales buildings and workshops and erection of a part four, part five storey building providing new workshop and car sales showroom at ground floor level. 15no self-contained flats on upper floors. Associated amenity space, hard and soft landscaping and refuse storage. Provision of cycle parking and 25 off-street parking spaces.

Decision: Withdrawn

Decision Date: 25th February 2019

Reference: N07554B/03

Address: 183 Victoria Road

Description: Demolition of all existing buildings and erection of a three storey building to provide 150m² of Class B1 office space. Erection of 6no. three storey houses in a terrace and erection of a three storey block to provide 3no. self contained flats. Provision of a total of 11no. off street car parking spaces (accessed from Victoria Road) and associated changes to landscaping.

Decision: Withdrawn

Decision Date: 8th July 2003.

3. Proposal

The application proposes:

"Demolition of the existing car sales buildings and workshops and erection of a part single, part two, part three and part four storey building providing new car sales showroom at ground floor level and 15no. self-contained flats on upper floors, plus new single storey workshop building. Associated amenity space, hard and soft landscaping and refuse storage, cycle parking and 25 off-street parking spaces"

15 flats are proposed over three floors, comprising:

6 x 1 bed 2 person
4 x 2 bed 3 person
4 x 2 bed 4 person
1 x 3 bed 4 person.

The proposed car sales showroom has an area of 172.8 sq m (GIA) comprising showroom area, office space and toilets.

The motor workshop building has an area of 173 sq m at ground floor which accommodates 5 no. car service bays along with a kitchen and toilets. At mezzanine level there is office and storage space. The building would measure 22m in length, 8m in width, with a maximum height of 4.4m above external existing ground level.

A total of 25 car parking spaces are proposed, comprising 19 (to serve the residential units) within an undercroft car park and 6 at ground floor in front of the showroom building to serve the car sales / repair business.

4. Public Consultation

Consultation letters were sent to 646 neighbouring properties.

11 responses were received comprising 10 letters of objection and 1 neutral comment.

The objections received can be summarised as follows:

- Loss of daylight and sunlight, overshadowing
- Overlooking/loss of privacy
- Car parking issues
- Noise pollution
- Air pollution
- Height and size of building excessive
- Overdevelopment of site and surrounding area
- Car showroom use inappropriate in mainly residential area
- Inadequate infrastructure.

Amended Drawings

Amended drawings (Rev A) were received on 4th December 2019. Neighbours were re-consulted for 14 days. The amendments shown on the drawings were as follows:

- The rear balconies and roof terrace balustrades have been revised to half height brickwork with frameless glazing above, which now gives more of a view of the building behind.
- Introduction of an angled projecting bay window (sawblade window) to Flat 1, Bedroom 2 on the first floor with one side obscure glazed to avoid any potential overlooking of the neighbouring building and its balcony.
- 1.8m high privacy screens added to the sides of the balconies and roof terraces.
- Rear elevation Boundary wall/fence has been indicated on the drawings (although details will be subject of a condition)

Consultee Comments:

Highways - No objection subject to conditions

Environmental Health - No objection subject to conditions

Flood Risk and Drainage (LLFA) - No objection subject to conditions

Secured by Design - No objection subject to conditions

Tree Officer - No objection subject to conditions

Ecologist - No objection subject to conditions

London Fire Brigade - Satisfied with the proposals

Environment Agency - No comments

Thames Water - no objection

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 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.

Relevant London Plan policies:

London's Places:

2.6 (Outer London: Vision and Strategy); 2.8 (Outer London: Transport); and 2.18 (Green Infrastructure)

London's People:

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and Addressing Health Inequalities); 3.3 (Increasing Housing Supply); 3.4 (Optimising Housing Potential); 3.5 (Quality and Design of Housing Developments); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.8 (Housing Choice); 3.9 (Mixed and Balanced Communities); 3.10 (Definition of Affordable Housing); 3.11 (Affordable Housing Targets); 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes); 3.13 (Affordable Housing Thresholds); 3.15 (Co-ordination of Housing Development and Investment).

London's Economy:

4.3 (Mixed use development and offices); 4.12 (Improving opportunities for all).

London's Response to Climate Change:

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.5 (Decentralised Energy Networks); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 5.8 (Innovative Energy Technologies); 5.9 (Overheating and Cooling); 5.11 (Green roofs and development site environs); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); and 5.21 (Contaminated Land).

London's Transport:

6.1 (Strategic Approach); 6.3 (Assessing Effects of Development on Transport Capacity); 6.5 (Funding Crossrail and Other Strategically Important Transport Infrastructure); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.12 (Road Network Capacity); and 6.13 (Parking)

London's Living Places and Spaces:

7.1 (Building London's Neighbourhoods and Communities); 7.2 (Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.8 (Heritage Assets and Archaeology); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes);

Implementation, Monitoring and Review:

8.2 (Planning Obligations); and 8.3 (Community Infrastructure Levy).

Draft London Plan 2017

The London Plan is currently under review. Following examination of the Plan earlier in 2019, the Panel has now published its report, and whilst the Mayor has yet to formally

respond, the draft London Plan accompanied by the Panel report is a material consideration in the determination of this application.

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, CS8, CS9, CS12, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM14, DM16 and DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (October 2016)

Sustainable Design and Construction SPD (October 2016)

Planning Obligations (April 2013)

Affordable Housing (February 2007 with updates in August 2010)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Affordable Housing
- Employment Use
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Quality of accommodation for future occupiers;
- Highways;
- Environmental Health
- Sustainability
- Trees, Landscaping and Ecology
- Flood Risk and Drainage
- Refuse and Recycling storage
- S106 legal agreement

5.3 Assessment of proposals

Principle of development

The Council recognises that flatted developments can make an important contribution to housing provision, in particular smaller units, and that they can make more efficient use of urban land. However, they normally involve an intensification of use, creating more activity which can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, which can have an unacceptable impact on the established character of an area.

The principle of a flatted development on the application site is acceptable given the mixed nature of the immediate surrounding area which includes several new flatted developments.

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character.

The application site has a PTAL of 3 which is 'average', and is considered to fall within an 'urban' setting as defined in the London Plan.

The proposal provides 15 residential units with a total of 55 habitable rooms (Average 3.66 HR per unit). The site covers an area of 0.20 ha. Based on this, the density would equate to 75 units per hectare (275 habitable room per ha).

The London Plan density matrix stipulates a range of 55-145 units per hectare (200-450 hr/ha), therefore the proposed density would fall comfortably within the range for both units per hectare and habitable rooms per hectare.

The building density, however, is not the only consideration to determine whether development is suitable. The NPPF stipulates that planning decisions should "optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development" and development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. This will be discussed in more detail in the following sections.

Policy DM08 seeks an appropriate mix of dwellings.

The proposed development comprises mainly 1 and 2 bedroom units but also includes 1 x 3 bed unit which represents provision of a family unit.

It is considered that this is an appropriate mix given the site's urban location and the site's characteristics. It is not thought that a high number of larger family units (3-bed and 4-bed would be appropriate in this location.

Affordable Housing

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual residential schemes, having regard to:

- Current and future requirements for affordable housing at local and regional levels identified in line with Policies 3.8 and 3.10 and 3.11.
- Affordable housing targets adopted in line with Policy 3.11.
- The need to encourage rather than restrain residential development (Policy 3.3).
- The need to promote mixed and balanced communities (Policy 3.9).
- The size and type of affordable housing needed in particular locations.
- The specific circumstances of individual sites.
- The resources available to fund affordable housing and maximise affordable housing output
- The priority accorded to family housing provision

It identifies that negotiations should take account of a sites individual circumstances, including development viability, the resources available from registered providers, the implications of phased development and other scheme requirements. It also makes it clear that affordable housing should normally be provided on site and off-site contributions to affordable housing will only be accepted in exceptional circumstances.

This approach is reflected in Local Plan policy DM10 which requires the maximum reasonable amount of affordable housing to be provided on site, subject to viability, having regard to a borough wide target that 40% of housing provision should be affordable. Local Plan policy CS4 identifies that on sites which are suitable for the provision of an element of affordable housing the Council may, in exceptional cases, accept the provision of off-site affordable housing or a commuted payment instead of such provision.

The Policy sets a target of 40% affordable housing on sites of 10 units or more or covering 0.4 hectares or more.

As the proposed scheme would involve more than 10 residential units, the development would be subject to affordable housing provision.

The applicant has provided a Viability Assessment (Absolute Town Planning) which has been independently reviewed on the Council's behalf (BNP Paribas). The independent assessment has recommended that a scheme with 100% private housing generates a surplus of £110,000 in comparison to the viability report submitted with the application.

The independent review goes on to conclude that a payment in lieu of £110,000 for an off-site contribution to affordable housing would be reasonable.

The proposed development is located in an urban location centre and provides mainly 1 and 2 bed units. As the priority for affordable housing is for larger family units it is considered that a financial contribution towards affordable housing at another location which can provide family units would be more appropriate than on-site affordable housing in this case.

The applicant has agreed to provide the recommended £110,000 financial contribution and this will be sought as a planning obligation within the Section 106 legal agreement.

It is considered that an early review mechanism is appropriate in line with the Housing SPG and Mayor's requirements to ensure that if profitability of the scheme is sufficiently improved, that an appropriate contribution towards off-site affordable housing is secured. The requirement for an early stage review mechanism would also be secured through the section 106 legal agreement.

The proposed contribution to affordable housing is considered to be acceptable and compliant with the objectives of the relevant planning policies.

Employment Use

The application site is currently occupied by a car repair and sales business (Sui Generis use class).

The existing business will continue to operate from the site using the car showroom proposed at ground floor of the main building and a separate workshop building at the eastern end of the site.

Policy DM14 relates to new and existing employment space.

Part iv of the Policy states that proposals to redevelop an existing employment space which reduces the levels of employment use and impacts negatively on the local economy will be resisted.

As the existing business will be retained, there will be no loss of employment use and as such the proposal complies with Policy DM14.

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

Policy CS5 requires new developments in Barnet to respect local context and distinctive local character, creating places and buildings of high quality design.

Policy DM01 requires that all developments should seek to ensure a high standard of urban and architectural design, demonstrating a high level of environmental awareness of their location by way of character, scale, mass, height and pattern of surrounding buildings, spaces and streets. Proposals should preserve or enhance local character and respect the appearance.

Design

Whilst planning does not seek to replicate design, development, whether modern or traditional in style, should be harmonious and sympathetic to its setting. A modern style of building is proposed in this instance and this is considered to be acceptable in principle; subject to the form and scale being sympathetic to its context.

The design of the building has been developed with Officers through pre-application discussions and during the course of withdrawn application 18/7223/FUL. Changes have been agreed which reduce the bulk and height of the building, including a recessed upper storey.

In the surrounding area, brickwork is the most common building material and therefore the use of brick material is considered to be appropriate and in-keeping with the local context.

The design of the building proposes traditional brick facing materials with contemporary design features such as set-backs, indentations, contrasting dark and light brick elements and detailing, dark window frames and reveals to create a high-quality development. Exact material details will be subject of a planning condition.

Height

The proposed building is four storeys in height with the top floor recessed in from the floors below in order to provide visual relief at the upper level.

The heights of the surrounding buildings are mixed but there are several examples of existing three storey buildings nearby and the neighbouring building to the north (181 Victoria Road) is of a similar height to that proposed in that it is four storeys with a recessed 4th storey.

The neighbouring building to the east (1-15 Warwick Close) is 3 storeys. The neighbouring building to the west (133 East Barnet Road) is 3 storeys. The neighbouring building to the south (187 Victoria Road) is part 3 storey. The neighbouring building to the west is 3 storeys (Former Alexandra Public House, 133 East Barnet Road) is three storeys.

It is considered that the proposed 4 storey height (with the top recessed) is appropriate within the context of the surrounding area.

Layout

The proposed main building comprises undercroft car parking and a car showroom at ground floor with 15 residential units arranged over 3 floors above.

At the eastern end of the site a workshop/car repair building is proposed.

Workshop building

The proposed workshop at the eastern end of the site will measure 22m in length by 8m in width, with a maximum height of 4.4m above existing ground level, with a flat roof. This building will utilise similar external materials to the main building and will also have a green living roof and these details will ensure that the workshop building has an acceptable appearance in the context of the proposed main building and the surrounding area.

Overall the proposed development is considered to be acceptable in terms of its impact on the character and appearance of the application site, the street scene and the wider locality.

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

Policy DM01 and London Plan Policy 7.6 require development proposals to respect the amenities of neighbouring occupiers.

Paragraph 2.7.1 of Policy DM01 states that:

Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the boroughs residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

Overlooking/loss of privacy

The Barnet Residential Design SPD states that there should be a minimum distance of about 21m between properties with facing habitable room windows to avoid overlooking and 10.5m to a neighbouring garden. Shorter distances may be acceptable where there are material justifications.

In higher density schemes where less distance is provided, innovative design solutions should be used so as to avoid overlooking, such as: angled windows, careful choice of window locations, obscured glazing, use of level changes, staggering of windows, screening and single aspect dwellings.

The neighbouring development to the north (181 Victoria) has no windows on the side elevations facing the main part of the building and the windows in the rear elevation all serve non-habitable rooms and this elevation is oblique. The exception being the top floor flat (Flat 7) which has a bedroom window obliquely facing the proposed building at a distance of approximately 15/16m. Whilst this distance is below the usual 21m standard, the oblique relationship between the facing habitable windows is considered sufficient to ensure that there will be no harmful loss of privacy to the occupier of Flat 7, 181 Victoria Road arising from the proposed development.

In terms of the relationship between the proposed building and 1-15 Warwick Close to the east, the distance between the western elevation of 1-15 Warwick Close and the eastern

elevation of the proposed building is approximately 15m at its closest point. Whilst there are habitable room windows in the existing building, the windows in the eastern elevation of the proposed building would all be obscure glazed and privacy screens to the ends of terraces would ensure no overlooking from terraces would occur.

The habitable room windows in the rear elevation of the proposed building would be in excess of 21m from the facing habitable room windows in the front elevations of the properties on Warwick Close. The terrace areas which are within 21m of the facing habitable room windows would be screened using privacy screens and landscaping ensuring no harmful loss of privacy to these properties on Warwick Close.

The west elevation of the proposed building is in close proximity to the existing building at 187 Victoria Road which includes two flats with a rear balcony. Proposed windows in the west elevation will be obscure glazed and privacy screens will be applied to the end of the proposed terraces to ensure no harmful loss of privacy to the occupiers of the flats at 187 Victoria Road.

In the event that the 3 storey development to the east of the proposed building is built out, no loss of privacy would occur because all windows in the east elevation of the proposed building will be obscure glazed and terraces will include privacy screens.

Daylight & Sunlight

The application is accompanied by a daylight/sunlight report which assesses the impact of the development proposals on surrounding properties (in particular 187 Victoria Road and 1-8 Warwick Close), along with an update letter dated 9th May 2019.

The update letter dated 9th May 2019 states:

"A Daylight, Sunlight and Overshadowing Study (dated 28th June 2018) was undertaken by XDA Consulting of the original development proposals for 183 Victoria Road, High Barnet within planning application 18/7223/FUL. The results of the study concluded that there would be no impact to the adjacent 187 Victoria Road and 1-8 Warwick Close. There was the potential for the proposal to impact on the consented scheme (16/3259/FUL) adjacent to the site, however when the large boundary Leyland Cypress trees are taken into account, the results demonstrated that the proposed development will improve the availability of light to the windows on the south west elevation as the trees would be removed as part of the development proposals.

The sunlight study demonstrated there would be no impact to the windows facing the development as they would still achieve very high annual and winter probable sunlight hours, much higher than the recommended minimums in the BRE guidance documents.

As the revised development proposals shall reduce the massing of the proposed building by removing the upper recessed floor and revising third floor layout, the situation for the adjacent properties will be improved further. Therefore the revised development proposals for 183 Victoria Road are compliant with the BRE Guidance for 'Site Layout Planning for Daylight and Sunlight, a Guide to Good Practice'."

Overall, it is considered that the proposal will not have a significant impact on the daylight / sunlight of neighbouring properties.

Quality of accommodation for future occupiers

A high quality built environment, including high quality housing in support of the needs of occupiers and the community is part of the 'sustainable development' imperative of the NPPF. It is also implicit in London Plan Ch1 'Context and Strategy', Ch2 'London's Places', Ch3 'London's People', and Ch7 'London's Living Places and Spaces', and is explicit in policies 2.6, 3.5, 7.1, and 7.2. It is also a relevant consideration in Barnet Core Strategy Policies CSNPPF, CS1, CS4, and CS5 Development Management DPD policies DM01, DM02 and DM03 as well as the Barnet Sustainable Design and Construction SPD, Residential Design Guidance SPD.

Dwelling Mix

Policy DM08 seeks an appropriate mix of dwellings.

The proposed development comprises mainly 1 and 2 bedroom units but also includes 1 x 3 bed unit which represents provision of a larger family unit.

It is considered that this is an appropriate mix given the site's urban location and characteristics. It is not thought that a high number of larger family units (3-bed and 4-bed) would be appropriate in this location.

Residential Space Standards

Table 3.3 in the London Plan provides a minimum gross internal floor area for different sizes of dwelling. This is summarised below as relevant to the units proposed within the development:

- 1 bed, 2 persons - Minimum Internal Floorspace 50 sq m
- 2 bed, 3 persons - Minimum Internal Floorspace 61 sq m
- 2 bed, 4 persons - Minimum Internal Floorspace 70 sq m
- 3 bed, 4 persons - Minimum Internal Floorspace 74 sq m

Officers have reviewed the proposed 15 units and are satisfied that they all meet the minimum space standard requirements.

Outlook

Policy DM01 also requires consideration of the residential amenity of future occupiers of the development in terms of outlook.

The proposed flats are a mixture of single and dual aspect units.

Whilst some of the proposed units are single aspect, the single aspect units are larger than the minimum space standards require and include large windows and terrace areas and as such the overall quality of accommodation of all of the proposed units is considered to be good.

Officers are satisfied that all of the proposed units would allow for suitable outlook and daylight/sunlight for future occupiers.

Amenity Space

Barnet's Sustainable Design and Construction SPD Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments. For both houses and flats, kitchens over 13sqm are counted as a habitable room and habitable rooms over 20sqm are counted as two habitable rooms for the purposes of calculating amenity space requirements.

For flats, the SPD requires 5sqm of space per habitable room for all minor, major and large-scale developments.

All of the 15 units would benefit from an external balcony or terrace. Due to the site characteristics, there would be no provision of outdoor communal amenity.

The overall provision of new outdoor amenity space totals 354 sq m (average of 23.6 sqm per unit), which is in excess of the minimum requirement of 275 sq m based on 5 sq m per habitable room (55 hab rooms x 5 = 275 sq m).

Officers consider that the proposed amenity space is of a good quality and is in excess of the minimum requirements and as such is acceptable.

Wheelchair Housing

Barnet Local Plan policy DM03 requires development proposals to meet the highest standards of accessible and inclusive design, whilst Policy DM02 sets out further specific considerations. All schemes should have 10% wheelchair home compliance, as per London Plan policy 3.8.

A condition is attached which would secure these wheelchair units are constructed in accordance with the requirements of Part M4(3) of the Building Regulations.

Based on the above, it is considered that the proposed development would provide an acceptable level of amenity for future occupiers.

Highways

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:

One bedroom units - 0.0 to 1.0 space per unit

Two and three bedroom units - 1.0 to 1.5 spaces per unit

Based on the PTAL of the site, a policy compliant scheme would necessitate a range of between 9 - 19.5 spaces for the residential element of the scheme.

The proposal seeks to provide 19 spaces to serve the 15 residential units which equates to a ratio of 1.26.

The Council's Traffic and Development team have reviewed the proposal and the submitted Transport Statement and have provided the following comments:

"The site lies on a PTAL 3 zone, which means that there is moderate public transport availability to and from the site. There is no Controlled Parking in operation on streets surrounding the site. Victoria Road EN4 is a heavily parked road, which already causes congestion for vehicle users. The proposed provision 25 off-street car parking spaces (19 for residential use) meets the required (15.3) provision as set out on Policy DM17 of the Barnet Local Plan and is therefore acceptable on highways grounds."

Vehicular access will be via the existing crossover on Victoria Road.

The proposal is considered to be acceptable in terms of parking and Highway safety.

Environmental Health

The application submission has been reviewed by the Council's Environmental Health Officers who have no objection subject to conditions relating to contaminated land, noise and construction management.

The submitted Noise Assessment addresses potential noise impacts that may arise from the proposed workshop building effecting existing and proposed neighbouring residential developments. Environmental Health Officers are satisfied with the proposal subject to conditions restricting the operating hours of the workshop and a condition requiring further details of the proposed jetwash.

It should be noted that the proposed workshop building, being a purpose-built building with noise mitigation measures, represents an improvement on the existing position which consists of a number of ad hoc workshop buildings with limited noise mitigation properties.

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 a Sustainability & Energy Statement, SRE, 10.04.2018 which sets out how the development accords to the London Plan energy hierarchy.

A 'Lean, Clean, Green' strategy has been adopted and the development achieves an overall improvement (DER/TER) in regulated emissions at over 37% above Part L 2013 standard, through the adoption of high standards of insulation, efficient heating/hot water systems, with electricity generation via roof mounted PV.

The major residential element of the proposed developments meets the London Plan target of a 35% reduction in Part L emissions.

A carbon off-set payment of £44,748.00 for this major residential scheme will meet with London Plan "Zero Carbon" requirements. This will be secured by legal agreement.

Trees, Landscaping and Ecology

The site does not include any trees of significance or green space. There are young trees on the boundaries of the site which do not pose a significant constraint on development.

The proposed landscape strategy proposes areas of soft and hard landscaping within the application site, including on the terraces to individual flats and a green roof. The Council's Arboricultural Officer has reviewed the submissions and considers the landscaping scheme to be good given the lack of space on the site.

In addition, the Arboricultural Officer considers that it would be beneficial to seek a contribution towards the provision of street trees on public open space along Warwick Close in order to help mitigate the visual impact of the proposed development / offset the loss of the existing trees growing on the site boundary facing Warwick Close.

4 x street trees (small leafed Lime trees (*Tilia cordata*) are proposed. Large nursery stock should be used to provide immediate impact.

The total cost (including aftercare) of providing these 4 trees would be £24,000. This contribution has been agreed with the applicant and would be secured via an obligation within the Section 106 Agreement.

The Council's Ecologist has reviewed the submitted Preliminary Ecological Appraisal and Bat Roost Assessment (Lizard, June 2018) and has no objection to the proposal subject to conditions relating to external lighting and Biodiversity enhancements.

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 Flood Risk Assessment and Drainage Strategy (Gyoursy Self, 7 June 2018 and Addendum 11 December 2019). These documents have been assessed by the Council's appointed drainage specialists who have confirmed that they have no objection in principle to the proposed development in relation to Floor Risk and Drainage.

The submitted documents demonstrate that surface water from the proposed development can be managed through the use of a new underground cellular storage tank and tanked permeable car parking, restricting surface water drainage to 5 l/s.

Planning conditions are recommended in order to ensure that surface water infrastructure works are implemented and maintained.

Refuse and recycling storage and collection

The proposed development is required to comply with Barnet's Waste and Recycling Strategy (2018). The proposed refuse and recycling store is to be located close to the site entrance. Details of the storage areas and collection strategy will be secured via condition.

S106 legal agreement

Heads of terms:

- Affordable Housing £110,000
- London Plan Carbon Offset payment £44,748
- Street Trees £24,000

Total financial contributions of £178,748

S106 monitoring contribution of £3,575

5.4 Response to Public Consultation

Material planning considerations raised in the objections received have been addressed elsewhere in this report.

6. Equality and Diversity Issues

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

7. Conclusion

Recommended for approval subject to legal agreement and conditions.



Location 272-276 Friern Barnet Lane London N20 0NH

Reference: 19/4412/FUL

Received: 9th August 2019

Accepted: 13th August 2019

Ward: Totteridge

Expiry 8th October 2019

Applicant: Miss Moorhouse

Proposal: Erection of new roof level to facilitate conversion into 5no. self-contained flats, including alterations to fenestration. Associated landscaping, amenity space and refuse and recycling store

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:

00 0001; 01 0101; 01 0102; 0200; 0201; 0202; 0100; 0101 Rev A; 0102 Rev B; 0201 Rev B

Design and Access Statement dated August 2019 Prepared by CREATE Architects

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 Prior to the commencement of the development, the applicant shall undertake a parking survey in accordance with the "Lambeth Methodology" to demonstrate availability of off-street parking spaces within 200 metres of the site. The results of the survey shall be submitted to and approved in writing by the Local Planning Authority prior to the start of the development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles 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.

- 5 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.

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;

- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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

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

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

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

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

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

- 8 Before the building hereby permitted is first occupied the proposed ground floor rear window(s) in the flank elevation facing No. 270 Friern Barnet Lane shall be glazed

with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 9 a) Before the development hereby permitted is first occupied, full details (including specifications and obscured glazing material samples) of the 2 privacy screens (1.1m & 1.8m in height respectively as illustrated in drawing number 0201 Rev B) to be installed shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

- 10 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

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

- 11 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.

- 12 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 25 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

Informative(s):

- 1 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 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>.
- 3 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.

- 4 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.
- 5 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 un-adopted 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.

- 6 The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, 2 Bristol Avenue, Colindale. NW9 4EW, 4-6 weeks before the start of any works on the public highways
- 7 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.
- 8 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.
- 9 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.
- 10 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
- 11 The applicant shall carry out a "before" and "after" condition survey of the agreed route 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 be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority. Any recommended works necessary to reinstate the

condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.

- 12 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.

Officer's Assessment

1. Site Description

The application site contains a two-storey building located on the southern side of Friern Barnet Lane, on the junction with Sherwood Street. Previously this site was used for mixed use purposes, comprising of office and residential development. Prior approval ref: B/04116/14 was subsequently granted for change of use of the office to residential.

The site is not located within a Controlled Parking Zone (CPZ) and it has a PTAL score of 2, which means it is moderately accessible by public transport.

This site is not listed and does not lie within a Conservation Area, although there is a row of listed properties on the adjoining street. There is a row of locally listed buildings located adjacent to the site.

2. Site History

Reference No: 17/0662/FUL

Description: Alteration to existing building to form a three-storey residential building containing 6no, three bed flats, with associated landscaping, bin and cycle store

Decision: Refused

Decision date: 11.05.2017

Ref. No: 16/3842/FUL

Description: Alteration to existing building to form a three-storey residential building containing 6no three bed flats with associated landscaping, bin and cycle store

Decision: Refused

Decision date: 24.08.2016

Reference: 15/02020/FUL

Description: Erection of new roof level to facilitate conversion into 5no. self-contained flats, including alterations to fenestration and hard/soft landscaping

Decision: Approved subject to conditions

Decision date: 09.09.2015

Reference: 14/07874/FUL

Description: Conversion of property to provide 5no. self-contained units including creation of pitched roof and dormer windows and rooflights Provisions for amenity space and refuse with associated works

Decision: Refused

Decision Date: 13 February 2015

Reference: B/04116/14

Description: Change of use from Class B1 (Offices) (first floor) to Class C3 (Residential) 1 Unit.

Decision: Prior Approval Required and Approved

Decision Date: 23 September 2014

Reference: B/02650/11

Description: Installation of two non-illuminated aluminium tray signs.

Decision: Approved subject to conditions

Decision Date: 16 August 2011

Reference: B/01658/09

Description: Partial change of use from ground floor offices at front of building to jewellery shop. External alterations to create a new shop front.

Decision: Refused

Decision Date: 8 July 2009

3. Proposal

The proposal is for the erection of a new roof extension to facilitate the conversion of the existing building into 5 self-contained flats comprising of three x 1 bed units and two x 2 bedroom units.

The proposal comprises of the following:

- o New pitched roof over the existing flat roof;
- o Extend terrace area to the existing first floor rear projection;
- o Inclusion of three dormer windows to the roof slope on the north west elevation;
- o Inclusion of one dormer window to the roof slope on the south west elevation; and
- o Installation of five rooflights on the proposed south east elevation

4. Public Consultation

Consultation letters were sent to 75 neighbouring properties. A site notice was published on 29.08.2019

8 responses have been received, comprising 7 letters of objection, and 1 letter of support.

The objections received can be summarised as follows:

- o The proposal would result in loss of privacy and overlooking;
- o Negative impact on parking within the area'
- o Poor quality design;
- o The proposed roof extension would be out of character;
- o Overdevelopment of the site;
- o Lack of parking;
- o Exacerbate existing highway problems associated with congestion
- o Overlooking to 270 Friern Barnet Lane, London
- o The design by virtue of its height, scale and bulk would result in a visually obtrusive building that would not respect the established character of the street scene and the area in general.
- o Detrimental to the setting of the nearby locally listed buildings.

The above concerns raised is discussed in Section 5 of this report

LBB Highways Team

LBB Highways team have assessed the application and confirm they do not raise any formal objections subject to the following conditions:

1. Parking Survey to demonstrate the availability of off-street parking spaces;
2. Details of Location and quantum of Cycle parking provision;

3. Demolition and Construction Management Plan; and

(Officers comment: The above would be secured by way of condition).

LBB Design Team

The proposal as amended is of good design and would not be detrimental to the character and appearance of the nearby locally listed buildings.

5. Planning Considerations

- o Whether harm would be caused to the character and appearance of the existing building; the street scene and the wider locality;
- o Whether harm would be caused to the living conditions of neighbouring residents;
- o Quality of proposed accommodation; and
- o Impact on the Highway

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

Relevant Core Strategy Policies: CS NPPF, CS1, CS5.

Relevant Development Management Policies: DM01, DM02, DM08, DM14 and 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

- o Sustainable Design and Construction SPD (adopted October 2016)
- o Provides detailed guidance that supplements policies in the adopted Local Plan and sets out how sustainable development will be delivered in Barnet.
- o Residential Design Guidance SPD (adopted October 2016).

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:

- o Background and context;
- o Whether harm would be caused to the character and appearance of the existing building; the street scene and the wider locality;
- o Whether harm would be caused to the living conditions of neighbouring residents;
- o Quality of proposed accommodation; and
- o Impact on the Highway

5.3 Assessment of proposals

Background and context

Planning permission was approved on 09.09.2015 for the erection of new roof level to facilitate conversion of a residential building into 5 no. self-contained flats, including alterations to fenestration and hard/soft landscaping (planning application reference number: 15/02020/FUL). This subject proposal broadly follows the same design approach as this previously approved scheme which has now expired. The main differences between the previously approved and the current scheme is as follows:

- o Relocation of some windows and doors on the north east elevation
- o The communal stairwell is located to the central part of the building to reduce the circulation areas
- o Reduced size of one dormer window on the south west elevation

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

As per the previously assessed scheme the overall scale, bulk and massing of the extension would not have a detrimental impact on the host building and the street scene. The proposed mansard pitched roof would be set in from the eaves of the existing building and would be partially concealed at the base of the roof by existing parapet walls. Mansard roofs are also a common feature in the wider area

The size and siting of the three dormer windows on the north-west elevation fronting onto Sherwood Street sit comfortably within the proposed roofslope and would be sufficiently set away from the eaves and ridges. Overall, the proposed roof extension would remain subordinate to the host building. As such, the proposed roof extension would not be out of character with the host property or would not be visually obtrusive when viewed from the street scene or any neighbouring property.

With reference to materials, the roof would comprise of slate and considered acceptable, which was also the same material approved under the previous consent. A new front boundary wall would be created which would be formed of brick which would match that of the original house. The applicant would be required to submit details of the materials (including the obscured glazing privacy screens) to be approved by the Local Planning Authority prior to the commencement of works onsite. This would be secured by way of condition.

The proposal (design, scale and materials) would not have a detrimental impact on the setting of the row of locally listed buildings nor the character and appearance of the surrounding area.

On balance, the proposed development would respect the relationship between itself and the adjoining buildings to comply with policies CSNPPF and CS5 of Barnet Council's Core

Strategy (adopted) 2012; DM01 of Barnet Council's Development Management Policies (adopted) 2012; Policies 7.4, 7.5 and 7.6 of the London Plan (2016, as amended); and guidance contained within the National Planning Policy Framework (2012).

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

At ground floor level to the rear elevation, high level windows are inserted to the living/kitchen/dining areas at the side elevation of the property to protect the privacy of residents at No. 270 Friern Barnet Lane. Given that the windows would be over 2 metres above the internal floor level and would be conditioned to be obscure glazed and fixed shut, it is not considered that the proposal would result in any overlooking or loss of privacy to this neighbouring occupier.

There is an existing side terrace area onsite which has outlook to properties at no 1 Sherwood Street and no 270 Friern Lane. The proposal would include a minimum 110mm high obscured glazed screen to prevent downward overlooking and 180mm high glazed obscured privacy screen above the terrace at first floor level. It is considered that the use of the terrace would restrict the existing level of overlooking and loss of privacy to neighbouring properties. The resulting height of the terrace and privacy screen would not result in an overbearing impact significantly more so than the existing building, particular given the light weight attributes associated with glazing.

Given the pitched nature of the roof, the proposal is not considered to result in any significant loss of light to any neighbouring occupier. The proposed slope to the roof extension is sufficiently set back from the boundary and would not have an overbearing impact or sense of enclosure to neighbouring properties.

The proposal is set approximately 11 metres away from no 47 Rasper Road and would not result in any direct overlooking or inter-visibility from habitable rooms as the proposal would front onto a flank wall. As such, these elements are not considered to cause harm to the character and appearance of the area or result in overlooking or loss of privacy to any neighbouring occupier.

Subject to conditions, the proposal would not unduly compromise the amenity of neighbouring residential properties and adequately accords with policy CSNPPF of Barnet Council's Core Strategy (adopted) 2012; and policies DM01 and DM02 of Barnet Council's Development Management Policies (adopted) 2012.

- Quality of accommodation proposed

The proposed 3 x 1 bedroom units would have an approximate Gross Internal Area (GIA) of 69.98m², 65.27m² and 65.96m² respectively, which all exceed the Greater London Authority's (GLA) minimum requirement being 50m².

The proposed 2 x 2 bedroom units would have a GIA of 90.65m² and 80.29m² respectively with the GLA's requirement being 70m².

The two ground floor units are triple aspect and the three units on the upper floors are afforded dual aspect and therefore good outlook. In addition, the proposed rooflights to the rear also provide natural daylight to bedrooms and bathrooms. The proposed units would receive good outlook, daylight and sunlight.

The proposed development would provide good quality residential accommodation in accordance with policies CSNPPF of Barnet Council's Core Strategy (adopted) 2012; and policies DM01 and DM02 of Barnet Council's Development Management Policies (adopted) 2012.

Impact of the proposal on highway safety and parking.

Car parking

Policy DM17 of the Local Plan indicates the maximum parking standards for residential development, as:

- i. 2 to 1.5 spaces per unit for dwellings with 4 or more bedrooms
- ii. 1.5 to 1 spaces per unit for 2 to 3 bedrooms;
- iii. 1 to less than 1 space per unit for 1 bedroom units

The existing building also does not include off street parking. The site has a Public Transport Accessibility Level rating of 2/3 (0 being extremely poor and 6b to be excellent), which means it is moderately accessible by public transport. Four bus routes (125, 263, 383 and 234) can be accessed within 6 minutes walking distance. The nearest stops are located on Swan Lane and can be reached within 4 minutes walking distance of the site.

The proposed conversion into 5 self-contained flats (3x 2bed and 2x1 bed) would require a maximum allowable parking provision of between 3 - 6.5 spaces. The proposal does not make provision for car parking spaces. On balance, both the Local Planning Authority and the Local Highway Authority do not raise objections to this matter as the low number of residential units proposed. Notwithstanding, the applicant would be required to undertake a parking survey to demonstrate availability of off-street parking spaces within 200 metres of the site. The results of the survey would be submitted to and approved in writing by the Local Planning Authority prior to the start of the development, to ensure that adequate and satisfactory provision is made for the parking of bicycles in the interests of pedestrian and highway safety and the free flow of traffic. This would be secured by way of condition.

Cycle parking

The proposal makes provision for 10 bicycles, 2 per flat in accordance with the GLA's minimum standards. The applicant would be required to submit further details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed to be approved in writing by the Local Authority, to ensure that adequate and satisfactory provision is made for the parking of bicycles in the interests of pedestrian and highway safety and the free flow of traffic. This would be secured by way of condition.

Refuse and Recycling

The proposed provision for refuse and recycling storage is in accordance with Barnet Council's refuse and recycling standards. There would be 5 general waste bins (1 per 1 flat) and 3 recycling bins (for up to 5 flats), which is acceptable. Further, the refuse storage is located to the rear of the property, within an existing enclosed area, the bin storage would not be visible when viewed from the street.

5.4 Response to Public Consultation

It is considered that the concerns raised have been addressed within the report. The objections and concerns raised from residents have been considered within the evaluation above.

The site location plan and red edge does not include the land between the host property and no. 270 Friern Barnet Lane and this application in no way confirms access rights to that land.

It is not considered that the use of the site for residential purposes would result in an over intensification of the use over and above the existing use of the site. On balance, it is also considered that the proposal would have an acceptable impact on the local character of the area; would not compromise the amenity of local residential properties; and would not have a detrimental impact on highway safety.

All representations received from residents were fully considered in the assessment of the application.

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.



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Location Garages At 1-4 Porch Way London N20 0DS

Reference: 19/5560/FUL

Received: 15th October 2019

Accepted: 22nd October 2019

Ward: Oakleigh

Expiry 17th December 2019

Applicant: Mr A Antoniades

Proposal: Erection of a two storey detached dwelling. Associated amenity space, refuse/recycling store, cycle parking and 1no. off street parking space with electric charging point on former garage site

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:

PRCH-D 006, PRCH- D-007- PRELIMINARY, PRCH-D-008A, PRCH-D 009, PRCH-D 010, PRCH-D 012, PRCH-D 013 A, PRCH-D 014 A, PRCH-D 016 A, PRCH-D 017 A, PRCH-D 018, PRCH-D 019, PRCH-D 021, PRCH-D 022, PRCH-D 023, PRCH-D 024, Details of Bike storage, Planning Statement (June 2019), Design and Access Statement (June 2019).

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

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

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

- 3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced

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

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

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

- 4 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevation facing east and west, shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

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

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

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

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

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

- 7 The roof of the dwelling 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).

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A to E of Part 1 of Schedule 2 of that Order shall be carried out on the approved development within the application site hereby approved. Planning permission would be required for these works.

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

- 9 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.

- 10 Prior to the first occupation of the development hereby approved it shall be constructed incorporating 6% carbon dioxide emission reduction measures which achieve an improvement in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 11 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.

- 12 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).

- 13 Before the development hereby permitted is first occupied or the use first commences the parking space shown on Drawing No. PRCH-D-007-PRELIMINARY dated 27Nov 2019 ; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

- 14 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of contractors compound and car parking arrangements;

- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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

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

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

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. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

- 3 The 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.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW.

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

- 5 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.

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

Officer's Assessment

1. Site Description

The application site is located to the south of Porch Way in between nos. 6-8 and 10-12 Porch Way.

The site consists of a 3.0m wide front driveway which opens out into the main part of the site which is approximately 5.0m wide at the front, 12.0m wide at its widest point with an overall depth of approximately 22.5m.

The site is currently vacant and was previously occupied by four domestic car garages and front forecourt which have since been demolished and removed from the site.

The site is positioned on a bend in the road between two short terraces of dwellings which lie at right angles to each other.

Porch Way is residential in character comprising of a mix of two storey terrace dwellings and maisonettes with a uniform front building line.

The site is not within a Conservation Area.

2. Site History

17/4671/FUL-Demolition of existing garages and construction of a single storey detached dwellinghouse with associated amenity space, refuse/recycling store, cycle parking and 1no. off-street parking space.- Allowed on Appeal dated 19.04.2018.

16/7548/FUL - Demolition of existing garages and construction of a single storey detached dwellinghouse with associated amenity space, refuse/recycling store, cycle storage and 1no. off-street parking space. - Refused: 22.02.2017.

1. The proposed dwelling by reason of its size and siting would be a cramped and incongruous form of development on a restricted site, providing an unfunctional private amenity space, and consequently, a constrained standard of outlook for bedrooms 1 and 2. As such, the proposal would be detrimental to the character and appearance of the area and the streetscene, and harmful to the amenities of the future occupiers, contrary to policies to the Council's policies CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012), Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012) and the Adopted Residential Design Guidance SPD (October 2016).

Appeal Dismissed: 09.06.2017.

16/2477/FUL - Demolition of existing garages and construction of a single storey detached dwellinghouse with associated amenity space, refuse/recycling store, cycle storage and 1no. off-street parking space. - Refused: 10.06.2016

1. The proposed dwelling by reason of its size and siting would be a cramped and incongruous form of development on a restricted site detrimental to the character and appearance of the area and the streetscene, contrary to policies to the Council's policies CS

NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012) and Policy DM01 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012).

2. The proposal by virtue of failing to provide adequate, useable outdoor amenity space and adequate outlook from bedrooms 2 and 3 would result in a poor and sub-standard form of residential accommodation to the detriment of future occupiers contrary to policy 3.5 of the Mayor's London Plan July 2015, policy CS5 of the Barnet's Local Plan (Core Strategy) DPD and policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (both adopted September 2012), SPD: Sustainable Design and Construction (Adopted April 2013) and SPD: Residential Design Guidance (Adopted April 2013).

Appeal Dismissed: 05.10.2016.

15/04901/FUL - Demolition of existing garages and construction of a single storey detached dwellinghouse with associated amenity space, refuse/recycling store, cycle storage and 1no. off-street parking space - Refused: 28.09.2015

1. The proposed dwelling by reason of its size and siting would be a cramped and incongruous form of development on a restricted site detrimental to the character and appearance of the area and the streetscene, contrary to policies to the Council's policies CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012) and Policy DM01 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012).

2. The proposal by virtue of failing to provide adequate, useable outdoor amenity space and adequate outlook from bedrooms 2, 3 and 4 would result in a poor and Substandard form of residential accommodation to the detriment of future occupiers contrary to policy 3.5 of the Mayor's London Plan July 2015, policy CS5 of the Barnet's Local Plan (Core Strategy) DPD and policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (both adopted September 2012), SPD: Sustainable Design and Construction (Adopted April 2013) and SPD: Residential Design Guidance (Adopted April 2013).

3. Insufficient information has been submitted with the application to demonstrate that the loss of the existing garages will not result in detrimental harm to the free flow of traffic and parking to the surrounding area to assess the highways implications of the proposal. The proposal would therefore be contrary to Policy DM17 of the Development Management Policies DPD (adopted September 2012).

Appeal Dismissed: 06.04.2016.

3. Proposal

This proposal is a further variation of the previously approved scheme under 17/4671/FUL which was allowed on appeal dated 19.04.2018.

The proposed dwelling would be single storey dwellinghouse with similar footprint as the previously approved scheme and with overall footprint area of 72sqm. The built form of the front projection will be 1.3m from Nos.10-12 Porch Way and 1.3m from Nos. 6-8 Porch Way. The flank walls of the main bulk of the development will be no less than 0.9m from the neighbouring garden boundaries.

The roof of the front projection of the proposal would be 240mm lower than the previously approved scheme under 17/4671/FUL. The roof of the rear part of the proposal would be 0.79m higher than the roof of the previously approved scheme.

The previously approved scheme was arranged on one level whereas the current proposal would provide two levels at the rear. The front of the dwelling at ground level would provide entrance, kitchen dining and a bathroom. The lower ground level at the rear would provide living dining area and the upper level would provide three bedrooms. The rear garden would be provided as a sunken garden approximately 0.9 m below the ground level. Green roof is proposed for the roof with roof lights.

The existing 3m high rear boundary wall would be retained and the top half of it would be replaced by frosted glass blocks and the lower half would be treated as green wall.

The proposed dwellinghouse will have a private rear garden with a depth of 4m and an area of approximately 42.4sqm same as the previous approved scheme and one off street parking space is provided to the front at the opening of the site. Refuse storage is provided at the front at the rear of the parking and cycle parking is to be sited to the west of the property.

4. Public Consultation

Consultation letters were sent to 90 neighbouring properties.

A total of 9 objections were received including one support

The following concerns have been raised:

- The proposed dwelling by reason of its size and siting would be a cramped and incongruous form of development on a restricted site, providing an unfunctional private amenity space.
- The proposed development's design is totally at odds with the street scene no attempt has been made to maintain the 1930 character of the street.
- The loss of parking spaces will have a significant impact on street parking.
- Privacy of the rear property of the subject site would be compromised.
- The proposed building work would generate a lot of noise and disruption to all neighbours around the site.
- The proposed green roof is out of character
- The design fails to provide adequate outlook from the windows which would result in a poor and inferior form of residential accommodation to the detriment of the future occupants.
- The design fails to provide adequate outlook from the windows which would result in a poor and inferior form of residential accommodation to the detriment of the future occupants.
- Ground stability and the potentially adverse effect of the proposed excavating work on the stability of the ground and surroundings properties.
- Objection on principle of a dwelling replacing the garages.
- Probable impact on Highways.
- Impact on health on the neighbouring occupiers due to disturbance during construction work.
- Right to access to the rear of the neighbouring terraced properties

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

The 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 and CS7
- Relevant Development Management Policies: DM01, DM02, DM08 and 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.

Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

Supplementary Planning Documents

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Amended drawings

The proposal has been amended to increase the proposed floor to ceiling height of the living dining area and bed rooms to comply with London Plan standard. This is achieved by lowering the rear section by 300mm.

Principle of Residential Development

The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed provided that it is not of high environmental value

Policy 3.4 of The London Plan (2016) promotes the optimisation of housing output within different types of location. Policy 3.8 of The London Plan also encourages the Council to provide a range of housing choices in order to take account of the various different groups

who require different types of housing. Consideration will also be given to the accessibility of the site to services and amenities. Having regard to the London Plan (2016) and the Council's policies and guidelines, it is considered that the proposal would provide an increase in housing stock within the Borough.

The application site is located within an existing residential area, where Policy DM01 directs new residential development. Being an established residential area, accessibility is good and the infrastructure in the vicinity has been developed so there are services and facilities available within walking distance of the site. The principle of residential development is therefore acceptable in terms of criteria set out in Policies DM01 subject to an assessment of the scheme against policies and the parameters governing residential development.

The Planning Inspector in the appeal decision referenced: APP/N5090/W/15/3139361 planning application Ref: 15/04901/FUL (i.e the first dismissed appeal) raised no objection to the loss of the garages and, considered '... that there is no aesthetic reason why a well designed and suitably scaled single storey home should not be developed on this site. It would make effective use of suburban land, would not detract from the predominance and regularity of the terraced blocks, would continue to allow for an important visual gap above ground floor in this relatively prominent part of the street scene and could add some glimpsed visual interest and subtle intrigue....'

Similarly, the Planning Inspector of the second dismissed appeal decision (Ref: APP/N5090/W/16/3154654) having regard for the first dismissed appeal, also did not raise objection to the principle of a single storey dwellinghouse in this location.

In a recent appeal decision for 17/4671/FUL, the inspector mentions that, "I have been made aware of a number of previous appeals on the site. Whilst the principle of a single storey dwelling on the site has been accepted by the previous Inspectors, a common issue in the previous appeals is the cramped nature of proposed development and the proximity of the building to the site boundaries."

"In response to these previous decisions, the appellant has increased the depth of the proposed rear garden to approximately 4 metres. Whilst the setback from the rear boundary would be less than that of the adjacent dwellings, I consider that the size and proportion of the rear garden is such that the dwelling would not appear as unduly cramped within the plot. Due to the separation distance from the rear boundary as well as the set back from the boundaries on either side, I consider that the layout of the proposal would be compatible with the suburban residential character of the area."

"...the proposal would also not be prominent in views from the highway of Porch Way and I consider it would not detract from the streetscape. Whilst the dwelling would project further forward than the garages originally located on the site, the dwelling would be set back from the main elevations of the adjacent buildings and when combined with its limited scale would not be an obtrusive feature in views of the area."

The inspector goes on to mention that, " I acknowledge that the proposal would be in a relatively unorthodox location on a constrained site and would differ from the predominant pattern and form of dwellings in the area. However, due to the suitable separation distances from the site boundaries, its limited scale, understated design and inconspicuous location I consider that the development would not appear as an obtrusive feature in the streetscape or in views from surrounding properties."

The inspector further mentioned that, "I have had regard to the comments raised locally in relation to the loss of the garages. However, I saw that the garages had been demolished and based on the evidence presented to me the garages were in separate private ownership and had not been in use for some time. On that basis, I concur with the conclusions of a previous Inspector2 that it would be difficult to argue that the site must be maintained as a block of garages."

As such, there is no objection in principle to create a dwellinghouse in this site which was occupied by garages before.

Impact on Character and Appearance of the Application site, street scene and wider locality

The NPPF attaches great importance to the design of the built environment, stating, "good design is a key aspect of sustainable development...and should contribute positively to making places better for people".

'It stresses the need to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings and smaller developments like the proposed development. While it states that local authorities should not impose architectural styles or particular tastes, it reinforces that it is also important to consider local character and distinctiveness. In addition, it states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

Similarly, the Council's approach to development as set out in Policy DM01 is to minimise its 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.

Porch Way is characterised by a mixed variety of housing types and the proposal is for a contemporary development which the Inspector of the second appeal considered to be influenced by the design of the single storey garages which used to occupy the rear of the site. The Inspector considered the design to be attractive and innovative, and, at an appropriate scale, it could be highly suited to the site.

Inspector 3 recognised that the bespoke contemporary design would add visual interest along Porch Way and would provide an attractive contrast to the traditional appearance of dwellings along the road.

In the recent appeal decision, the inspector stated that, "The proposal would be of an understated modern design which would not mimic the character of the adjacent dwellings. However, the proposal would also not be prominent in views from the highway of Porch Way and I consider it would not detract from the streetscape. Whilst the dwelling would project further forward than the garages originally located on the site, the dwelling would be set back from the main elevations of the adjacent buildings and when combined with its limited scale would not be an obtrusive feature in views of the area."

As such, the Local Planning Authority (LPA) accepts the position of the Inspectors and therefore considers that a single storey dwellinghouse of high quality contemporary design is appropriate for the site.

It is noted that the proposed section at the front would be lower in height than the previously approved scheme and 0.79m higher at the rear than the roof of the previously approved scheme. However, the proposed height when viewed from the street and between the adjacent dwellings would still appear as single storey and the proposed height of 3.075 m at front would remain same as the previous approved scheme under 17/4671/FUL.

The development is to be single storey in height at front and therefore retains the visual open gap at first floor level when viewed from the street scene, identified as being important by the Planning Inspectors.

The lower level at the rear would not be visible from the street scene and considered not to have any detrimental impact on the character of the area. The sunken rear garden would also not be visible from the street scene.

The scheme that was the subject of the third refusal / dismissed appeal was considered by the Inspector to be unacceptable for the following Character and Appearance reason:

- The excessively short (2.3m) rear garden would result in a cramped form of development, resulting in considerable harm to the character and appearance of the area and would not overcome the concerns of previous Inspectors

The current proposal retains the same 4.0m depth for the rear garden as in the previously approved scheme. The depth is considered sufficient to overcome previous concerns, particularly when noting that not all of the neighbouring properties enjoy overly deep rear gardens and will ensure that a decent useable private amenity space of over 40 sq m is available to future occupiers.

The proposed green roof in two levels would help to break up the mass and would help to reduce the impact of the development by providing more softer appearance than could be achieved by a concrete flat roof or tiled pitched roof.

Quality of residential amenities for future occupiers of the proposed dwellings

The propose development would have 61.1 sqm at ground floor level and 38 sqm internal floor area area at upper level. The proposed development will have a total Gross Internal Floor Area (GIA) of 99.1sqm in two levels which is considered to be acceptable in accordance with the adopted space standards contained in the Council's adopted Sustainable Design and Construction SPD (2016) for 3 bed 5 person person dwelling which is required 93 sqm. The size of the bedrooms and amended ceiling heights within the overall property are also considered to be sufficient in respect of the LPA's adopted residential standards and London Plan 2016.

The scheme that was the subject of the third refusal / dismissed appeal was considered by the Inspector to be unacceptable for the following Quality of Accommodation reasons:

- The excessively short (2.3m) rear garden would result in poor levels of outlook / a sense of enclosure for future occupants;
- The rear garden, due to its excessively short length, would have limited utility and would not be an attractive space for future occupants;
- Access to the rear amenity space would be via side gate or bedroom only which is likely to further limit its use.

The current scheme as the previously approved scheme overcome these issues by increasing the depth of the garden to 4.0m and providing direct access via living dining area.

The rear garden space would be 4.0m deep and over 10m wide giving a total area of 42.4 sq m, which meets the Council's amenity space requirements for a house of this size (minimum 40 sq m).

Whilst the depth of 4.0m is by no means generous, in the context of this site it is now considered to be acceptable and will allow for the space to be used for sitting out / drying of washing etc. It is noted that the amenity space is south facing, ensuring good access to sunlight throughout the day. The appearance of the rear boundary treatment as viewed from the living dining area has been improved by the proposed green wall at the lower part and obscured glazed glass block treatment at top part which would allow sufficient light to reach the sunken garden and the green wall will enhance the quality of the sunken garden by introducing green. The outlook from the rear facing windows is therefore now considered to be acceptable.

The planting area to the front of the property is considered to serve a useful function as a potentially attractive buffer between the car parking space and the front elevation.

All the rooms would receive sufficient day light and would provide a good quality living space for the dwelling.

Impact on Neighbouring Residential Amenities

The previous four applications were not considered to result in any adverse impact on the amenity of the adjoining or nearby properties and this did not form any of the reasons for refusal. This application has a similar footprint and the positioning of the dwelling has not been changed in relation to the neighbouring properties. There are no windows proposed in the east or west flank elevations and as such would not have an unreasonable impact on light amenity or the level of privacy afforded to the neighbouring residencies on east and west.

It is noted that, glazing has been proposed at lower ground level in two corner side windows which would face neighbouring properties no.6 and 8 and no. 10 and 12. These corner lower level windows would be below neighbouring ground level and would not directly overlook neighbouring properties. However, a condition is attached to requiring them to be obscured glazed and non- openable.

The rear boundary wall would feature green wall on the bottom part and the upper half would feature obscured glass block to allow daylight to reach the rear sunken garden. It is noted that this is not similar to other neighbouring boundary walls, however, because of being obscured and because of the thickness of the glass block, it would not cause any overlooking or privacy issue for the neighbouring rear gardens. It is considered that the proposed rear wall would not have any detrimental impact on the amenities of neighbouring properties.

Overall, it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level. In this respect, the development complies with Policy DM02 of the Local Plan and the SDG and the National Planning Policy Framework.

It is noted that, green roof has been proposed, a condition would be attached restricting the use of the green roof only for maintenance purpose and not to be used as external amenity space.

It is not considered that the use would produce any higher noise levels, activity or disturbance to adjoining or nearby properties over the last use as garages which, when in use, would have generated a greater level of activity with cars coming and going.

Highways and Parking

Highway officers were consulted on the proposal, the officers requested amendment to relocate the bin stores at the front and to provide secure cycle parking storage. The applicant provided amended plans showing 1 off street parking space at the front of the property and bin stores at the rear of the parking at an accessible location and secure cycle storage is provided on the west side.

This accords with Policy DM17 and Highways officers are satisfied with the provision.

Accessibility and Sustainability

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

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

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

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan, subject to the attached conditions.

5.4 Response to Public Consultation

Many of the concerns raised in the public consultation process of the application have been addressed in the body of the report. Right of access, structural subsidence and public health are not a material planning consideration and therefore outside the scope of this assessment.

6. Equality and Diversity Issues

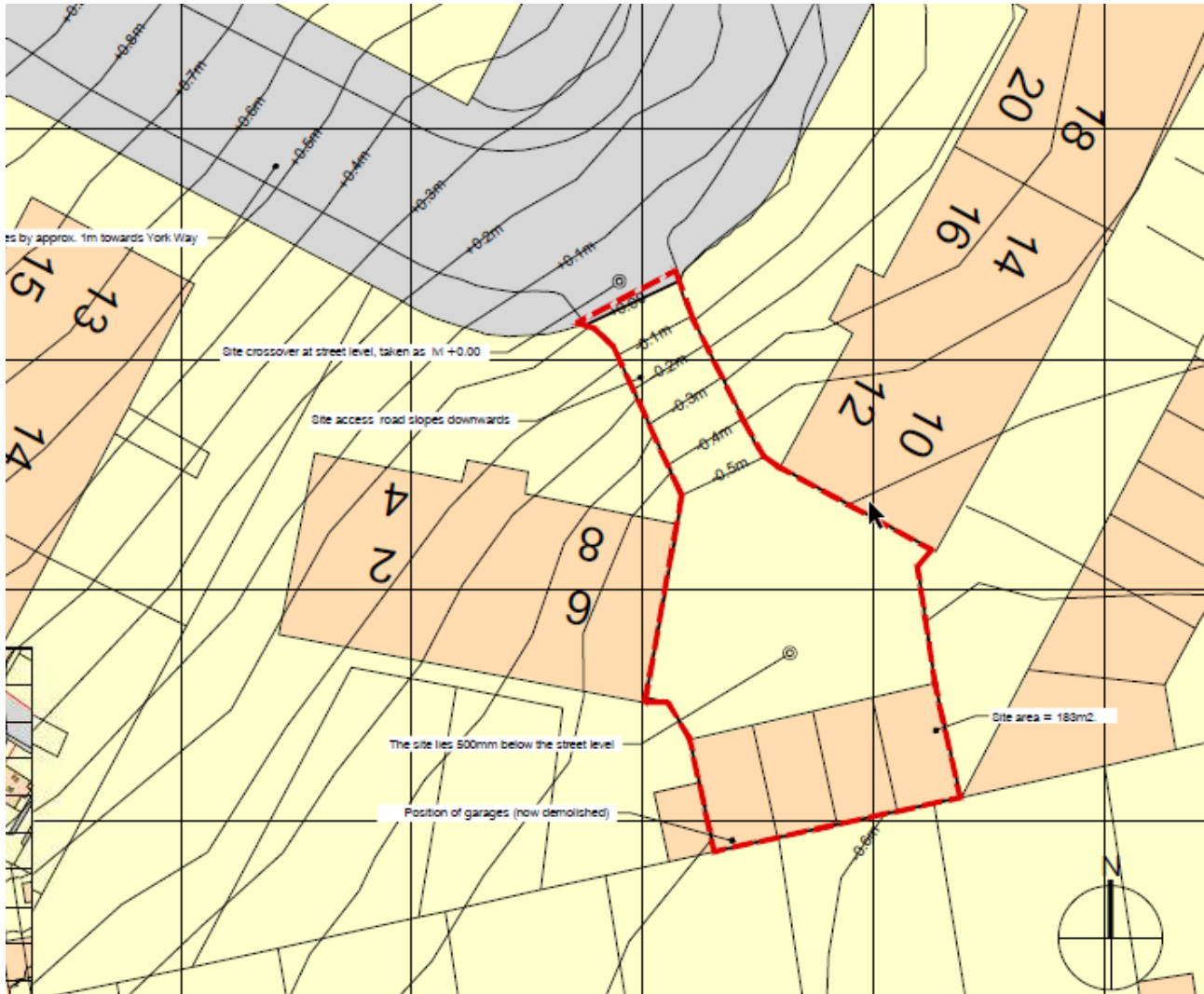
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set out in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development, as amended, would not harm the character and appearance of the application

site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers and would provide suitable living accommodation for future occupiers.

This application is therefore recommended for approval.



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Location	Church End House 44 Totteridge Village London N20 8PR	
Reference:	19/4514/HSE	Received: 14th August 2019 Accepted: 16th August 2019
Ward:	Totteridge	Expiry 11th October 2019
Applicant:	Mr Fausto Furlotti	
Proposal:	Demolition of existing garage. Erection of new garage with residential accommodation in roof space	

AGENDA ITEM 9

Recommendation: Approve subject to conditions

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

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

435315/1, 435315/2, TCP 7367 rev b, Arboricultural Impact assessment report (AIA 7367 rev b dated 09. 12. 19), Report Relating To An Outbuilding prepared by David Hornsby Conservation & Chartered Surveyors dated 6 December 2019, Planning Heritage and Design and Access Statement (August 2019), Supporting documents (attached to e-mail dated 20 January 2020).

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

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

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

- 3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced

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

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

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

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

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

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

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.

A landscape scheme of soft landscape must be provided to mitigate the impact of the scheme on the local area. This must include as a minimum: Provide x 3 new beech trees replace T4, this will re-instate the group TPO back to the original number, x 1 beech to replace T7 and X 1 scots pine to replace T8.

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 The use of the new garage with accommodation in roof space above, hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

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

- 7 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.

- 8 a) No development shall take place until details of the windows in the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The details should include plans at 1:10 including a section to demonstrate the thickness of the new unit.

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.

- 9 a) No site works or works in connection with the development hereby approved shall be commenced until details of the protective measures to be implemented for the wildlife species protected by law and details of any mitigation measures including the timing of development works and special techniques has been submitted to and approved in writing by the Local Planning Authority.

Ecological Enhancement measure should include: One bat box (e.g. 2F Schwegler or similar), suitable for a range of bat species, should be erected on retained standard trees in unlit parts of the site. One bird box (e.g. 2H Schwegler or similar), should be erected on retained standard trees in unlit parts of the site.

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

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

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 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.
"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."

Officer's Assessment

Officers had WITHDRAWN this item from the 16th October 2019 committee so that the officers can investigate whether Listed Building Consent is also required for this application as new evidence suggested the garage subject of this application was on the ground prior to 1948. (Under the Planning, Listed Buildings and Conservation Areas Act 1990, the protection extends to any structure within the curtilage of the listed building which was on the ground of the listed building prior to 1st July 1948).

The applicant/agent has provided a "Report Relating to An Outbuilding prepared by David Hornsby Conservation & Chartered Surveyors dated 6 December 2019" and Confirmation that Listed Building Consent (LBC) is not required given the subject garage building was built after 1st July 1948. The findings of the surveyors report is discussed under "5.3 Assessment of the Proposal" but can be summarised as follows:

The report is accompanied by 3 historic maps. Figure 1 shows a map dated 1935 and figure 2 dated 1961 which shows the building roughly in the same position and footprint but figure 3 shows a map dated 1981 which shows a completely different footprint for the building which is smaller than that shown on the earlier maps with a modern roof frame and the use of its materials and methods of construction to be quite different from pre war construction. The report concludes that the above suggests that the existing building in its current form was constructed in the late 1960s-1980s.

1. Site Description

The application site is located within the Totteridge Conservation Area and Church End House is a listed building. It is not located within the Green Belt. Although majority of Church End House is situated in an Area of Special Archaeological Significance, the existing garage structure is outside of this area. The existing garage is not listed. The Western flank of the garage neighbours land designated as Metropolitan Open Land.

The site also contains a number of trees protected by Tree Preservation Orders located near the existing garage. It should be noted that notwithstanding this all trees are afforded protection by reason of being within a conservation area.

The Parish Church of St. Andrew and a private road is sited to the west and residential properties are to the east of the site. Parish hall and access road bounds the north boundary of the site.

2. Site History

16/1644/HSE: Church End House, 44 Totteridge Village, London, N20 8PR.

Erection of new garage with residential accommodation in the roof space for use ancillary to main house following demolition of existing garage.

Decision: Approved subject to conditions.

Decision Date: 13.05.2016

B/03989/13: Church End House, 44 Totteridge Village, London, N20 8PR

Internal alterations. Removal for door and reinstatement of brickwork. Alterations to down pipes and guttering.

Decision: Approved subject to conditions.
Decision Date: 11 October 2013

B/05623/13: Church End House, 44 Totteridge Village, London, N20 8PR
Erection of metal railings along the north-west boundary of the property and erection of a wrought iron electric gate.

Decision: Approved subject to conditions.
Decision Date: 5 March 2014

N02147E/02/TRE_B: Church End House, 44 Totteridge Village, London, N20 8PR, . Beech - remove 1 branch, thin 20% T19 of TPO.

Decision: Approved subject to conditions.
Decision Date: 18 April 2002

3. Proposal

The current proposal is identical to the previously approved scheme under 16/1644/HSE, dated 13.05.2016. This application also included the provision of residential accommodation in the roof space and the proposed plans and elevations of the current application are same as before. A new application has been submitted because the previous planning permission was not implemented on site within 3 years, which is a requirement of all consents. There appears to be no material, or policy change since the earlier decision was made.

This application proposes the erection of new garage with residential accommodation in the roof space for use ancillary to main house following demolition of existing garage.

The proposed garage will have a width of 15m and depth of 5.4m, supporting a gable pitch roof with a min. height of 2.8m and max. height of 5.8m. The garage roof will feature 4no. front facing dormers with hipped pitch roofs, measuring 1.75m in width, 1.55m in depth and 2.55m in height. There will be 4no. garage doors to the front elevation, each one measuring 2.6m in width and 2.10 in height. The first floor east elevation will contain one window located in the gable face.

The proposal has been referred to Committee because of several objections received from the neighbours and councillors.

Cllr Caroline Stock objected on the following grounds:

- Church End House is a Grade 2 Listed building and the garage is very much part of the site.
- Proposed garage is too large
- Overbearing and out of keeping
- Appears to be a self-contained dwelling with kitchen, bedroom and bathroom
- The structure would not add to the character
- Impact on TPO trees

Cllr Alison Cornelius objected on the following grounds:

- The garage pre dates July 1948 and to be treated as listed building
- Probability to use the garage as self-contained dwelling as layout shows bath, bedroom, lounge and kitchen
- Intensification of the site as back land development in Totteridge Conservation Area.

- Impact on TPO trees
- Dominating and out of keeping in the conservation area

4. Public Consultation

Consultation letters were sent to 5 neighbouring properties and a Site Notice was issued. 20 letters of objections have been received including 3 support.

The objections received can be summarised as follows:

- The proposed mass and bulk is excessive
- Potential damage to the TPO trees
- Out of Keeping with the locality and conservation area
- Proposal should not be used as separate unit
- The applicant should apply for Listed Building consent
- inappropriate intensification
- Impact on Parish Hall
- Convert the garage into new dwelling would not be appropriate
- Proposal would be larger than the existing garage
- impact on listed building

4.1 Other Consultation

Totteridge CAAC (2nd of September 2019): - The bulk, height and position of the proposal constitutes intensification of the use of the site. Trees on the sight need to be considered together with the rural aspect.

Urban Design & Heritage: - No objection in principle to the construction of a new garage; furthermore, a previous application was approved which was exactly same as the current proposal.

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, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless

any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

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

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

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.

DM06 states that, Development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet. Paragraph 7.2.2 mentions that, if a site lies within a Conservation Area or is located nearby, planning permission will not be granted where development proposals neither preserves nor enhances the character or appearance of that area. Proposals will need to consider the council's Conservation Area character appraisals and suite of Supplementary Planning Documents.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 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 April 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, appearance and setting of the listed building, the street scene, the Totteridge Conservation Area and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether harm would be caused to the TPO trees within the vicinity of the development.

5.3 Assessment of proposals

Impact on Character:

The current proposal is exactly same as previously approved scheme under 16/1644/HSE in 13.05.2016.

The applicant has submitted a report prepared by David Hornsby Conservation and Chartered Surveyors who are specialist building conservation Chartered Surveyors accredited by Royal Institute of Chartered Surveyors. The report demonstrated whether the existing garage on site existed on 1st of July 1948. The surveyor analysed historic maps. The report mentions a 1935 map which shows an outbuilding. 1961 map shows an outbuilding roughly in the same position and with same footprint. However, a 1981 map shows a very different footprint which is smaller than shown in the earlier maps. The surveyor states that the later outbuilding is a modern construction. It uses materials and methods of construction which are different from pre-war construction. The report further states that, "This is illustrated in the bonding of the brickwork but also a modern roof frame and construction is present throughout the roof of the entire building which suggests that the existing building in its current form was constructed in the late 1960's or 1970's."

The submitted report concluded that the current modern building, based on the evidence available from the historic maps indicates that it was built sometime between 1961 and 1981.

The style, materials and method of construction of the building would accord with the time scale given above for the construction. Therefore, the current building in its existing form, constructional and detailing didn't exist on 1st July 1948.

Council's conservation officer confirmed that, the existing garage, which is proposed to be demolished, is not attached to the listed building and is clearly a more modern structure. Given the latter date of this garage addition and the fact that it is not listed it is not considered that a listed building consent would be required in this instance. Similarly Listed buildings consent was not required under the previously approved permission.

However, given the garage building is within the curtilage of a listed building, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires the decision maker to have special regard to the listed building or its setting, when granting planning permission for any structure within the curtilage of a listed building.

The Local Planning Authority have considered the impact of the proposal to the setting of the Listed Building and do not consider that the proposal will result in harm to the building of special historic interest or its setting.

During pre- app advice, it was indicated that, there is no objection by the council to the loss of the existing garage and for it to be replaced. The officer informed that, there is no objection in principle to the construction of a new garage replacing the existing as exactly same application was approved in 13. 05. 2016.

The proposed garage would be 4m wider and 1.4m higher than the existing garage on site, with the same depth as existing garage. Officers consider that the additional volume created by these dimensional increases are reasonable and therefore will result in a proportionate and congruent structure that relates well with the plot in which it is to be located. In addition to this, it is considered that the design in relation to its balanced symmetrical appearance will be an improvement over the existing garage, and with the provisionally suggested materials (which will be finalised by means of a condition), will not detract from the character, appearance or setting of the listed building that the proposed new garage will serve. The proposed dormers are complementary, subordinate features on the front roofslope which have appropriate spacing between them and will make a valuable contribution to the visual interest of the building.

Furthermore, the proposed new garage is sited at the rear at north west corner of the subject site away from the listed building and screened by existing mature trees along the west boundary and the additional bulk would not be apparent from the access road or from the path to the west.

The proposal is not for a self-contained residential accommodation replacing the existing garage, as objected by neighbours. The ground floor would be used as garage and the first floor would contain one bedroom with kitchen and bathroom facility to be used as ancillary to the main dwelling. The applicants agent has provided further supporting document from Barnet disabilities team confirming that this is a much required accommodation for the disabled son of the applicant as it has been difficult and there have been no flats available for people with disabilities available to live independently.

This self contained unit whilst would be independent would be used ancillary to the main house and will be accommodated by the applicants disabled son to assist him living independently within the grounds of their current home.

The use of the first floor of the garage as residential accommodation that is ancillary to the use of the main house is considered to be acceptable. This does not constitute the Local Planning Authority's acceptance of the accommodation's suitability as a separate self-contained unit. As such, a condition will be applied requiring that the use of the garage and its first floor accommodation remains ancillary to the use of the main house and not to be used as self-contained unit at any time.

Overall, Officers do not consider that the proposed garage would have an unacceptable impact on the character and appearance of the listed building, street scene, Totteridge Conservation area or the wider locality, because of its siting and moderate increase in scale.

Impact on neighbouring amenity:

The proposal in this application is not located within the vicinity of any other residential properties where it would cause harm to their amenities.

It is noted that, Parish Hall is located on the north side of the proposal and separated by an access road. It is considered that; the increased bulk and height of the proposal would not appear significantly overbearing when viewed from rear than what is existing on site.

Furthermore, there would be no window in the north and west flank walls facing the access road and considered not to cause any overlooking impact for Parish Hall at the rear.

Impact on TPO trees:

Councils Tree officer was consulted on the proposal. Officer informed that, the application is a repeat of a previously approved scheme. There does not appear to be any change to submission approved under 16/1644/HSE.

The officer further informed that, two of the beech trees are reported to be in very poor condition this was evident from a site visit while assessing application 19/1318/HSE a subsequent visit on 5.09.2019 confirms this and the condition has worsened. T4 within the traffic island and T7 located to the south east of the garage. Subject to replacement planting of x 3 beech trees within the traffic island, and x 1 beech in a similar location to T7 this should be acceptable.

The loss of T8 the bay tree against the existing building is acceptable subject to replacement planting.

T37 a large mature ash tree is growing very close to the existing garage and further details of the construction and tree protection measures need to prevent harm to this TPO tree must be submitted. However, this tree is in poor condition. The applicant, in consultation with an engineer should consider the use of helical screw piles to help limit impacts

T8 bay, G37 holly and laurel would need to be removed to facilitate this proposal. The impact of this can be mitigated with replacement plantings.

T4 and T7 are proposed to be removed for health and safety reasons, which will also facilitate the installation of services to the garage.

A landscape scheme of soft landscape must be provided to mitigate the impact of the scheme on the local area. This must include as a minimum:
Provide x 3 new beech trees replace T4, this will re-instate the group TPO back to the original number, x 1 beech to replace T7 and X 1 scots pine to replace T8.

A revised tree plan and report indicates removal of 2 TPO trees which was recently approved under TPF/0763/19.

The officer has no objection to the proposal, subject to the submission of an arboricultural method statement and tree protection plan that details all the measures needed to ensure the safe retention of trees this application can be considered in accordance with local planning policy DM01.

Ecology:

The garage block provided Negligible bat roost potential. There were bat access points into the garage block; however, there was limited roosting potential inside the building. No bats or evidence of bats were observed during the survey.

The demolition of the building required for the construction phase should take place outside the bird breeding season of March to August inclusive, to prevent disturbance to birds, or if removed in that period, only after a survey has shown that no active nests are present. Alternatively, if the nesting bird season cannot be avoided then the building should be demolished following a nesting bird check. The building should only be demolished if no nesting birds are found during this check. If nesting birds are found, then the building cannot be demolished until the last chick has fledged.

Officers suggested Ecological enhancement measures as follows:

One bat box (e.g. 2F Schwegler or similar), suitable for a range of bat species, should be erected on retained standard trees in unlit parts of the site.

One bird box (e.g. 2H Schwegler or similar), should be erected on retained standard trees in unlit parts of the site.

Conditions are attached to address this issue.

5.4 Response to Public Consultation

Comments received during the consultation process have been considered and addressed in the above Officer's report.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character, appearance and setting of the listed building, the street

scene, the Totteridge Conservation Area and the wider locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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Location **25 Ravenscroft Park Barnet EN5 4NH**

Reference: **19/5832/FUL**

Received: 30th October 2019

AGENDA ITEM 10

Accepted: 14th November 2019

Ward: High Barnet

Expiry 9th January 2020

Applicant: Marisol Borg

Proposal: Erection of a rear infill conservatory

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:

- Drw No: SK07 - Existing & Proposed Side Elevations
- Drw No: SK01 - Proposed Ground Floor Rev A
- Drw No: SK02 - Proposed Roof Plan Rev A
- Drw No: SK03 - Proposed Elevation Rev A
- Drw No: SK04 - Existing Ground Floor
- Drw No: SK05 - Existing Roof Plan
- Drw No: SK06 - Existing Rear Elevation
- Location Plan dated 12/11/2019

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

2 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).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The 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 application site comprises a Ground Floor flat. The first-floor flat relates to No. 25A and the second floor flat relates to No. 25B.

The original building was a two-storey semi-detached dwelling house along Ravenscroft Park which shares a party wall with No 23. The house has been converted in to 3 self contained flats back in the 1970's.

The subject ground floor unit benefits from a part single storey rear extension and also has the sole use of the rear garden.

The immediate vicinity of the area comprises residential dwelling houses and Flats.

The site is not within a conservation area (designated as Article 2(3) land in The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended) and is not within an area covered by an Article 4 direction.

Furthermore, the application site is not subject to a listed building. There are not further planning restrictions associated with the host dwelling.

2. Site History

Reference: N04264

Address: 25 Ravenscroft Park Barnet Herts

Decision: Approved subject to conditions

Decision Date: 16 October 1973

Description: Conversion of 3 self-contained flats, single storey extension, external staircase and provision of 2 car parking spaces.

3. Proposal

The application seeks planning permission for the erection of a rear infill conservatory.

Dimensions:

The proposal would measure 3.5 metres in depth, 7.2 metres in width and 3.5 metres to the top of the parapet wall with a rooflight above.

4. Public Consultation

Consultation letters were sent to 10 neighbouring properties.

6 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- Detrimental impact to amenity of Flat 23a and 25a in terms of height and width. Glare coming from rooflights.
- Security issues regarding gaining access to Flat 23a and 25a.
- Change from living room to a Kitchen in terms of the noise from extraction methods from the cooker.

- Tree roots being impacted at the rear of Flat 23B.
- Loss of outlook and light into Flat 23B and decrease of value of Flat 23B.
- Objection as the proposal does not relate to a Conservatory but for a large brick extension.
- Size of the extension relative to the house/garden.

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

It is noted that the house benefits from the Conversion of 3 self-contained flats, single storey extension, external staircase and provision of 2 car parking spaces.

It is also noted that the proposed extension would encroach onto the neighbours land at No. 23 which is also subdivided into 3 separate units. since the submission of the application officers requested that appropriate certificate needs to be served on the owner occupiers of the subject site on upper flats and also on all the units at N023. The officers are happy that

appropriate certificate has been signed and served on the neighbouring occupiers as required.

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

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

The adopted Residential Design Guidance SPD (2016) states that extensions should normally be subordinate to the original dwelling 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 addition, the Council's Residential Design Guidance Paragraph 14.21 of the aforementioned guidance states that single storey rear extensions for the proposal considered acceptable should be proportionate and subordinate to the existing dwelling and circa of 3.5 metres in depth.

It is noted that the host property benefits from an existing rear extension used as a kitchen with a 3.5 metre depth and a 3.7 metre in width. It is the interpretation of the LPA that this was constructed between 1951-1971 and as there are no planning records it is considered to have been constructed under permitted development.

The proposed rear extension would adjoin the existing and therefore would be an infill extension extending up to the full width of the property. As such, the depth, width and height of the proposal is in line with Council guidance.

In addition, though not extended across the full width of the dwelling it is noted that there are other single storey rear extensions within the immediate vicinity of the area particularly neighbouring No. 23 and No. 27. It is noted that there has been other single storey rear extensions on the other side of road such as No. 26 and No. 28. The proposal would therefore be in keeping with the character of the immediate vicinity of the area and cause no harm to the immediate vicinity of the area or the wider locality.

The extension is considered not to detract from the established character of the host site and the wider locality and therefore is considered acceptable in this regard.

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

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

Towards neighbouring No. 23, the proposal would be built over the shared boundary however notice has been served on all the occupiers of this property. In addition, as no side windows are proposed towards this neighbour there would be no harm in terms of

overlooking. The proposals depth is in line the Councils guidelines (SPD 2016) and the proposed height is modest at 3.5 metres to the top of the parapet wall. There would be no loss of sunlight given the east-west sunlight orientation and the existing building orientation. Overall, there would be no detrimental harm to amenity value of this neighbour.

Towards the other side facing No. 27 which is the detached side, the proposed extension would be buffered by the existing single storey addition. Given the proposal would be built adjoining the existing kitchen extension there would be no change to the outlook of this neighbour and no sense of enclosure would be created as a result of the proposed extension. Overall, there would be no detrimental harm to amenity value of this neighbour.

The upper flats namely 25A & 25B the ground floor rear conservatory would have no harm in terms of overlooking, overbearing impacts or loss of sunlight. In addition, the height is considered acceptable. There would be no adverse impact to the amenity value of the occupiers of the upper floor flats.

The outdoor amenity space is in full use by the occupiers of No.25 the ground floor flat Therefore, no impact in terms of compromising the garden space.

Overall, there would be no appreciable harm to the living conditions of neighbouring residents and therefore the proposal is considered acceptable and is in compliance with the Council guidelines.

5.4 Response to Public Consultation

- Detrimental impact to amenity of Flat 23a and 25a in terms of height and width. Glare coming from rooflights.

The height at 3.5 metres would cause no appreciable harm to Flat 23a and 25a. It is noted that the proposed rooflight would be located on top of the proposed rear extension and would contribute to the height. This is considered acceptable and it is not unusual to have roof light in the roof of the extensions.

- Security issues regarding gaining access to Flat 23a and 25a.
This is not planning consideration.

- Change from living room to a Kitchen in terms of the noise from extraction methods from the cooker.

Given the application is for a single storey rear extension the proposed use would be no different to the existing use therefore there would be no undue concerns regarding noise.

- Tree roots being impacted at the rear of Flat 23B.

The Tree of the neighbouring occupier is not protected and therefore not a planning consideration.

- Loss of outlook and light into Flat 23B and decrease of value of Flat 23B.

There would be no loss of light as discussed within the report. Value of properties is not a planning consideration.

- Proposal does not relate to a Conservatory but for a large brick extension.

Under planning terms both are structures and both are assessed in the same way.

- Size of the extension relative to the house/garden.

There would be no impact on the outdoor amenity space or the appearance of the existing dwelling house as a result of the proposal. Sufficient garden space is still maintained for the use of the ground floor unit.

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: **19/5177/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 including mansard roof with two front dormers in the front elevation.

AGENDA ITEM 11

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, new mansard roof including front dormer windows 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

Application was withdrawn from 7th January 2020 CB area planning committee as the application was not called in by the ward councillor.

Cllr Roberts confirmed he wishes to call-in the application as the ward councillor for the reasons set out below:

The reason for this application is to provide extra space for a medical practice that will be greatly to the benefit of the local community. This is a well used medical surgery that faces increased demand for its services. The proposal will respect the conservation area and preserve the character of this Wood Street building. I request that the CB Area Planning Cttee consider this planning application in the light of the above and the clear demand for extended medical surgery facilities in High Barnet/Underhill.

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: N01112D
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.

Cllr Roberts as the ward councillor called this application to planning committee for a decision for the reasons set out below:

The reason for this application is to provide extra space for a medical practice that will be greatly to the benefit of the local community. This is a well used medical surgery that faces increased demand for its services. The proposal will respect the conservation area and preserve the character of this Wood Street building. I request that the CB Area Planning Cttee consider this planning application in the light of the above and the clear demand for extended medical surgery facilities in High Barnet/Underhill.

4. Public Consultation

A site notice was erected 10 October 2019.

A press notice was published 03 October 2019

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

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.

Internal Consultation

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

Historic England was consulted however they did not wish to comment on the proposal and authorized the Local Planning Authority in a letter dated 19th November 2019, to determine the application in accordance with national and local policies.

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

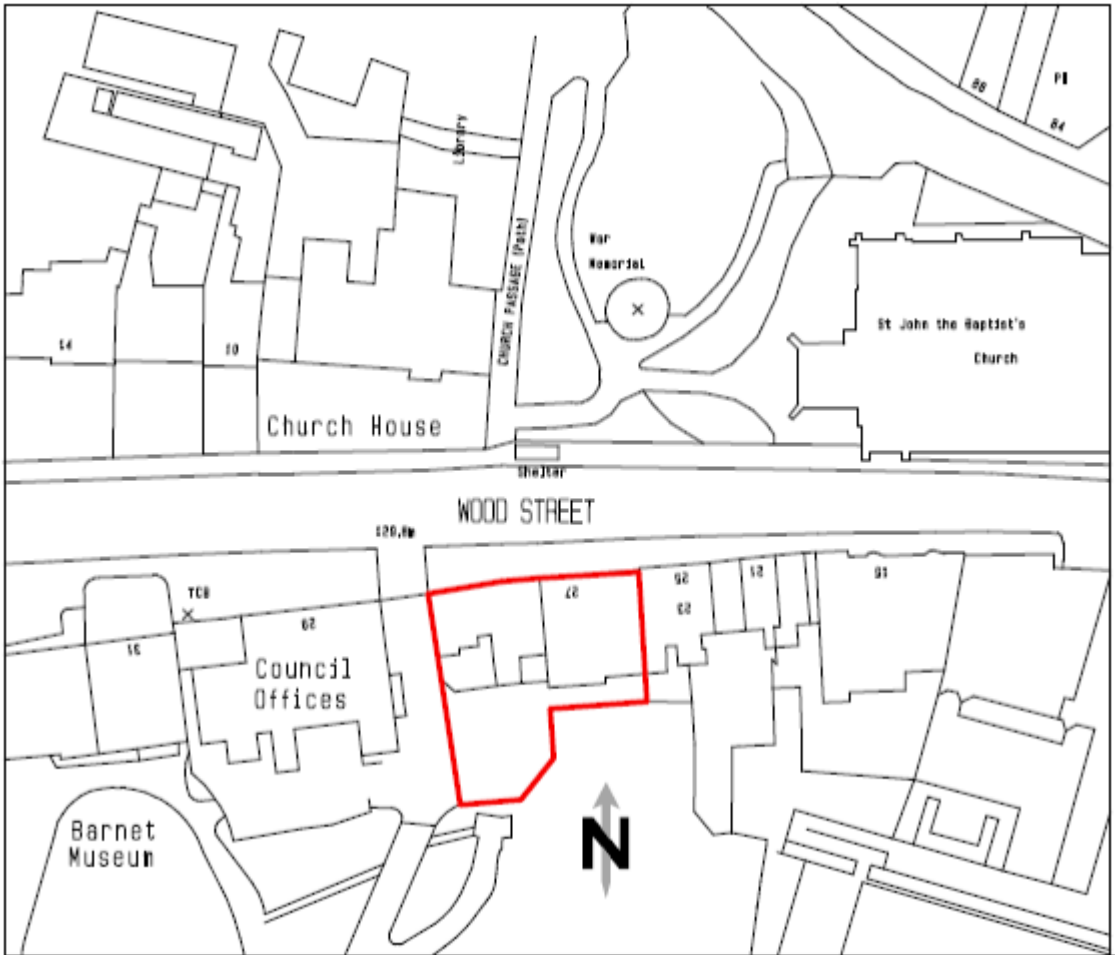
Addressed in the report.

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.



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 including mansard roof with two front dormers in the front elevation.

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 first floor side and rear extensions, new mansard roof including front dormer windows 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

Application was withdrawn from 7th January 2020 CB area planning committee as the application was not called in by the ward councillor.

Cllr Roberts confirmed he wishes to call-in the application as the ward councillor for the reasons set out below:

The reason for this application is to provide extra space for a medical practice that will be greatly to the benefit of the local community. This is a well used medical surgery that faces increased demand for its services. The proposal will respect the conservation area and preserve the character of this Wood Street building. I request that the CB Area Planning Cttee consider this planning application in the light of the above and the clear demand for extended medical surgery facilities in High Barnet/Underhill.

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: N01112F
Proposal: Dormer window at rear (LISTED BUILDING CONSENT).
Decision: Refused
Date: 12.07.1989

Reference: N01112D
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 Roberts as the ward councillor called this application to planning committee for a decision for the reasons set out below:

The reason for this application is to provide extra space for a medical practice that will be greatly to the benefit of the local community. This is a well used medical surgery that faces increased demand for its services. The proposal will respect the conservation area and preserve the character of this Wood Street building. I request that the CB Area Planning

Cttee consider this planning application in the light of the above and the clear demand for extended medical surgery facilities in High Barnet/Underhill.

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.

Internal Consultation

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

Historic England was consulted however they did not wish to comment on the proposal and authorized the Local Planning Authority in a letter dated 19th November 2019, to determine the application in accordance with national and local policies.

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 Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, 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

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.

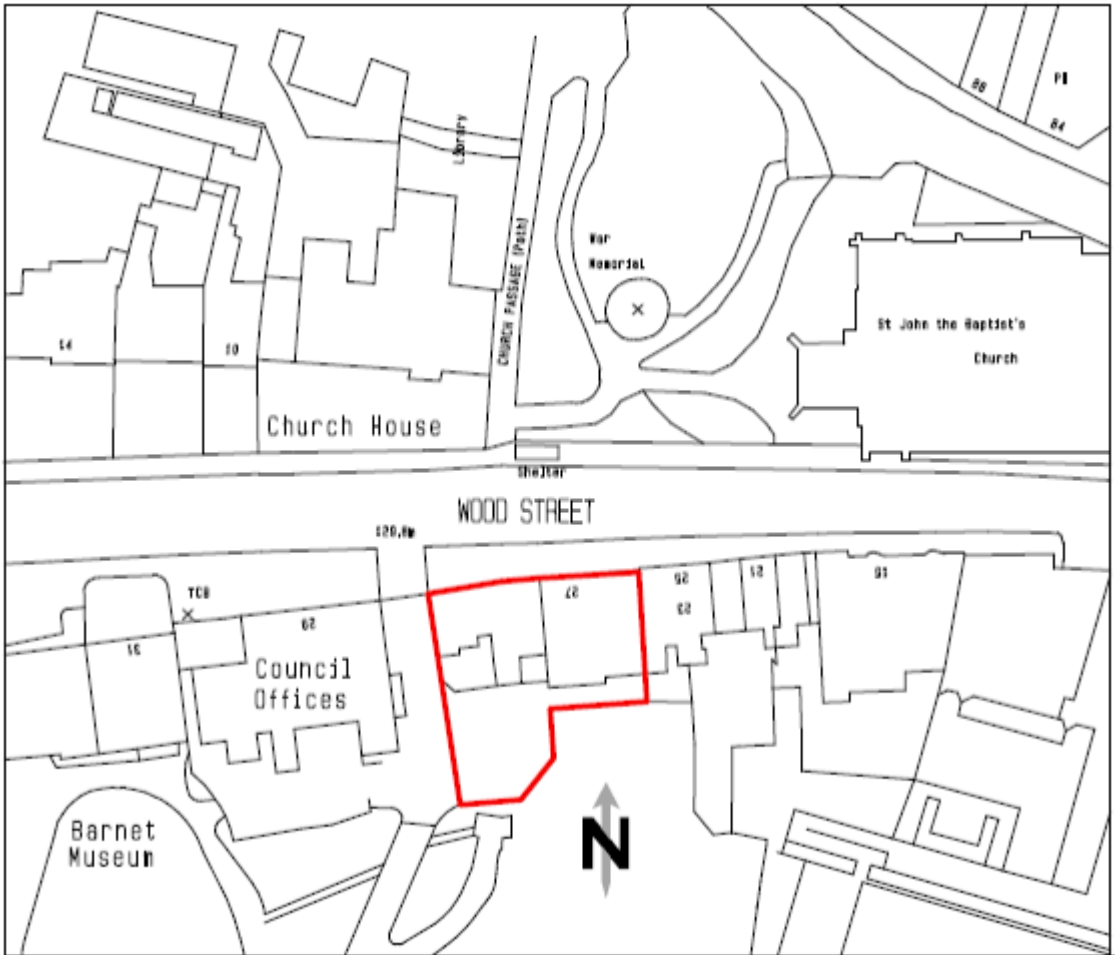
6. Equality and Diversity Issues

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.



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Location	High Prospect And Land Rear Of Rogate And Saxby Arkley Drive Barnet EN5 3LN	AGENDA ITEM 13
Reference:	19/5721/FUL	Received: 23rd October 2019 Accepted: 28th October 2019
Ward:	High Barnet	Expiry 23rd December 2019
Applicant:	Mr S COHEN	
Proposal:	Demolition of existing house. Provision of new access road. Erection of 4no detached dwellinghouses. Associated landscaping and parking	

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:

461816-17 (Existing Location Plan)
 461816-100 Rev B (Proposed Site Plan)
 461816-12 (Plot 1 Details - Plans and Elevations)
 461816-130 Rev B (Plot 2 Details - Plans and Elevations)
 461816-140 (Plot 3 Details - Plans and Elevations)
 461816-150 Rev B (Plot 4 Details - Plans and Elevations)
 461816-160 Rev C (Front and Rear Elevations - Plots 2 to 4)
 461816-161 (Materials)
 461816-110 Rev B (Site Sections)
 461816-111 Rev B (Boundary Elevations)
 18/07_01 Rev H (Landscape Masterplan)

Monocouche Render by weber.pral M - Agreement Certificate Product Sheet, Ref: 17/5464

Letter and photos, dated 8th November, Alan Cox Associates

Note, sent via email, dated 19th November, Alan Cox Associates

Letter, dated 12th December, Alan Cox Associates

Construction Management and Logistics Plan, July 2019, prepared by Alan Cox Associates

Arboricultural and Planning Integration Report - Rev A, 31st January 2020,
prepared by GHA Trees
Phase 1 Habitats Survey (dated 01.11.2018)
Sustainability Statement (received 12.11.2018)

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

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

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

- 3 a) The development shall be implemented in accordance with the details submitted and hereby approved under this application, in regard to the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s).

b) Notwithstanding the details submitted with the application and otherwise hereby approved, any other changes proposed in the levels of the site should not commence until details have been submitted to and approved in writing by the Local Planning Authority.

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

- 4 a) The development shall be implemented in accordance with the details of the materials to be used for the external surfaces of the building(s) as submitted and hereby approved under this application and Drawing No. 461816-161. In addition the proposed render for Plot 3 would have to be in accordance with the Monocouche Render by weber.pral M - Agreement Certificate Product Sheet, Ref: 17/5464.

b) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to the occupation of the proposed dwellings, details of the hard surfaced areas, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01

of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 5 The development shall be implemented in accordance with the 'Demolition and Construction Management and Logistics Plan' details approved under discharge of condition application reference 19/4256/CON approved 16.10.19.

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

- 6 a) The development (including any temporary enabling works, site clearance and demolition) shall be implemented in accordance with the details of the 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) as submitted within Arboricultural and Planning Integration Report - Rev A, dated 31st January; and hereby approved under this application.

b) The development shall be implemented in accordance with the temporary tree protection shown on the tree protection plan submitted and hereby approved under this application. 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 application.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 7 a) 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.

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

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

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

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

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

9 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments and acoustic fencing 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).

10 a) The proposed ecological mitigation and enhancements as recommended within the approved Phase 1 Habitats Survey (dated 01.11.2018) shall be carried out in full accordance with the details recommended in this document.

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 April 2016).

11 Before the occupation of Plot 1, the proposed window on the first floor of the side elevation facing Rogate 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.

Before the occupation of Plots 2, 3 and 4, the proposed side windows shall be glazed with obscure glass and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 12 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 and E of Part 1 of Schedule 2 of that Order shall be carried out within the area of Plots, 1, 2 and 3 hereby approved.

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

- 13 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 461816-100 Rev B shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

- 14 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).

- 15 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.

- 16 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.

- 17 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% 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.

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

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

Informative(s):

- 0 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 0 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to

prevent accidental release of pest and diseases and must follow the guidelines below.

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

- 0 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.

- 0 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. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

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

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the

Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf
2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

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

Officer's Assessment

1. Site Description

The application site comprises of the property known as High Prospect and land forming part of the rear curtilage of properties Rogate and Saxby. The properties are located on the end of Arkley Drive, sited off Barnet Road. With the exception of the dwelling at High Prospect, the land was originally in use as the rear gardens to all three properties and is comprised of lawn with various trees and shrubs distributed throughout.

Arkley Drive is a private residential street comprising of large detached, two-storey family properties. To the west of the site is a modern residential close (Carrington Close) comprising of two-storey detached properties.

There is a Birch tree on the front boundary between High Prospect and Rogate which is subject to a Tree Preservation Order (TPO). The land to the north of the site is designated as Green Belt, and a Site of (Borough) Importance for Nature Conservation.

Development has begun on site following the grant of planning permission under reference: 18/6794/FUL.

2. Site History

Reference: 18/6794/FUL

Address: High Prospect and Land Rear of Rogate & Saxby, Arkley Drive, EN5 3LN

Decision: Approved subject to conditions

Decision Date: 11.01.2019

Description: Demolition of existing house. Erection of 4no detached dwellinghouses. Associated landscaping and parking. Provision of new access road.

Reference: 18/1711/FUL

Address: High Prospect and Land Rear of Rogate & Saxby, Arkley Drive, EN5 3LN

Decision: Approved subject to conditions

Decision Date: 04.05.2018

Description: Demolition of existing house. Erection of 3no. two storey detached dwellinghouse plus rooms in the roofspace with associated landscaping and parking.

Reference: 17/7392/OUT

Address: Land Known as Rogate & Saxby, Arkley Drive, EN5 3LN

Decision: Refused

Decision Date: 19.01.2018

Description: Demolition of single storey side extension to property known as Rogate. Provision of access road and erection of two detached two-storey dwelling houses (Outline Application with access and layout being considered)

Reference: 17/5618/OUT

Address: Land Known as Rogate & Saxby, Arkley Drive, EN5 3LN

Decision: Withdrawn

Decision Date: 05.10.2017

Description: Demolition of single storey side extension to property known as Rogate.

Provision of access road and erection of two detached two-storey dwelling houses (Outline Application with access and layout being considered)

3. Proposal

The application seeks planning permission for the demolition of the property known as High Prospect and the erection of 4no. two-storey detached dwellings.

The proposal is similar to the extant planning permission however now seeks modest single storey extensions to the rear of Plots 2, 3 and 4 to provide small utility rooms to the proposed kitchen/dining areas. The integral garage space to Plots 2 and 4 would now be converted and incorporated into the open plan kitchen/dining area. For clarity the large garage extension to Plot 2 and the detached garage for Plot 4 have now been removed from the proposal. A 1.8m privacy screen to the rear balcony to Plot 4 is included to the side facing the adjoining Plot 3.

The previously approved brick chimney stack on the side elevation of Plots 2, 3 and 4 would be removed.

Plot 3 would be finished in render.

This application also seeks to resolve the change in the red lined area of the application site from that which was previously approved. The change results in an increase in the separation distance along the northern boundary between the development and the adjoining green belt land. Therefore the set in from the northern (side) boundary for Plot 2 increases. The set in to the southern boundary is reduced by 1.5m which results in Plot 4 being closer and now set in by 1m from the shared boundary with Ravenholt. As a result the proposed pedestrian access to the side of Plot 4 has now been removed and the full 1m separation from the corner of the new dwelling to the boundary would be utilised for planting and screening from the corner to the front running along the length of the new dwelling.

The proposal has been amended from the original submission and revised planning drawings and documentation including the landscape masterplan have been submitted.

There is no change to Plot 1, the access road or the area of hardstanding.

4. Public Consultation

Consultation letters were sent to 41 neighbouring properties.

A total of 26 responses have been received, comprising of 20 letters of objection. One objection which was submitted was then later withdrawn.

The objections received can be summarised as follows, however it should be noted that references to elements which have now been removed from the scheme have been omitted:

- The development not in accordance with the extant planning permission.
- the pre-commencement conditions have not been formally discharged
- erroneous approved plans perverted the decision-making process

- significant impacts on residential amenity - The re-siting of the boundary line for the Application Site means the dwellinghouse in plot 4 is drastically closer to Ravenholt and the first-floor window will directly overlook its swimming pool
- In the event the Council grants planning permission, it can be challenged by way of a judicial review in the High Court.
- loss of privacy to 5 Chartridge Close
- Plot 4 is now closer to neighbouring properties Ravenholt and 5 Chartridge Close so reduction in amenity.
- Out of character with the area, result in crowded appearance.
- No room/space for screening and planting of high trees.
- Rear windows and balcony of Plot 4 overlook neighbouring properties, habitable windows and amenity areas - loss of privacy and amenity. Rooms in the roof space means additional planting and screening will not mitigate this harm.
- Closer siting will result in increase in noise.
- Contrary to the submission not all neighbours in the immediate vicinity who have views of the development support the application.
- development has already commenced and council will not stop the development as they are set to benefit from council tax revenues, commercial exploitation of land which should have been left as it was.
- site is too small to accommodate 3 large dwellings.
- misgivings about ingress and egress from access road compounded by the need of waste collection, goods delivery. Parking may be problematic.
- Impact on the existing infrastructure for existing residents.
- additional trip generation will result in existing residents having to pay for repairs and maintenance for road surfacing.
- encroachment on the green belt land and if approved would set precedent.
- Arkley Drive used to be quiet residential road - now substantial increase in road traffic due to the development.
- why are residents invited for comments when they are ignored and the council 'rubber stamp' everything.
- Drawings do not show the current situation with Ravenholt - shows the garden area to be clear however there is a pool, greenhouse and seating area.
- Plot 4 was originally set 2.5m away at the closest point now only 1m which reduces the landscaping and screening as originally approved.
- neighbouring property was not contacted regarding the boundary or its treatment.
- stop notice must be in place until such time as they are building to approved plans.
- plans do not look accurate and even if they are, represent clear denigration of visual amenity of this part of the road.
- developers making things up as they go along - ruining neighbours lives.
- original permission should never have been granted however now that it has they should at least stick to what was agreed.
- plans keep changing to the detriment of residents of road and unlawfully.
- residents given no opportunity to inspect true plans - developers have intentionally mislead everyone including the planning committee who originally approved the extant planning permission.
- at the previous planning committee the developers assured the planning committee that there was enough room on site.
- developers not consulted or made contact with neighbours as requested by committee regarding works in the road.
- balconies to properties restrict privacy to gardens of neighbouring properties.
- border of Ravenholt is static and not moved, the measurement should have been taken from the boundary.

- applicant has sought to incrementally 'squeeze' as much development as possible on to the Application Site.

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In addition, The Barnet Society objects to this application, stating:

We would not object to minor changes of appearance, but the proposed enlargements of the houses on Plots 2 & 4 would over-develop what is already a congested site. The developer should be required to adhere to the previously approved application (18/6794/FUL).

Comments in support include:

- render to Plot 3 would be better and welcomed, to soften the appearance as opposed to entire brick wall of 3 dwellings.
- proposed changes to the dwellings would improve functionality and lives of future occupants

Theresa Villiers MP has submitted an objection to the retrospective application, stating that it should be refused and the developer instructed to build this part of the development in compliance with the original approved plans.

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

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

The Mayors London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS7, CS9, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM15, DM16, DM17

Supplementary Planning Documents

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing site, the street scene, the wider locality and the setting of the Green Belt;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Highways safety and parking;
- Trees, landscaping and ecology;
- Any other planning considerations

5.3 Assessment of proposals

Development on site has begun following the grant of planning permission under reference: 18/6794/FUL. However during the process of discharging the relevant conditions attached to this permission it became apparent that the red lined area of the application had changed and thus this retrospective planning application was submitted.

The extant planning permission, reference 18/6794/FUL, was approved by the Chipping Barnet Area Planning Committee for the demolition of High Prospect and the erection of 4no. two-storey detached dwellinghouse with associated landscaping and parking. The dwellings were two-storeys in height, with pitched roof and a traditional external appearance. The dwellings ranged in size and would be served by a new access road extended from Arkley Drive.

The proposal is similar to the extant planning permission however now seeks modest single storey extensions to the rear of Plots 2, 3 and 4 to provide small utility rooms to the proposed kitchen/dining areas. The integral garage space to Plots 2 and 4 would now be converted and incorporated into the open plan kitchen/dining area. A 1.8m privacy screen to the rear balcony to Plot 4 is included to the side facing the adjoining Plot 3.

The previously approved brick chimney stack on the side elevation of Plots 2, 3 and 4 would be removed.

Plot 3 would be finished in render.

This application also seeks to resolve the change in the red lined area of the application site from that which was previously approved. The change results in an increase in the separation distance along the northern boundary between the development and the adjoining green belt land. Therefore the set in from the northern (side) boundary for Plot 2 increases. The set in to the southern boundary is reduced by 1.5m which results in Plot 4 being closer and now set in by 1m from the shared boundary with Ravenholt. As a result the proposed pedestrian access to the side of Plot 4 has now been removed and the full 1m separation from the corner of the new dwelling to the boundary would be utilised for planting and screening from the corner to the front running along the length of the new dwelling.

There is no change to Plot 1, the access road or the area of hardstanding and for clarity the large garage extension to Plot 2 and the detached garage for Plot 4 have now been removed from the proposal.

In regards to the main issue which relates to the change in the red lined area of the site, officers requested further details and in response, the applicant's agent confirmed the following:

"As an explanation for the discrepancy in the Southern boundary location this stems from an inaccuracy in the latest mapping data which shows a 1200mm gap between Saxby and Ravensholt. In reality there is no gap but the topographical survey was not taken this far along the street scene which, in hindsight, was a mistake and can be blamed on us (the agents) and not the developers who purchased the site with the benefit of planning permission. Out of interest the same applies to the boundary between Ravensholt and White Lodge.

The boundary on the approved site plan reflects this data and was only brought to light when the setting out of the plots were established. All plot locations reflect exactly what has been approved and confirmed by the engineer. Their relationship to the properties in both Arkley Drive and Carrington Close are correct and Plot 4 is correctly positioned in relation to Ravensholt which is 60m away. The co-ordinates of the building on Plot 4 have been confirmed by the engineer to be in the exact same position as per the approved planning permission. All that is incorrect is that we have shown the Ravenholt boundary fence in the wrong position but not the actual houses."

Impact on the character and appearance of the existing site, surrounding area and setting of the Green Belt

The principle of the proposed form of development has been established by the extant planning permission, 18/6794/FUL. This form comprised of a replacement house at High

Prospect and a new access road leading to new dwellings at the rear of High Prospect, Rogate and Saxby.

The proposed plot sizes and plot coverage are considered to be reflective of those in the surrounding area and the proposed siting and footprint would ensure the proposed dwellings have an acceptable setting within their plots. The proposal involves modest single storey extensions which are considered acceptable and do not materially impact on the proposed development site and the surrounding area. Therefore this is not considered to be significantly harmful.

The proposed dwellings have not materially changed and thus remain reflective of the surrounding properties in terms of massing, scale and height. Furthermore the development is now set further away from the adjoining Green Belt and therefore it is not considered to adversely affect the setting of the adjoining Green Belt. An amended Landscape Masterplan has also been submitted which details a significant level of new planting throughout the site which will help provide mitigation and screening of the proposed development between the Green Belt and the neighbouring sites, as per the original consented scheme.

Impact on the amenity of neighbouring residents

The principle of the proposed form of development has been established by the extant planning permission, 18/6794/FUL. Whilst the siting of the proposed plots has changed in relation to the overall red lined area the relationship between the proposed dwellings and the surrounding residential dwellings remains unchanged. There are no additional or new side windows and balcony areas proposed.

Taking into account the separation distances between the neighbouring boundaries and rear elevations, all of the proposed plots are considered not to have any harmful impacts in terms of overlooking, overbearing or loss of light.

There are minimal windows proposed on the side elevations of all properties to the rear. The windows proposed serve bathrooms and therefore can be fitted with obscure glazing to prevent overlooking. In addition the revised landscape masterplan also illustrates the additional planting to the rear of the plots 2 and 3 which would help to add further screening.

However, the set in to the southern boundary is reduced by 1.5m which results in Plot 4 being closer and now set in by 1m from the shared boundary with Ravensholt. Under the extant planning permission, this separation distance was 2.5m. As a result the proposed pedestrian access to the side of Plot 4 has now been removed and the full 1m separation from the corner of the new dwelling to the boundary would be utilised for planting and screening from the corner to the front running along the length of the new dwelling.

A revised landscape scheme to address the concerns about the proximity of plot 4 to the boundary has been addressed which will soften the nature of this relationship.

In summary, the proposal is not considered to result in any significant levels of adverse impact on the residential amenity of neighbouring occupiers.

Provision of adequate accommodation for future occupiers

The principle of the proposed form of development has been established by the extant planning permission, 18/6794/FUL. The proposed dwellings would continue to provide adequate accommodation for future occupiers.

Highways and parking

This element remains unchanged from that which was granted consent under the extant planning permission. Therefore the proposal is not considered to raise any harmful effects in terms of highways and each dwelling would be provided with acceptable parking provision.

Trees, landscaping and ecology

The original landscape master plan approved under 18/6794/FUL shows evergreen shrubs and trees along the boundary to Ravenholt in order to soften and screen the new development from the adjoining property. 2.5m was allowed at the closest point which was sufficient space for; trees and shrubs to develop; screen the property; provide an access path around to the rear garden.

Given the reduction in this separation distance, the proposed pedestrian access to the side of Plot 4 has now been removed and the full 1m separation from the corner of the new dwelling to the boundary would be utilised for planting and screening from the corner to the front running along the length of the new dwelling.

Therefore the revised landscape masterplan would continue to illustrate the extensive new planting throughout the site, allowing for mitigation, screening and increased biodiversity and landscape enhancement. It is proposed to retain the existing row of trees along the western boundary, with new mature trees planted on the boundaries of Ravenholt, Rogate, Saxby and Carrington Close. Overall, the proposed landscaping plan is acceptable in principle.

Following discussions with the council, a revised landscape scheme has been submitted and reviewed by the council's tree and landscape officer who has raised no objections and confirms,

"the revised plan Landscape Master Plan 18/07/01 Rev H is a better reflection of that which was first envisioned for the site as such it will provide a good basis for the development to generate new gardens and visual tree amenity."

In addition and as per the original submission, the arboricultural report provides a general overview and observations. It also provides a method statement relating to works around the TPO tree and sets out protection measures. Therefore, it is considered that this is acceptable and can be appropriately mitigated and controlled through the use of planning conditions.

5.4 Response to Public Consultation

The considerations raised within the letters of objection have been addressed within the assessment section of 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.

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. It is considered that the proposal would not have a harmful effect on the setting or openness of the Green Belt. The development is not considered to have an adverse impact on the amenities of neighbouring or future occupiers. This application is therefore recommended for approval.



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