

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

WEDNESDAY 12TH JUNE, 2019

AT 6.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Eva Greenspan
Vice Chairman: Councillor John Marshall MA (Hons)

Councillor Melvin Cohen Councillor Claire Farrier Councillor Danny Rich
Councillor Shimon Ryde Councillor Alan Schneiderman

Substitute Members

Councillor Jennifer Grocock Councillor Anne Hutton Councillor Kath McGuirk
Councillor Alison Moore Councillor Gabriel Rozenberg Councillor Reuben Thompstone
Councillor Peter Zinkin

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

Andrew Charlwood – Head of Governance

Governance Service contact: finchleyandgoldersgreen@barnet.gov.uk - 020 8359 2315

Media Relations Contact: Gareth Greene 020 8359 7039

ASSURANCE GROUP

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ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 8
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
	Please note that the order in which the items are listed below may not reflect the order they will be heard as this may be subject to change	
	Childs Hill Ward	
6.	46 Dunstan Road London NW11 8AD - 19/0907/FUL	9 - 24
	East Finchley Ward	
7.	15 Trinity Road London N2 8JJ - 19/2393/HSE	25 - 32
	West Finchley Ward	
8.	Finchley Police Station 193 Ballards Lane London N3 1LZ - 19/2079/FUL	33 - 78
9.	Any item(s) the Chairman decides are urgent	

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Decisions of the Finchley and Golders Green Area Planning Committee

14 May 2019

AGENDA ITEM 1

Members Present:-

Councillor Eva Greenspan (Chairman)
Councillor John Marshall (Vice-Chairman)

Councillor Melvin Cohen
Councillor Claire Farrier
Councillor Danny Rich

Councillor Shimon Ryde
Councillor Alan Schneiderman

1. MINUTES OF LAST MEETING

RESOLVED that the minutes of the meeting held on 15th April 2019 be approved as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

Councillor Danny Rich gave apologies for lateness.

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

Councillor Shimon Ryde – Agenda item 6) 55 Cranbourne Gardens – declared a non-pecuniary interest by virtue of living very close to the property.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

The Committee noted the addendum.

6. 55 CRANBOURNE GARDENS LONDON NW11 0HU - 19/1130/FUL

*Councillor Shimon Ryde left the room for this item and did not participate in the vote.

The planning officer introduced the report and addendum which related to 55 Cranbourne Gardens, NW11 0HU

An oral representation in objection was made by Mrs Charlotte Kut-Grun

An oral representation in objection was made by Ms Debra Khan

An oral representation was made by the applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report and the addendum.

Votes were recorded as follows:

For - 4
Against - 0
Abstain - 2

The Committee therefore **RESOLVED to APPROVE** the application subject to conditions as per the officer's report and addendum.

7. BRITANNIA HOUSE 960 HIGH ROAD LONDON N12 9RY - 17/6593/FUL

The planning officer introduced the report which related to Britannia House, 960 High Road, N12 9RY.

An oral representation was made by the agent for the applicant.

Councillor Schneiderman proposed a motion to amend recommendation 1 to ensure that at least 2 of the social housing flats were 3 beds. This was unanimously agreed.

Councillor Ryde proposed a motion to include an amendment to condition 12 that all the front balconies are all opaque. This was unanimously agreed.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report and addendum in addition to the amendments, which was to approve.

Votes were recorded as follows:

For - 7
Against - 0
Abstain - 0

The Committee therefore **RESOLVED to APPROVE** the application subject to s106 and the amendments agreed by the committee.

Amended condition 12:

a) Before the development hereby permitted is first occupied, details of privacy screens (minimum height 1.6 metres) to the north facing balconies at first and second floor level to be installed and details of opaque glazing to the balconies on the west (front) facing balconies 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.

8. 48 NORRICE LEA LONDON N2 0RL - 19/1450/HSE

The planning officer introduced the report which related to 48 Norrice Lea, London, N2 0RL

An oral representation was made for the applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report and the addendum, which was to refuse the application.

Votes were recorded as follows:

For -	0
Against -	7
Abstain –	0

Cllr Marshall moved a motion to approve the application subject to it being granted as a personal consent, the motion was seconded by Cllr Rich.

The reasons given for approving the application, against the officer's recommendations, were as follows:

- The Committee felt that the application was required for the safety of the applicant and his family. The Committee felt that by adding the condition of the application being a personal consent, this would avoid setting a precedent and affecting the character of the road.

Votes on approving the application subject to it being granted as personal consent were recorded as follows

For -	6
Against -	0
Abstain-	1

The Committee therefore **RESOLVED to APPROVE** the application subject to application being granted as a personal consent.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 1054.4GAP OS, 1054a HC GA existing, 1054 D100, 1054a HC GA proposed.

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. Within 2 months of the date when the premises cease to be occupied by Paul Eden and his family, the gates hereby permitted shall be removed and the land restored to its former condition.

Reason: To ensure the character and appearance of the house and the Hampstead Garden Suburb Conservation Area are protected in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

4. The materials to be used shall be as specified in the application documents.

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).

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

Councillor Marshall thanked the Chairman for chairing the meetings for the municipal year.

The Next meeting is the Wednesday 12th June 2019.

The meeting finished at 19.04

Location **46 Dunstan Road London NW11 8AD**

Reference: **19/0907/FUL**

Received: 15th February 2019

Accepted: 11th March 2019

Ward: Childs Hill

Expiry 6th May 2019

Applicant: Mr Russell Talbot & Mrs Hilary Levy

Proposal: Subdivision of existing dwelling to create 3no self-contained flats. Roof extension involving 1no rear and 1no side dormer window and 2no front and 1no rear rooflights. Single storey rear extension following demolition of existing conservatory and garage, including infill extension to rear. New terrace area. New front porch. Associated refuse and recycling store, off street parking, amenity space

AGENDA ITEM 6

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:

/SK-000

/Sk-001

/SK-002

/SK-003 Rev A

/SK-004 Rev A

/SK-005 Rev A

/SI-001 Rev A

Planning Statement

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

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

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

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

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

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

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

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

- 5 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.

- 6 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.

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

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02

of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 8 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).

- 9 No flat within the development shall be occupied until cycle parking and cycle storage facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority and permanently maintained as such thereafter.

Reason

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

- 10 Prior to occupation of the development, parking spaces and the access to the car parking spaces from public highway shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason

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

- 11 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevation facing 48 Dunstan Road 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).

- 12 a) Notwithstanding the details shown on plan/SI-001 Rev A, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

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

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

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £0 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 £0 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 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

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

Please Note: A maximum width of a crossover allowed from a public highway is 4.2 meters.

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

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

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

Officer's Assessment

1. Site Description

The application site is located on the north side of Dunstan Road within the Childs Hill Ward. The street is predominantly characterised by semi-detached single-family dwellings.

Directly opposite the site is a large synagogue and to the east is a purpose built block of flats called Kingscote, but the predominant character and use of the street is single family dwelling and occupation.

The site is not located within a Conservation Area and has no individual designation.

2. Site History

Reference: 17/0750/FUL

Address: 46 Dunstan Road, London, NW11 8AD

Decision: Refused

Decision Date: 19 April 2017

Description: Subdivision of existing dwelling to create 2no self-contained flats. Single storey rear extension following demolition of existing conservatory and garage. New terrace area. New front porch. Associated refuse and recycling store, off street parking, amenity space

The application was refused for the following reason:

"The conversion of the property into two self-contained flats would result in the loss of a single family dwellinghouse and would be out of character within its setting of established single family dwellinghouses contrary to Policies CS NPPF, CS1 and CS5 of the Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013)."

The application was appealed to The Planning Inspectorate under reference APP/N5090/W/17/3181467 and subsequently allowed on 22nd December 2017. The Inspector raised the following points;

"6. The Council acknowledges (para. 4.3 of its statement) that the proposal would not significantly or harmfully alter the external appearance of the existing dwelling. I concur with this view but also go on to consider that any other impacts upon the character of the street would be limited in this instance given that the conversion is only into two flats. This is not a case where several flats are being created which might otherwise have significantly greater impacts than a single dwelling in terms of matters affecting character, such as vehicular and residential activity, parking, refuse or deliveries.

7. Any increased activity from the subdivision into two flats would be likely to be limited. Any increase in traffic generation would be modest and may not occur at all taking account of the location of the site close to Golders Green town centre and depending on the travel modes of the occupants. Whilst there would be likely to be a small increase in refuse and recycling storage this would also be limited given the proposal is only for two flats. A condition can be imposed to secure appropriate refuse and recycling storage facilities.

8. A neighbouring resident has raised additional concerns. Whilst the proposal may result in shared rather than family occupiers, it is also possible that existing dwellinghouses in the road could also be occupied by sharers. In any case, there is no indication that shared accommodation would adversely affect the general amenity of the area or the living conditions of neighbouring residents. It is also possible that the proposed flats might be occupied by families. There is also no evidence to suggest that the vibrancy of the road would be adversely affected."

3. Proposal

This application seeks consent for the following works;

- Conversion of existing single-family dwelling house into 3.no self-contained flats comprising of one three-bedroom, five-person unit at ground floor, one one-bedroom, two-person unit at first floor and one bedroom, two-person duplex at first floor and within the proposed loft conversion;
- Single storey rear extension to replace existing conservatory measuring 3.7m in width, 3m in depth, 2.5 to the eaves and 3.7m to the top of the mon-pitched roof;
- Single storey rear infill extension along boundary with 48 Dunstan Road measuring 6.8m in depth, 6.6m in width, with an eaves height of 2.75m and a ridge height of 4.2m;
- Removal of existing conservatory and garage;
- Side dormer window measuring 2.6m in width, and 2.6m in depth 2.1m in height;
- Rear dormer window measuring 2.7m in width, 2.9m in length and 2.4m in height;
- Front rooflight windows;
- New rear terrace area;
- Front Porch;
- 2.no off-street parking spaces and cycle rack;
- Associated refuse and recycling storage and amenity space.

4. Public Consultation

56 consultation letters were sent to neighbouring properties.
7 objections have been received.

The views of objectors can be summarised as follows;

- Conversion of house into flats loses character of the street
- Previous conversions refused on other sites nearby
- Approval would set dangerous precedent
- Proposals decrease value of other properties
- Substantial extensions to rear
- Impact on traffic congestion
- Additional traffic harmful to adjacent school
- Loss of privacy
- Noise disturbance
- Additional bins will cause disturbance
- Loss of light from roof extensions

Internal / other consultations:

Highways: No objection subject to suggested conditions and informatives

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was updated in 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 2018

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM04, DM17.

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

Supplementary Planning Documents

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle of flats in this location
- Whether the proposal provides satisfactory living accommodation for future occupiers
- The Impact on the appearance and character of the area
- The impact on the amenities of neighbouring occupiers
- Parking and highways
- Refuse and recycling storage

5.3 Assessment of proposals

The principle of flats in this location

Policy DM01 states that: 'Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate. Loss of houses in roads characterised by houses will not normally be appropriate.' Dunstan Road is predominantly characterised by single family dwellinghouses.

Notwithstanding this, following the decision of The Planning Inspectorate to allow the previous application for conversion of the application property into two flats under appeal reference APP/N5090/W/17/3181467 dated 22nd December 2017 this application is considered to be acceptable in principle. The Inspector found; "13. ...that no significant harm would result from the conversion of the proposed dwelling houses into two flats, including upon the character and appearance of the area. The proposal would satisfactorily accord with policy DM01 of the DMP, policies CS1 and CS5 of Barnet's Core Strategy 2012 and the adopted Residential Design Guidance Supplementary Planning Document 2013."

Whilst it is recognised that the scheme allowed at appeal gave consent for the conversion of the property into two flat units, and this application proposes three units, there is not considered to be a further intensification as the overall number of potential occupiers is shown to decrease by one from 10 people to 9 and therefore a similar amount of activity from residents is expected as with the previous scheme.

In terms of harming the external appearance, bin storage is shown to be provided along the side of the property, if the scheme was acceptable a condition providing further detail of the enclosure and cycle storage would be required.

Whether the proposal provides a satisfactory living environment for future occupiers

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough.

Floor Area:

The development proposes the following floor areas for each unit;

Unit A: 3b5p - 129m²

Unit B: 1b2p - 58m²

Unit C: 1b2p - 69m²

The London Plan (2016) and Barnet's policies and Sustainable Design SPD (Oct 2016) set out the minimum requirements for residential units as follows:

- 3-bedroom, 5-person, 1 storey - 86m²
- 1 bedroom, 2-person, 1 storey - 50m²
- 1 bedroom, 2-person, 2 storey - 58m²

The proposed development exceeds these requirements.

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All rooms would meet standards.

Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling.

Each flat complies with this standard.

Light/outlook:

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. All habitable rooms would meet glazing standards.

Bedroom 3 on the ground floor would have a restricted outlook, facing directly onto a communal alleyway, which in turn creates concerns in respect of overlooking and loss of privacy. However, as the current scheme is the same as the previous at ground floor and this issue was not raised by the Inspector, and given the proposed new unit exceeds the required internal space standards, and only one room is affected, on balance this is considered to be acceptable.

Room stacking:

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. The proposed layout fails to provide adequate stacking provision with the proposed kitchen serving Flat B being located above bedroom 3 of Unit A. The stacking is acceptable in other areas.

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant

should achieve the required sound insulation levels; this would be enforced by an appropriate condition if approved.

Amenity Space:

Section 2.3 of the Sustainable Design and Construction SPD (2016) states that for flats there should be a minimum of 5m² of outdoor amenity space per habitable room.

Flat A requires 25m² of outdoor amenity space

Flat B requires 20m² of outdoor amenity space

Flat C requires 25m² of outdoor amenity space

Flat A has been allocated 177m² (direct access)

Flat B and C have been allocated 202m² (shared with access from the front of the property)

Both outdoor amenity spaces are private with the ground floor unit having direct access from their living room and the units on the upper floors having external front to rear access. The proposal would exceed outdoor amenity space standards.

The Impact on the appearance and character of the area

This section relates purely to character from a visual appearance perspective and not the principle of flat conversions and their impact on character; this has been addressed above. It is not considered that the proposed external changes would result in significant harm to the original house or the wider streetscene.

This application seeks consent for the addition of side and rear dormer windows; these were not included in the previous application and are proposed to facilitate the loft conversion and creation of additional third unit. The size of the proposed dormer windows are considered to be on the larger side but on balance given the existence of other loft conversions they would not be harmful to the character and appearance of the streetscene or wider area, and as such are considered to be acceptable.

The front porch by its proportion, design and materials would comply with section 14 of the Residential Design Guidance SPD (2016). Dunstan Road has a number of varying architectural styles in relation to porches and therefore the proposed would not harm the established character of the streetscene.

The rear extension is facilitated by the removal of an existing conservatory and garage and therefore proposes a much more aesthetically balanced rear elevation. The insertion of a new window and single pitched roof adjacent to the new single storey rear extension is not deemed to detract from the appearance of the rear elevation. Other smaller changes such as the insertion of doors in the front elevation of the recessed side extension are not deemed to materially harm the overall appearance of the dwellinghouse.

It is considered the proposed alterations would not cause harm to the visual character and appearance of the original dwellinghouse and streetscene.

The impact on the amenities of neighbouring occupiers

It is not considered that the proposed external alterations to the front of the property would cause significant harm to the amenity of neighbouring occupants. Furthermore, the insertion of a new rear extension and associated single pitch roof to replace the existing conservatory, given its north facing orientation is not expected to result in a significant loss to sunlight / day light or the increase in overshadowing or outlook. It is not expected the rear patio or other minor alterations proposed would result in any more than a nominal impact on neighbouring amenity. The patio will not raise the existing ground level by more than 0.3m and does not afford opportunities for overlooking over and above the current situation.

The proposed single storey rear extension along the shared boundary with the neighbour at 48 Dunstan Road replaces an existing single storey structure with additional 2.3m length proposed and creation of pitched roof for a length of 5.8m with a proposed height of 4.2m. Whilst it is recognised this does exceed the suggested depth as noted in the adopted Residential Design Guidance, given the extension replaces an existing structure of similar proportions and 48 Dunstan Road has an existing extension along the boundary at this point it is not considered that this element of the proposals will be detrimental to the residential amenity of neighbouring occupiers. The proposed ridge height is greater than existing, but is not considered to cause harmful overshadowing or loss of sunlight / daylight due to appropriate set-backs and a north facing garden.

On balance the proposed roof extensions along with single storey rear extension along the shared boundary with 48 Dunstan Road are considered to be acceptable, posing no harm to the character and appearance of the host property and local area.

The proposed development is not considered to result in any loss of amenity to neighbouring occupiers.

Parking and Highways

The proposal is for the conversion of the existing 4+bed single family dwelling into 3x self-contained units comprising of 1x3bed unit and 2x1bed units. The current property has a minimum of 2 off-street car parking spaces. The proposal includes a provision of 2 spaces. The site lies within a PTAL 5 zone, which means that there is very good public transport accessibility to and from the site. The proposed provision of 2 spaces is in line with requirements set out on Policy DM17 of the Barnet Local Plan and is therefore acceptable on highways grounds.

The existing vehicular access is shared between number 46 and 48. In order to safely accommodate the proposed 2 off-street car parking spaces, the applicant will have to widen the existing access on the side of property number 46 to 4.2m wide. This is to ensure that both vehicles are able to independently access their car parking spaces without hindrance. The applicant must make an application to the highways domestic crossovers team, who will assess the application and ascertain whether any street furniture will require removal/relocation (trees, signs etc.). Note that any fees associated with removal/relocation of street furniture and/or on-street car parking bays are to be met by the applicant.

A plan showing the location of the proposed off-street car parking spaces and access from the public footway will be required. A condition to this effect has been included below.

It is unclear how many cycle spaces the application proposes, but it would need to comply with the minimum standards outlined in table 6.3 of chapter 6 of the London Plan (2016).

This would be conditioned if the application was recommended for approval. Cycle storage provision is not deemed to meet 6.36 of the London Plan, which states that spaces should be made secure and sheltered, as such this element of the proposals is conditioned requiring further information to be submitted.

Refuse and recycling storage

Refuse and recycling provision and storage is provided to the side of the property, as shown on the previous scheme; this is considered to be acceptable. Details of an enclosure are required through the imposition of condition.

5.4 Response to Public Consultation

The concerns raised by objectors are noted. However, as detailed above, this application follows refusal of a similar scheme back in 2017 which refused by the Council but subsequently appealed and allowed by The Planning Inspectorate. They considered the proposed conversion from single family dwelling house into flats to be acceptable and not harmful to the character of the street, considering the additional activity to be modest and not detrimental to neighbours.

It is noted that the previous scheme proposed the conversion of the property into two units and this scheme proposes three, however, the numbers of occupants proposed previously was more as two three-bedroom, five-person units were sought in 2017 making a total of ten potential occupants. This application proposes a similar, albeit enlarged, three-bedroom, five-person unit and then two one-bedroom, two-person units are proposed on the upper floors allowing for nine potential occupants. It is therefore considered unreasonable to refuse the current scheme due to the additional unit proposed.

The concerns raised regarding the scale of extensions to the rear are noted. However, the property is already substantially extended at the rear and the additional single storey rear extension is not considered to be harmful to the amenity of neighbouring occupiers.

It is not considered that the proposed development will have a detrimental impact on traffic congestion as only two parking spaces are required as part of the scheme which is the same as could be provided if the property remained a single-family dwelling house.

The comment made that the proposed development will result in additional traffic which is harmful to the adjacent school is not supported as the proposed development is not considered to result in any additional traffic beyond the two parking spaces proposed.

The proposed development is not considered to result in a loss of privacy to neighbouring occupiers.

The concern raised that the proposed development would result in noise disturbance is noted, however, this scheme proposes less future occupiers than the previous scheme which was deemed to be acceptable by the Planning Inspectorate, as such the proposed development is not considered to be harmful to the amenities of neighbouring occupiers.

The concern raised that additional bins will cause disturbance is noted and a condition is suggested requiring further details of the proposed refuse and recycling strategy to ensure that it does not harm the amenities of neighbouring occupiers.

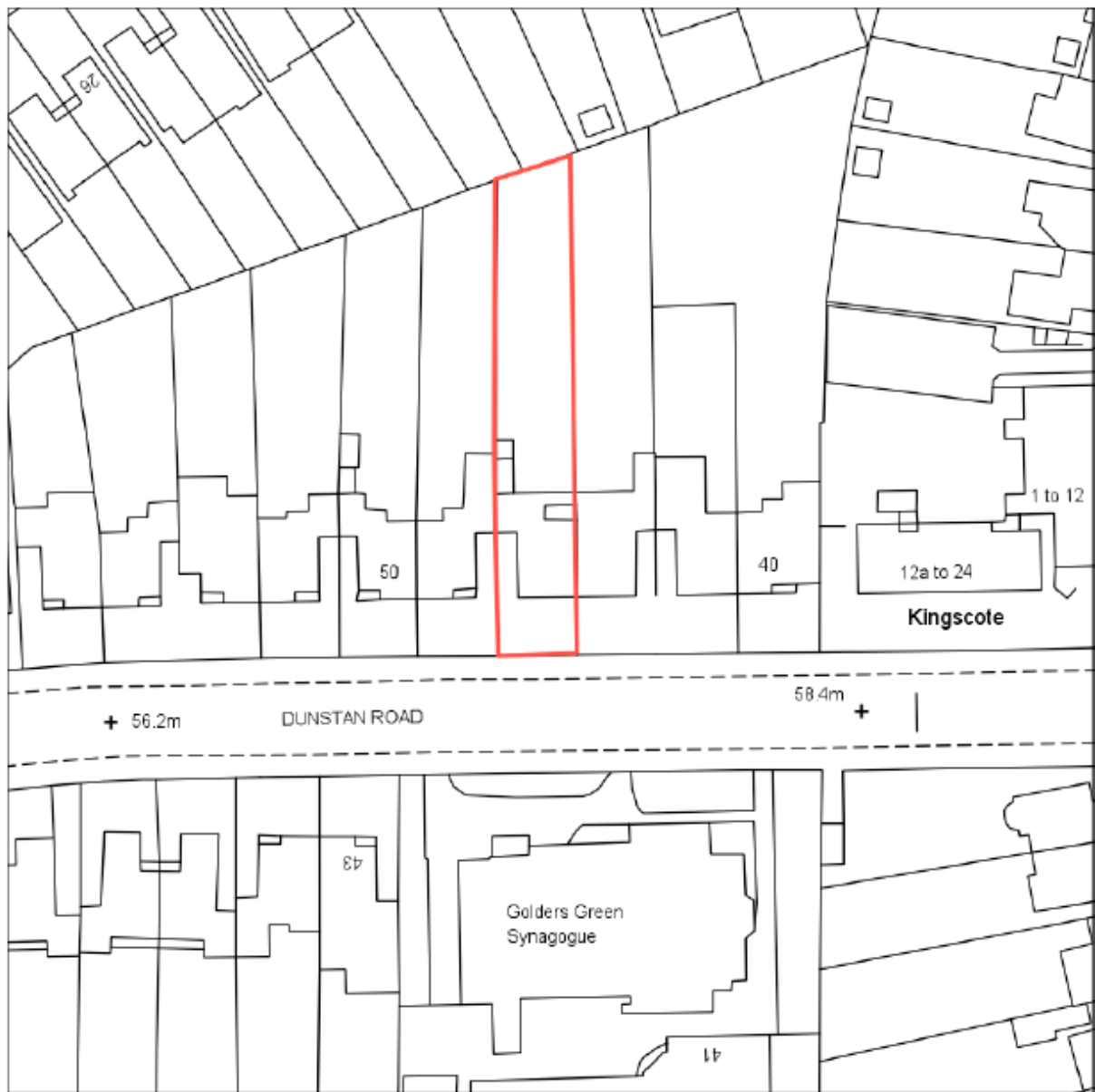
It is not considered that the proposed development will result in unacceptable loss of light from the proposed roof extensions which only have the addition of side and rear dormer windows to facilitate the proposed development rather than extensions to the actual roof form.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the proposed development is considered to detrimentally impact on the qualities of the application site due to the size of the proposed dormer windows and overbearing roof form of the proposed single storey rear extension along the shared rear boundary with 48 Dunstan Road, thereby failing to protect the character and appearance of the area and detrimentally impacting on the amenity of these neighbours. Refusal is recommended.



Location **15 Trinity Road London N2 8JJ**

Reference: **19/2393/HSE**

Received: 25th April 2019

Accepted: 1st May 2019

Ward: East Finchley

Expiry 26th June 2019

Applicant: Mr Lewis Robertson

Proposal: Single storey rear infill extension. First floor rear extension

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:

678-00-01
678-EX-00 A
678-EX-01 A
678-EX-02 A
678-EX-03 A
678-EX-04 A
678-PR-00 E
678-PR-01 F
678-PR-02 F
678-PR-03 F
678-PR-04 F

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 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.

Officer's Assessment

1. Site Description

The application site is located at 15 Trinity Road consisting of a three-storey mid terrace dwellinghouse with front and rear amenity space. The area surrounding proposed site is mainly residential consisting of similar three-storey terrace dwellinghouses with front and rear amenity spaces. The site is located within the East Finchley ward.

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, there are no conditions attached to the site which remove permitted development rights.

2. Site History

Reference: 17/7478/HSE

Address: 15 Trinity Road, London, N2 8JJ

Decision: Refused

Decision Date: 22 January 2018

Description: Three storey rear extension at lower and upper ground, and first floor levels

Refusal reasons:

1. Character:

The proposed upper ground floor and first floor rear extensions by reason of their size, siting, bulk and design would constitute an overly dominant, incongruous and insubordinate form of development which would appear unduly obtrusive and an alien feature in the locality. The proposals would be detrimental to the character and appearance of the existing house and the terrace of which it forms part of, contrary to Policy DM01 of the Barnet Development Management Policies DPD (2012), Policy CS5 of the Barnet Core Strategy (2012), Policies 7.4 and 7.6 of the London Plan (2015) and the guidance contained within Barnet's Residential Design Guidance Supplementary Planning Document (2016).

2. Amenity

The proposed extension by reason of its size, height, rearward projection, siting, scale, bulk and design would be a visually dominating, oppressive, and overbearing form of development, and lead to a materially harmful loss of outlook to no.13 Trinity Road and loss of outlook and light to 17 Trinity Road, contrary to Policy CS5 of Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

3. Proposal

The application seeks approval for a single storey rear infill extension and a first-floor rear extension.

The single storey rear infill extension will be infilling the recess in the existing ground floor extension. The extension will measure 0.5 metres in depth, 2.6 metres in width and 2.54 metres in height.

The first-floor extension will measure 2 metres in depth, 3.34 metres in width, have an eaves height of 2.8 metres and a ridge height of 3.45 metres.

4. Public Consultation

Consultation letters were sent to 7 neighbouring properties. 12 responses have been received, comprising 12 letters of objection. The objections can be summarised as follows:

- The proposal will set precedent for similar developments in the surrounding area
- The addition will harm the character and appearance of the Victorian architecture
- The extension would harm the neighbouring amenity as it will appear overbearing, result in a loss of light and lead to a feeling of enclosure
- The extension will be visually dominant as it is far too big and bulky
- Not in keeping with the surrounding area - most people have extended at ground floor or loft
- The building works will bring noise, dirt and parking problems
- Parking would be an issue if the property was converted in to flats
- The previous application reasons for refusal should still apply
- Barnet Council have not acted wisely with regards to changing character of the area as a loft conversion was allowed behind Trinity Road on Long Lane
- Garden space will be shortened which will impact on habitats. In view of all the implications of climate change and pressure on resources, it is essential that every square foot of garden space is maintained

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 amended on 19 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

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

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

Single storey rear infill extension

The property already benefits from a single storey rear extension which infills between the original outrigger and the boundary wall. The original outrigger sides no.17 Trinity Road and measures 3.7 metres in depth. The existing extension measures 3.3 metres in depth, 2.6 metres in width and 2.48 metres in height.

The single storey rear infill extension will be infilling the recess in the existing ground floor extension and the original outrigger. The extension will measure 0.5 metres in depth, 2.6 metres in width and 2.54 metres in height. The proposed extension at ground floor level is not considered to have a detrimental impact on the host property or the surrounding area as it will merely be infilling the recess in the existing rear extensions and would not extend any further rearwards. A number of properties along this terrace of Trinity Road have completed similar extensions which infill between the original outrigger and the boundary.

First floor rear extension

Barnet's Residential Design Guidance SPD; 14.24 sets out that two-storey rear extensions should not create an overbearing impact or harm the character or appearance of the property and surrounding area. Furthermore, the SPD states that two-storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable.

The proposed first floor rear extension will measure 2 metres in depth and 3.34 metres in width. The extension will be located above the existing ground floor extension and will have a hipped roof with an eaves height of 2.8 metres and a ridge height of 3.45 metres. The extension will be 2.54 metres above ground level. This is found to remain a subordinate and proportionate addition to the property.

First floor extensions are not a common characteristic of the surrounding area. However, there is a similar example of a first-floor extension at no.7 Trinity Road which was approved in 1997.

The proposal is not considered to detract from the character and appearance of the dwellinghouse and surrounding area. The proposed materials will also not detract from the appearance of the dwellinghouse as brickwork will be used to match the existing.

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

Single storey rear infill extension

The proposed extension at ground floor level will have no detrimental impacts on both neighbouring property as it will merely be infilling the recess in the existing rear extensions and would not extend any further rearwards. The infill extension will add 0.5 metres in depth to the existing single storey rear extension. This will not extend any further than the neighbours extension at no.13 Trinity Road and therefore will have no impact on neighbouring amenity. The depth of the original outrigger siding no.17 Trinity Road will remain unchanged.

First floor rear extension

The SPD states that two-storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable. The proposed first floor extension will have a depth of 2 metres along the boundary with no.17 Trinity Road. Whilst no.17 does not benefit from a single storey rear extension along the rear boundary with the application site, it is not considered that the proposed first floor extension would have detrimental impacts on the amenity of no.17 Trinity Road. The 2-metre depth, together with the pitched roof, is not found to be overbearing or lead to loss of light for the adjoining property at no.17.

The first-floor extension, measuring 2 metres in depth, will be 1.5 metres from the shared boundary with no.13 Trinity Road. Therefore, the first-floor extension is not found to lead to any detrimental impacts on the amenity of the adjoining property at no.13.

The proposed first-floor extension will be 20 metres from the rear wall of the first-floor projection at no.452 Long Lane. This is not considered to lead to significant overlooking or privacy concerns for the neighbouring occupiers at no.452 Long Lane. Furthermore, it is considered that vegetation between the application site and no.452 Long Lane will overcome any overlooking from the proposed first floor extension into the ground floor windows of no.452

5.4 Response to Public Consultation

Concerns regarding character and amenity have been addressed in the main assessment. However, the following comments can also be made:

- With regards to setting precedent, each application is assessed on a case by case basis.
- The proposal is not found to be a huge or dominant addition to the property. The extension will have a depth of 2 metres at first floor.
- Concerns surrounding the building works itself, i.e. noise, dirt and parking, are not a planning consideration
- There is no evidence to suggest the property would be converted into flats. This would need planning permission for a conversion and would be assessed with regards to flat conversion policies
- The 0.5 metre extension at ground floor level will not lead to significant loss of garden space available
- The reasons for refusal for the previous application at this site in 2017 have been overcome. The previous application sought approval for a three-storey extension at upper ground and first floor levels. This proposal seeks to extend only the upper ground floor level and is not found to be visually dominating, oppressive, and overbearing
- Loft conversions do not require planning permission, these are achievable under permitted development

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 PLAN

Location **Finchley Police Station 193 Ballards Lane London N3 1LZ**

Reference: **19/2079/FUL**

Received: 8th April 2019

Accepted: 9th April 2019

Ward: West Finchley

Expiry 9th July 2019

Applicant: Mr Luke Cadman

Proposal: Redevelopment of the site comprising the erection of two residential buildings of up to four storeys providing 41 no. self-contained flats and 161 sqm of A1 floorspace, including on site car parking for 20 vehicles and 66 cycle spaces, recycling and refuse areas, associated amenity space, landscaping and associated development

AGENDA ITEM 8

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:

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 review mechanism on viability and affordable housing if;
 - The Development is not commenced within 15 months from the date of the Planning Permission, OR
 - The Development does not reach 'Substantial Implementation' within 24 months of the date of the Planning Permission.
4. Provision of the following costs towards extension of the Controlled Parking Zone (CPZ):
 - (a) A contribution of £45,000 towards proposed CPZ works as follows:
 - To undertake review of the existing CPZs;
 - To implement the outcome of the review;
 - To undertake consultation on roads currently outside the CPZ area in the proximity of the site; and
 - to implement the outcome of the CPZ consultation.
 - (b) A contribution of £2,022 to amend the existing Traffic Management Order to exempt future residents from obtaining permits.

5. Provision of travel plan costs

- (a) Travel Plan monitoring contributions of £5,000; and
- (b) Travel Plan Incentives for future occupiers to the value of £10,251.
- (c) Highway Safety measures contribution - £10,000

6. Provision of Skills, Employment, Enterprise and Training appropriate to the site:

- 5 apprenticeships
- 45 site visits

7. Provision of £8,950 towards off-site amenity space and a play provision contribution of £3,378.24.

8. A financial contribution towards carbon off-setting of £47,434 in order to achieve net zero carbon dioxide emissions from the residential component of the development.

9. Meeting the Council's costs of monitoring the planning obligation - £3000.

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:

HTA-A_XX-D1_DR_001 Revision 2, HTA-A_XX-D1_DR_002 Revision 2, HTA-A_XX-D1_DR_003 Revision 2, HTA-A_XX-D1_DR_0010 Revision 2, HTA-A_XX-D1_DR_0011 Revision 2, HTA-A_XX-D1_DR_0012 Revision 2,

HTA-A_XX-D1_DR_0150 Revision 11, HTA-A_XX-D1_DR_0151 Revision 10, HTA-A_XX-D1_DR_0152 Revision 10, HTA-A_XX-D1_DR_0153 Revision 9, HTA-A_XX-D1_DR_0155 Revision 6,

HTA-A_XX-D1_DR_3000 Revision 4, HTA-A_XX-D1_DR_3001 Revision 3, HTA-A_XX-D1_DR_3002 Revision 3, HTA-A_XX-D1_DR_3005 Revision 3, HTA-A_XX-D1_DR_3006 Revision 3, HTA-A_XX-D1_DR_3007 Revision 3, HTA-A_XX-D1_DR_3008 Revision 3, HTA-A_XX-D1_DR_3009 Revision 3, HTA-A_XX-D1_DR_3011 Revision 3, HTA-A_XX-D1_DR_3012 Revision 4, HTA-A_XX-D1_DR_3013 Revision 3, HTA-A_XX-D1_DR_3014 Revision 3, HTA-A_XX-D1_DR_3016 Revision 3, HTA-A_XX-D1_DR_3018 Revision 3,

HTA-A_XX-D1_DR_3021 Revision 3, HTA-A_XX-D1_DR_3022 Revision 1, HTA-A_XX-D1_DR_3023 Revision 1, HTA-A_XX-D1_DR_3024 Revision 1,

HTA-A_XX-E1_DR_120 Revision 2, HTA-A_XX-E1_DR_0121 Revision 2, HTA-A_XX-E1_DR_0200 Revision 10, HTA-A_XX-E1_DR_0201 Revision 10, HTA-A_XX-E1_DR_0205 Revision 9, HTA-A_XX-E1_DR_0206 Revision 8,

HTA-A_XX-E1_DR_0210 Revision 2, HTA-A_XX-E1_DR_0211 Revision 4, HTA-A_XX-E1_DR_0212 Revision 3, HTA-A_XX-E1_DR_0213 Revision 4, HTA-A_XX-E1_DR_0250 Revision 6,

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 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to,

and approved in writing by the Local Planning Authority before the development is occupied.

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

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods and equipment 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, with including contact details to be shown on site hoarding;
- xi. Confirmation that a competent banksman shall be employed at all times to manage the construction traffic in and out of the site to ensure highway and pedestrian safety;
- xii. Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors;
- xiii. Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999;
- xiv. Proof within the contractor's specification that all NRMM will be registered on the local government website;
- xv. Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation;
- xvi. 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;

- xvii. Confirmation that there shall be no bonfires or burning of rubbish at the site.

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

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

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

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

6 The proposed development shall be implemented in accordance with the findings and recommendations of the air quality assessment report by Ardent (March 2018), submitted in support of the application, containing air pollution mitigation measures, including the mitigation of construction dust impacts, and air quality neutral (transport) based on the findings of the report. The approved mitigation scheme shall be implemented in its entirety before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan 2016.

7 The level of noise emitted from any plant used in association with the development 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.

8 a) No above ground works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

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

9 a) No above ground works 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 any plant 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 2016.

10 a) Prior to any above ground works, an air quality assessment report, written in accordance with the relevant current guidance, for the biomass boiler / CHP Plant shall be submitted to and approved by the Local Planning Authority. The emissions for CHP and / or biomass boilers shall not exceed the standards listed in Appendix 7 of the London Plan's Sustainable Design and Construction SPG document 2014. The report shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. It 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) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. Details of the plant and evidence to demonstrate compliance with the GLA's emissions standards will be required.

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

Reason: To ensure that the amenities of neighbouring premises are protected from poor air quality arising from the development in accordance with the Sustainable Design and Construction SPD (adopted April 2013). To comply with the London Plan's SPG on Sustainable Design and Construction and Policy 7.14 of the London Plan 2016.

11 (i) Unless first approved in writing by the local planning authority, no Non-Road Mobile Machinery (NRMM) shall be brought onto or used at the site in connection with the development unless it complies with the standards set out in the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), and all 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 SPG, or any subsequent guidance that replaces it.

(ii) 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

12 No above ground works shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

a) A Refuse and Recycling Collection Strategy, which shall include 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;

b) The appearance and siting of 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 storage containers where applicable; and

c) Plans showing points of collection for refuse and recycling.

The refuse and recycling facilities shall be fully implemented in accordance with the approved details before the development is first occupied and after first occupation, the approved collection arrangements shall be also be fully implemented. Both the facilities and arrangements shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of

the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

13 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage, telecommunications and installation of electric vehicle charging points including electricity supply cables) in relation to underground piling and foundation works have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard existing underground services, in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

14 a) No above ground works hereby approved shall be commenced until a biodiversity strategy, to include habitat improvement measures to be implemented in conjunction with landscaping and the timing of development works and special techniques, has been submitted to and approved in writing by the Local Planning Authority. Unless works commence at the site less than three years from the date of the extended preliminary ecological appraisal survey that was carried out on 3rd July 2017, the details to be provided under this condition shall include details of an updated survey of the land and buildings.

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).

15 a) Prior to any construction works above finished ground floor level being undertaken, a scheme of hard and soft landscaping, including details of existing species (to include wildlife-friendly varieties where possible), planting heights and grades, densities, positions and ground preparation (including volumes of soil and / or other growing media) for soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority.

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.

16 The development hereby approved shall not commence until a surface water drainage strategy for the site based on the principles of Sustainable Drainage Systems (SUDS) has been submitted to and approved in writing by the Local Planning Authority. The following details shall be included:

a) Demonstration that discharge of surface water runoff shall be as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).

b) Confirmation that the surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems.

The approved details shall then be implemented prior to first occupation and maintained as such for the lifetime of the development.

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).

17 a) No above ground works shall take place until details of the materials to be used for the external surfaces, which shall include details of brick detailing and recesses, green walls, fenestration including exterior doors, roof cladding, rainwater goods, privacy screens to screen views to neighbouring properties from exterior access walkways serving flats in Block B (material finish and position) and hard surfaces for all outside areas, 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 and privacy screens shall be retained in the agreed position thereafter.

Reason: To safeguard the character and visual amenities of the site, adjoining occupiers 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.

18 a) No above ground works shall commence until specifications and maintenance details of the proposed green roofs and green walls have been submitted to and approved in writing by the Local Planning Authority.

b) The green roofs and green walls shall then 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. If any part of the approved green roof shall be removed, die, become severely damaged or diseased, it shall be replaced in accordance with the details approved by this condition unless other details have first been submitted to and approved in writing by the Local Planning Authority.

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 2016.

19 a) No above ground works shall take place until details of the appearance, materials and opening mechanism for any electronically controlled access gates and appearance and materials for other boundary treatment 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 shall then be retained as such.

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 and Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD.

20 Prior to the first occupation of any building within the development, the buildings shall be constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority, showing that the development will incorporate carbon dioxide emission reduction measures and on-site renewable energy provision that taken together will achieve an improvement of not less than 35% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations. The development shall be maintained as such for the lifetime of the development.

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.

21 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.

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

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

23 Prior to the first occupation of the development, a Car Parking Management Plan detailing the following shall be submitted to and approved in writing by the Local Planning Authority:

- i. Location and layout of car parking spaces,
- ii. The allocation of car parking spaces;
- iii. On-site parking controls and charges;
- iv. The enforcement of unauthorised parking; and
- v. disabled parking spaces marked with a British Standard disabled symbol.
- vi. Locations of active and passive Electric Vehicle Charging Points and the monitoring of Electrical Vehicle Charging Points, including when additional spaces are required to be brought into operation.
- vii. The access to the parking area from public highway

The Car Parking Management Plan shall thereafter be implemented in accordance with the approved details immediately following the first occupation of the development hereby approved. The car parking spaces shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development. The parking management plan shall be implemented in accordance with the approved details before the buildings hereby permitted are occupied and maintained thereafter.

Reason: To ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

24 Before the development hereby permitted is occupied, secure cycle storage shall be provided in the locations shown on the approved drawings, in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

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

Management Policies (Adopted) September 2012 which in turn refers to London Plan Parking Standards.

25 Before the permitted development is occupied a full Delivery and Service Management Plan (DSMP) including details of the routing of the service vehicles shall be submitted to and agreed by the Local Planning Authority.

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

26 No works on public highway including creation or modification of a vehicular access as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Local Planning Authority and works shall only be carried out in accordance with the approved plans.

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

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

27 a) All units within the relevant buildings shall 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) with the exception of the flats that are identified on the approved drawings to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations (with a total of four flats to meet Part M4(3) standard across the whole development).

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

Reason: To ensure the development meets the needs of its future occupiers in accordance with Policy DM03 of the Development Management Policies DPD (adopted September 2012) and Policies 3.5 and 3.8 of the London Plan 2016 and the Mayors Housing SPG.

28 The buildings shall not be occupied until details of the electronically controlled access to the buildings have been submitted to and approved in writing by the Local Planning Authority and the approved details have been implemented. The approved details shall be retained thereafter.

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 and advice in the Mayor's Housing SPG.

29 All windows serving any bathrooms, en-suite and / or w/c within the development shall be fitted with obscure glazing prior to the first occupation of the dwelling or non-residential unit of which they form a part, and shall be permanently fixed shut with only a fanlight opening, and shall be retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers at the development and 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).

30 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the commercial unit in Block A shall be used for Class A1 and A2 uses only, and may not be changed to any other use other than with express planning permission first being obtained from the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality, and to retain an element of employment use at the site, in accordance with policies DM01 and DM14 of the Development Management Policies DPD (adopted September 2012).

31 a) Before the development hereby permitted is first occupied, details of the subdivision of the ground floor amenity area(s) together with any provision for direct access from adjacent flats in Block A shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall include clarification of the areas within the development which are for the communal use of all residents.

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

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

32 a) No external lighting shall be installed and used until details of the appearance and luminance of the proposed lighting has 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.

33 The ground floor commercial use hereby permitted shall not be open to members of the public before 7 a.m. or after 8 p.m. on weekdays and Saturdays or before 8 a.m. or after 6 p.m. on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

34 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).

35 No construction shall take place until details of access and facilities for Fire and Rescue Services have been submitted and approved by the Local Planning Authority.

Reason: To ensure a satisfactory standard of design, in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012).

36 The commercial unit in Block A may only be used for food preparation if it has first been demonstrated that flues and ventilation equipment will be accommodated within the approved building.

"If kitchen extraction units are proposed, these may only be brought into use after a detailed assessment for any kitchen extraction unit serving any use of the commercial unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority."

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

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

37 Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%).

Reason: To comply with the London Plan's SPG on Sustainable Design and Construction(adopted October 2016) and Policy 7.14 of the London Plan (2011) in relation to air quality.

38 a) No flat shown on the approved drawings as having a balcony, a roof terrace and / or an external walkway that is for the sole use of that flat shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority, and where applicable have been installed in their entirety: (i) details of privacy screens, including details of materials and appearance of the screens, or (ii) for those flats where the balcony, roof terrace or sole access walkway will not significantly overlook any neighbouring residential property or properties, sufficient drawings that demonstrate that is the case. b) For the flats where privacy screens are required, the screens shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers at the development and 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).

39 Prior to occupation of the development, vehicular parking onsite, including disabled parking spaces, as shown on Drawing No. HTA-A_XX-D1_DR_0150 rev.11 submitted with the planning application and the access to the parking area from public highway shall be provided. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

40 No works on public highway including creation or modification of a vehicular access as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to enter into with the Highways Authority under Section 278/184 of the Highways Act, for works affecting public highway including modification creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

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

41 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.

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 4th August 2019, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include mitigations and provision for appropriate provision of Skills, Employment, Enterprise and Training, Carbon offsetting, public amenity space mitigation, affordable housing review mechanisms and on street parking restriction measures and other highway compensatory measures. As such, the proposed development would fail to address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Informative(s):

- 1 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 2 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.
- 3 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m (updated to £60 from 1/4/19) 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.

- 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 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays

affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 6 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 7 The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, 4-6 weeks before the start of works on the public highways.
- 8 For any proposal for new crossovers or modification to the existing crossovers, a separate crossover/access application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

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

The applicant is advised that the permitted maximum width for a residential crossover is 4.2 metres.

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

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

- 9 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.

- 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 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.

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

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

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

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

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

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

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

- 13 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5)

Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014

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

- 14 The report submitted to the LPA should be written in accordance with the following guidance: 1) Environmental Protection UK Guidance - Development Control: Planning for Air Quality (2010); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(09); 4) London Councils Air Quality and Planning Guidance (2007); 5) The report should also have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network.

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.

- 15 The applicant is advised to engage a qualified kitchen extraction consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory smoke and odour control. Please note that:
 - Flue(s) must be 1.5 m* above eaves or any open able windows in the vicinity (within 20 metres of the flue) if there are sensitive premises in the vicinity. The final discharge must be vertically upwards. There should be no hat or cowl on the top of the flue. If flues are to be attached to neighbouring noise/vibration sensitive premises they must incorporate anti-vibration mounts, flexible couplings and silencers. *If the flue is in a Conservation area then this height may be reduced to 1m above eaves.
 - The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA, January 2005); DEFRA Odour Guidance for Local Authorities (DEFRA, March 2010). Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 16 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.

- 17 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. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Officer's Assessment

1. Site Description

The application property is approximately 0.19 hectares in area, L-shaped in plan form with frontages to both Ballards Lane and Gruneisen Road. The site wraps around the rear and south-western side boundaries of 197 and 201 Ballards Lane, which accommodates a three-storey apartment building known as Hartnell Court. The site currently accommodates a three-storey flat roofed building which is set back from the neighbouring buildings to either side, with the exception of the projecting single storey entrance onto Ballards Lane, which is built out to the line of the adjoining two-storey building at 191 Ballards Lane. Vehicular access is from the Gruneisen Road frontage.

The surrounding area is mixed in character. The southern part of the site is within the Church End Town Centre. The adjacent two-storey premises at 191 Ballards Lane are currently vacant at ground level, with a gym on the first floor. The rear of that building is separated by the gardens and private amenity space belonging to a three-storey apartment building, Wentworth Lodge, which is to the west and rear of the application site. On Gruneisen Road there is a single storey automotive repair workshop directly adjoining to the north-west, and there are two and three storey terraced houses to the opposite side of Gruneisen Road (numbers 2-12). Some of these are divided into flats. As noted above, Hartnell Court occupies the corner site on Ballards Lane and Gruneisen Road. Victoria Park is located on the opposite side of Ballards Lane.

2. Site History

18/2039/FUL - Redevelopment of the site comprising the erection of two residential buildings of up to five storeys providing 47 no. self-contained flats and 161 sqm of A1/A3 floorspace, including on site car parking for 24 vehicles and 87 cycle spaces, recycling and refuse areas, associated amenity space, landscaping and associated development. Refused 26 July 2018 for the following reasons;

1. The proposed development, by reason of its height, massing, siting, scale, and density, would be an overdevelopment of the site and detrimental to the character and appearance of the streetscene and general locality. The development would be contrary policies 7.4 and 7.6 of the Mayor's London Plan (2016), contrary to policy DM01 of the Adopted Barnet Development Management Policies (2012) and Policy CS5 of the Adopted Barnet Local Plan Core Strategy (2012).

2. The proposed development would provide inadequate parking to serve the development and in the absence of a legal agreement to secure a Travel Plan and associated monitoring, an extension to the Controlled Parking Zone and prevent residents from obtaining parking permits, would have a harmful impact on highway safety and the free flow of traffic. The development would be contrary to Policy DM17 of the Adopted Barnet Development Management Policies (2012) and Policy CS9 of the Adopted Barnet Local Plan Core Strategy (2012).

3. The development does not make any provision towards affordable housing. The proposal would therefore not provide the maximum viable amount of affordable housing, contrary to Policy DM10 of the Adopted Development Management Policies (2012), the

Adopted Affordable Housing SPD (2007), the Adopted Planning Obligations SPD (2013) and Policy 3.12 of the Mayor's London Plan (2016).

4. The proposed development does not include a formal undertaking to meet employment and apprenticeship needs arising from the development. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Adopted Local Plan Core Strategy (2012), Policy DM14 of the Adopted Barnet Development Management Policies (2012), the Adopted Skills, Enterprise, Employment and Training SPD (2014), and the Adopted Planning Obligations SPD (2016).

5. The proposed development provides inadequate outdoor amenity and play space for future occupiers and does not include a formal undertaking to mitigate this loss by contributing to off-site amenity and playspace. The proposal would therefore not address the impacts of the development, contrary to Policy 3.6 of the the Mayor's London Plan (2016), Policy CS7 of the Adopted Local Plan Core Strategy (2012), Policy DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Planning Obligations SPD (2016) and the Adopted Green Infrastructure SPD (2017).

6. The proposed development does not include a formal undertaking to provide a contribution towards carbon off-setting to achieve net zero carbon dioxide emissions from the residential component of the development. The proposal would therefore not address the impacts of the development, contrary to Policy 5.2 of the Mayor's London Plan (2016), Policy CS13 of the Adopted Local Plan Core Strategy (2012), Policy DM04 of the Adopted Development Management Policies DPD (2012), the Adopted Sustainable Design and Construction SPD (2016) and the Adopted Planning Obligations SPD (2016).

17/5250/FUL - Redevelopment of the site comprising the erection of two residential buildings up to 6 storeys high providing 52 no. self-contained flats and 161 sqm of A1/A3 floorspace, including on site car and cycle parking, recycling and refuse areas, associated amenity space and landscaping (amended from 54 residential units as submitted). Refused 10 January 2018, for the following reasons:

1. The proposed development, by reason of its height, massing, siting, scale, and density, would be an overdevelopment of the site and detrimental to the character and appearance of the streetscene and general locality. The development would be contrary policies 7.4 and 7.6 of the Mayor's London Plan (MALP) 2016, contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012 and Policy CS5 of the Adopted Barnet Core Strategy 2012.

2. The proposed development would provide inadequate parking to serve the development and in the absence of a legal agreement to extend the Controlled Parking Zone and prevent residents from obtaining parking permits would have a harmful impact on highway safety and the free flow of traffic. The development would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and Policy CS9 of the Adopted Barnet Core Strategy 2012.

3. The development does not make any provision towards affordable housing. The proposal would therefore not provide the maximum viable amount of affordable housing, contrary to Policy DM10 of the Local Plan Development Management Policies (adopted September 2012), Affordable Housing SPD, and the Planning Obligations SPD (adopted October 2016) and policy 3.12 of the Mayor's London Plan (MALP) 2016.

4. The proposed development does not include a formal undertaking to meet employment and apprenticeship needs arising from the development. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), Skills, Enterprise, Employment and Training SPD, and the Planning Obligations SPD (adopted October 2016).

On the 18th December 2018 a Hearing was held at Hendon Town Hall in relation to applications 18/2039/FUL & 175250/FUL. In a decision issued on 14th January 2019 the Inspector dismissed both appeals, upholding the council's concerns in relation to the impact on the character and appearance of the area.

15/05583/FUL - Demolition of existing buildings and erection of a 1 no. 7 storey building and 1 no. 4 storey building with rooms in lower ground level to provide 70 self-contained units and 1 no. Cafe and Restaurant (A3) commercial unit at ground floor level. Refused 11 November 2016

The application was refused for two reasons, which can be summarised as:

1 The lack of any on-site dedicated car parking would have a harmful impact on highway and pedestrian safety and the free flow of traffic; and have a detrimental impact on residents in a scheme of this size and height, as well as the amenities of neighbouring occupiers. 14th January 2019 the Inspector dismissed both appeals.

2 The proposal's height, massing, siting, scale, and density would be an overdevelopment of the site and detrimental to the character and appearance of the streetscene and general locality.

The site has also been subject to the following applications:

18/0577/ADV - 1no banner sign to front elevation. Approved subject to conditions 29.03.2018.

17/5121/PND- Demolition of former police station building comprising 3 storey office building and basement. Prior Approval Required and Approved 01.09.2017

F/00030/13/LIC Replace 3no. existing antennas with 3no. new antennas and the installation of 2no. 0.3m transmission dishes and 2no. equipment cabinets on the roof. Exempt 05.03.2013

F/00003/08/LIC - Installation of telecommunications equipment. Exempt 22.04.2008

C11571C/03 Installation of telecommunication equipment on roof. Exempt 05.12.2003

3. Proposal

This is a revised application following the dismissal of the appeals in January. Once again two blocks of accommodation are proposed. The building facing Ballards Lane (Block A) would be reduced to four storeys in height with a recessed top floor. Block B, facing Gruneisen Road would be three storeys in height, scaling up to four storeys towards the rear. The existing building would be demolished to make way for the new development which would provide a total of 41 residential units with an A1 use proposed on the ground floor of Block A of 161 sq. m.

As with the previous scheme, vehicular access would be gained from Gruneisen Road, and the space between the buildings would be largely taken up by car parking at ground level, providing 20 spaces. Landscaping would be provided at the rear of Block A. Further landscaping of the site is proposed by way of a green wall on the flank wall of Block B, adjacent to the vehicular access, and with green roofs for both buildings.

Accommodation provided would be as follows:

Block A would accommodate 22 flats. The mix in this building would comprise 12no. one-bedroom and 10no. two-bedroom flats.

Block B would accommodate 19 flats comprising 6no. studio flats, 8no. one-bedroom and 5no. two-bedroom flats. As a change to the previous proposals, a two-bed unit has been added to the ground floor of Block B.

4 units will be specifically adaptable for wheelchair units.

Amenity space would be provided for some flats in the form of balconies or terraces. In addition the two ground floor units in Block B would have small areas of private amenity space and the ground floor flats at the front of Block B would have small front gardens, although these would not constitute private amenity space. An area to the rear of flats at Block A could be sub-divided to provide amenity areas to serve two ground floor units.

Refuse and recycling stores would be provided within both buildings, at the rear of Block A and on the street frontage for Block B. 66 cycle spaces would be provided within the buildings. Both blocks include green roofs and a green wall is also proposed on the flank/eastern elevation of Block B, where it fronts Gruneisen Road.

The buildings would be finished in brick with the fourth floor of Block A, set back and finished in metal cladding. Block A would continue the frontage of the building line to the south west along the front elevation.

4. Public Consultation

Consultation letters were sent to 580 neighbouring properties. 35 responses have been received, comprising 22 letters of objection, 13 letters of support and two further representations.

Support Comments

- The Developer has addressed the issues raised by the Inspector at the Public Enquiry on the previous applications.
- This development will provide much needed housing in Ballards Lane
- Police Station is an eyesore which has been vacant for some time.
- The building is longer overbearing on its surroundings, and there is a clear need for the site to be cleared and redeveloped.
- The proposed level of parking is adequate.
- As a local shop owner I welcome the potential for new customers on our high street
- This will improve our community as well as economy.
- Monetary contributions will be secured to improve the area.

Objection Comments:

- Still inadequate parking and concern the development will increase parking stress in the area.
- There is a lack of affordable housing with this scheme.
- The building is overbearing and unattractive.
- I also do not see the need for more retail space surely it would better to have more flats as this where the demand is.
- The building should be set back in line with the adjacent shops.
- The scheme is still excessively high and an over-development of the site.
- Local roads are already over capacity.
- The proposal will result in loss of sunlight to adjoining properties.
- The area has low water pressure.
- The loss of privacy for all residents of Wentworth Lodge will have a negative impact on all who live here causing overlooking.
- The design is still too 'blocky' and out of keeping with the existing housing stock.
- The other buildings in this location are three stories high not four.
- The impact it will have on this part of Ballards Lane and the surrounding streets is detrimental to the environment making local streets noisier, more polluted and more congested.
- The scheme will dwarf properties on Gruneisen Road.
- Cycle parking racks will not be used and there will be parking stress locally.
- The amended Development proposed would still significantly overshadow our property, block daylight and reduce sunlight.

Neutral Comment:

- Best that something happens to the site so long as construction traffic and noise issues are addressed as I work from home and live close to the site.

4.1 Consultation Responses

Highways Officer: - No objections, subject to conditions and S106 contributions.

Environmental Health: - No objections, subject to conditions.

Lead Local Flood Authority: - Further information was requested on sustainable drainage. This has been provided by the applicant in the form of an Addendum to the Flood Risk Assessment that was submitted with the application. A further consultation comment is currently awaited, and any received will be noted in the Addendum report.

Transport for London - No objection on the information provided subject to conditions.

Historic England: - No further assessment or conditions are necessary.

Thames Water - No objection to the proposal.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework 2019 & 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 19 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.

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

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

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan. The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life. Relevant policies include the following;

- Relevant London Plan Policies:

3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 3.9 (Mixed and Balanced Communities), 5.1 (Climate change mitigation), 5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 5.10 (Urban greening), 5.11 (Green roofs and development site environs), 5.13 (Sustainable drainage), 5.14 (Water quality and wastewater infrastructure), 5.15 (Water use and supplies), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Lifetime neighbourhoods), 7.2 (An Inclusive Environment), 7.3 (Designing Out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture), 7.18 (Protecting open space and addressing deficiency), 7.19 (Biodiversity and access to nature), 8.1 (Implementation), 8.2 (Planning Obligations), 8.3 (Community Infrastructure Levy)

Draft London Plan

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies:

CS NPPF (National Planning Policy Framework - Presumption in favour of sustainable development), CS1 (Barnet's place shaping strategy - the Three Strands approach), CS3 (Distribution of growth in meeting housing aspirations), CS4 (Providing quality homes and housing choice in Barnet), CS5 (Protecting and enhancing Barnet's character to create high quality places), CS6 (Promoting Barnet's town centres), CS8 (Promoting a strong and prosperous Barnet), CS9 (Providing safe, effective and efficient travel), CS10 (Enabling inclusive integrated community facilities and uses), CS11 (Improving health and well-being in Barnet), CS12 (Making Barnet a safer place ()), CS13 (Ensuring the efficient use of natural resources), CS14 (Dealing with our waste), CS15 (Delivering the Core Strategy)

- Relevant Development Management Policies:

DM01 (Protecting Barnet's character and amenity), DM02 (Development standards), DM03 (Accessibility and inclusive design), DM04 (Environmental considerations for development), DM06 (Barnet's heritage and conservation), DM07 (Protection of housing in Barnet), DM08 (Ensuring a variety of sizes of new homes to meet housing need), DM10 (Affordable housing contributions), DM11 (Town centres), DM14 (New and existing employment space), DM16 (Biodiversity), DM17 (Travel impact and parking standards), The Council's approach to all development as set out in Policy DM01 is to minimise impact on the local environment and to ensure that 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, amongst other things, privacy amenity and outlook for adjoining occupiers.

Mayor of London's Supplementary Planning Guidance

- Mayor of London's Housing SPG
- Mayor of London's Affordable Housing Viability SPG
- Shaping Neighbourhoods: Play and Informal Recreation SPG
- Control of Dust and Emissions during construction and demolition SPG

London Borough of Barnet Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information to assist in the design of new residential development. 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.

- In respect of amenity, development 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.

Affordable Housing SPD

- Provides detailed guidance that supplements policies on affordable housing provision in the adopted Local Plan.

Skills, Enterprise, Employment and Training SPD

- Provides detailed guidance on financial and non-financial provisions to be made within larger developments for Employment and Training.

Planning Obligations SPD

- The main purpose of the Planning Obligations SPD was to provide guidance on when, where, and how the Council will seek to use Planning Obligations and the procedural process for doing so.

Other relevant planning documents

London Borough of Barnet Characterisation Study

- This provides a valuable analysis of urban and suburban typologies with detailed descriptions of the main residential types within the Borough.

5.2 Main issues for consideration

The main issues for consideration relate to whether the previous concerns as outlined under application 18/2039/FUL, and amounted to 6 reasons to refuse consent, have been overcome. The matters have been the subject of an Appeal Determination and this represents a material consideration of significant weight. Other potential key issues that may have arisen due to the differences in the previously refused and currently proposed scheme must also be assessed and whether previous elements considered acceptable remain so.

5.3 Assessment of proposals

Impact on the character of the area

The council's first reason for refusal under application 18/2039/FUL stated the following;

- 1 The proposed development, by reason of its height, massing, siting, scale, and density, would be an overdevelopment of the site and detrimental to the character and appearance

of the streetscene and general locality. The development would be contrary policies 7.4 and 7.6 of the Mayor's London Plan (2016), contrary to policy DM01 of the Adopted Barnet Development Management Policies (2012) and Policy CS5 of the Adopted Barnet Local Plan Core Strategy (2012).

The Inspector upheld the council's concern, and discussion around the character and appearance of the area, and the challenge of redeveloping the site, were to the forefront of deliberations.

The general principle of redeveloping the site and the incumbent benefits of bringing an under-utilised site back into beneficial use in providing much needed housing provides a common ground. The previous concern of the committee was that essentially the amount of development was excessive and this manifested itself most clearly in the scale and massing of the built form, conflicting with the local character immediate to the site.

There are two blocks of development which will adopt a position within two distinctly separate streetscenes. Each is discussed below.

Block A

The Inspector considered that a development of 6 Storeys (17/5250/FUL) or 5 Storeys (18/2039/FUL) was excessive and that the predominant character of Ballards Lane was of 2-3 storey development. In particular the overall height of the appeal schemes and the forward projection, continuing the front elevation of the town centre buildings to the south west, as opposed to the setback building line of the residential blocks to the North East, was of particular concern.

To address the concerns the building has been reduced in height to provide a four storey development on Ballards Lane and the same building line arrangement, discussed above, would also be employed in the overall design. A judgement is therefore required as to whether the overall reduction results in an appropriate development to front Ballards Lane.

The buildings footprint would not materially alter and therefore the structure would adopt a similar relationship forward of Martin Gerrard House and above the adjoining site to the south west. The Inspector stated;

..."This would result in a considerable amount of the new buildings projecting above and being visible above the 2 storey supermarket/gym to the south-west. More significantly, the proposals would project significantly forward of Martyn Gerrard House/Hartnell Court. Both proposals would also be taller than this office/residential building. Due to the considerable forward projection and the greater height of both proposals, I consider that the proposed buildings (the frontage buildings in Appeals A and B) would appear unacceptably large and dominant.

The positioning of the building would be unaltered; the overall scale would be reduced. It is evident the Inspector considered the building excessive in this setting, arguably requiring that the building needed to be reduced in height and set in from the pavement, or, that either measure could potentially address the concern. The council are always mindful that sites for redevelopment, and their contribution to meet housing need, requires a careful balancing exercise of protecting local character whilst always seeking to maximise the benefit of redevelopment. It is considered that the revised scheme strikes a reasonable balance. The forward projection of the building to follow the building line of retail units is not considered a fatal flaw. The retention of this relationship is compensated by the

reduction in height of the building. A four storey building, with the fourth floor set back from the front elevation, is not wholly out of character and retains a less dominant relationship with Martin Gerrard House, three storeys to the front, albeit with a fourth floor setback. The relationship with the gym/supermarket building to the south west also benefits from the reduction in height and it is not considered that the variation in building height on this relationship seriously jars within this setting.

The scheme proposes a high quality build with materials that are evident within the wider area. It is considered that a suitable balance has been struck and the proposed scheme would bring some visual interest to the streetscene and would have regenerative benefits, given the current state of the site. Whilst the dilapidated state of the site does not in itself justify any redevelopment, it is clear that a reuse of the site would bring many benefits and in officers view a scheme which would assimilate successfully into this setting would be provided. The proposal therefore accords with the relevant local, regional and national guidance, in particular that local character is respected, whilst allowing scope for innovation and variation.

Block B

Block B under application (18/2039/FUL) was a reduced development from the four storey block fronting Gruneisen Road, as proposed under application 17/5250/FUL to three storeys. The Inspector considered the four storey scheme to be bulky and out of scale in the residential setting of this road. In relation to the 3 storey scheme, it was stated that whilst there was still some contrast, this would not be harmful to the character and appearance of the area. The current three storey proposal is a more contemporary brick built development, but this will offer a suitable contrast to the more historic terrace properties opposite, whilst not dominating the setting. The contrast is welcomed and there is no necessity to slavishly follow the Victoria terraces with a pastiche development.

Conclusions regarding Reason 1

It is therefore considered that the proposed development overcomes previous concerns, which were upheld at appeal. The proposed scheme is a well-designed, housing led, scheme. The aesthetic finish, including the proposed green wall, can be controlled by condition, ensuring an appropriate appearance. The first reason for refusal, in the view of officers, has been overcome.

Whether the proposals would have an acceptable impact on highway and pedestrian safety

The second reason for refusal stated the following;

2 The proposed development would provide inadequate parking to serve the development and in the absence of a legal agreement to secure a Travel Plan and associated monitoring, an extension to the Controlled Parking Zone and prevent residents from obtaining parking permits, would have a harmful impact on highway safety and the free flow of traffic. The development would be contrary to Policy DM17 of the Adopted Barnet Development Management Policies (2012) and Policy CS9 of the Adopted Barnet Local Plan Core Strategy (2012).

Making the development acceptable in planning terms from a highway perspective, involved some discussion on these matters at the Appeal Hearing. The Inspector had

concerns that the six figure request for Controlled Parking Zone (CPZ) works was excessive and did not meet the CIL 123 Regulation tests.

CPZ Contribution

Highways officers have once again made comment on the revised planning application. Following negotiation with the applicant the CPZ figure has been revised down to £45,000 with an additional £10,000 towards road safety measures. Contributions include £2,022 to amend the Road Traffic Order and £10,251 in Travel Plan Incentives (£250 per unit) with a £5,000 figure for plan monitoring.

Parking

Maximum standards set out in Development Management DPD, Policy DM17 indicate that a maximum of 1 - 1.5 spaces per unit are needed for 2-3 bedroom units and a maximum of less than 1 space per unit for studios and 1 bedroom units.

For the 16 one bedroom and studio units this equates to 0 - 24 spaces and for the 15 two bedroom units proposed this equates to 15-22.5 spaces. This equates to a range of parking provision of between 15 to 64.5 parking spaces to meet the Barnet Local Plan parking standards contained in the Development Management Policies, policy DM17. Highways are of the view that given the good accessibility of the site, presence of a CPZ and car ownership levels (average of 0.6 per household) in the area, the proposed parking provision will meet the parking needs of the site. However to discourage any future growth in car ownership and potential parking overspill, it is requested that residents of the development are denied the right to purchase a CPZ permit.

Highways officers originally suggested that a parking beat survey could be undertaken by the applicant. However the previous survey was conducted 18 months ago and with no significant change in the area and no noteworthy approved applications in the vicinity that would have a significant impact on local parking conditions, and the fact that restrictive measures, including a restriction on parking permits through S106, it is considered the original surveys are still valid.

Previous surveys (2017) indicated that there is sufficient on-street parking available within the identified area during night times and at the weekends to accommodate any potential overspill parking. However, the survey showed that the roads in closer proximity to the site suffer from greater parking stress than roads further away from the site. It is noted that the site is located on the edge of a one Hour Controlled Parking Zone (CPZ), near roads with uncontrolled parking, and that overspill parking could further exacerbate the parking pressure. In order for this to be acceptable, the developer would need to provide financial contributions towards the future review and implementation of a review of the existing CPZ, including provision for the amendment of the Traffic Management Order for the future residents of the development to be exempted from purchasing CPZ parking permits, as discussed above.

The provision of 2 disabled bays is acceptable and meets London Plan standards. Electric vehicle charging points shall be provided in accordance with London Plan standards (ie. 20% active and 20% passive). Hence, provision of 4 active charging points and 4 passive provision for future use is requested and Highways would raise no issue with securing this by way of a condition.

Highway Safety

A review of Crashmap (an online accident database) indicated that there were 9 slight accidents within a 100 metre radius of the site in the last three years. 2 were serious and 7 were slight. None were fatal and none involved motor or pedal cycles. The number of accidents recorded on the stretch of Ballards Lane between The Ridgeway and Seymour Road, together with the reported serious collision at the junction of Ballards Lane and Gruneisen Road suggests an underlying road safety problem. Although the level of trip generation from the development is expected to be low, it is likely to increase potential pedestrian/vehicle conflicts which could increase road safety risks. A contribution of £10,000 is therefore sought to investigate and implement road safety and public realm improvements in this section of Ballards Lane.

Highways officers would request that the applicant increases the proposed financial contribution towards Travel Plan incentives from £6150 to £10,251 to take account of the fact that the minimum travel plan monitoring period is 5 years.

Access and Servicing

Vehicle access to the development will be from Gruneisen Road via a new crossover largely in the same location as the existing access. Therefore the vehicle access arrangement shown on Dwg No. 187531 -001 is acceptable.

Highways officers would highlight that modifications to this access would require Highways approval and the applicant will be required to obtain a S184 licence to carry out the works. This can be conditioned.

Pedestrian and cycle access to the site are located on the ground floor providing direct access to street level. The proposed access arrangements are acceptable.

Refuse store are provided on the frontage of both Ballards Lane and Gruneisen Road. It is proposed that the site is serviced on street and this is acceptable as development is residential led and unlikely to generate a significant amount of lorry movements, most of which are likely to take place during the off-peak period. It is estimated that the residential element will generate about 15 trips a day and the commercial 1-2 trips a day.

Conclusion on Highways

Therefore in order to be acceptable in highway terms the following are requested to be agreed and provided through a S106 Agreement;

CPZ Review Contribution - £45,000

Travel Plan Incentives - £10,251

Travel Plan Monitoring - £5,000

TMO amendment to exempt all occupants from permits - £2,022

Highway Safety measures contribution - £10,000

Any grant of permission should be subject to securing the above through a suitably executed agreement.

Whether the proposals make sufficient provision for affordable housing.

The third reason for refusal stated the following;

3 The development does not make any provision towards affordable housing. The proposal would therefore not provide the maximum viable amount of affordable housing, contrary to Policy DM10 of the Adopted Development Management Policies (2012), the Adopted Affordable Housing SPD (2007), the Adopted Planning Obligations SPD (2013) and Policy 3.12 of the Mayor's London Plan (2016).

Policy DM10 of the Development Management Policies Document states that the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units. The applicant has provided a Viability Assessment (Quod March 2019) which has been independently reviewed on the Council's behalf (BNP Paribas April 2019). The applicant's assessment concludes that the scheme will provide a development deficit of £ 1,960,614 (Quod). The council's advice suggests a development deficit of £1,193,178. Whilst there is a difference in the deficit, not surprisingly, the advice received is that the further reduced scheme could not contribute to affordable housing, either on or offsite. This is taking into account the Quod assessment and the council's independent appraisal by BNP Paribas.

The applicant has submitted a draft S106 agreement which proposes a two stage review of the scheme. The council, in line with the Mayor's SPG guidance had previously requested a three stage, including late stage, review. The reviews proposed by the applicant would be triggered if:

- o The Development is not commenced within 15 months from the date of the Planning Permission, OR
- o The Development does not reach 'Substantial Implementation' within 24 months of the date of the Planning Permission.

The review triggers are intended to ensure that, if the profitability of the scheme is sufficiently improved on the level projected in the applicant's viability assessment, an additional financial contribution towards provision of affordable housing would then be secured, with the ceiling amount to be the value equivalent to the policy compliant level of provision.

The applicant has previously referred, during the appeal, to a recent High Court decision where four retirement house-builders took the Mayor to the High Court challenging the Mayor's Affordable Housing Viability (SPG McCarthy and Stone Retirement Lifestyles Ltd and others versus Greater London Authority (ref. EWHC 1202, 23 May 2018)). Within the decision, the judge noted that the SPG requires that all sites of over ten homes should be subject to at least three viability appraisals. The Judge referred in the decision to the Mayor's SPG as not aligning with the London Plan and therefore being unlawful in one respect. The applicant also provided a legal opinion which makes a case that the requirement for any late stage viability review would therefore be unlawful.

Under the previous application and appeal process the council sought its own legal opinion from counsel. This supported the conclusions of the applicant's advice. Pertinent paragraphs of the advice on late stage reviews include;

.....I am in agreement with senior counsel's opinion that the Council would err in law if it were to seek to rely on the Mayor's SPG to impose a three stage viability review (or, indeed, any late-stage review that did not align with the London Plan) upon the Applicant. If the Council relied on a part of the SPG that has now been declared unlawful to impose the Requirement, its decision would be susceptible to legal challenge on grounds that the Council had had regard to an irrelevant consideration.

.....Furthermore, having regard to the decision in McCarthy and Stone, it appears that the Requirement - by requiring a viability re-appraisal on the basis of "occupation of 75% of the residential units at the site (or two years after the date of the permission, whichever occurs first)" - would be inconsistent with the London Plan. It would, therefore, constitute a breach of the development plan.

In light of this, it may be prudent for the Council to agree to the proposed s106 review mechanism being offered by the Applicant, assuming that a suitable agreement can be reached on what "substantial implementation" is defined as.

The draft London Plan is currently undergoing its Examination in Public and once adopted may well provide a mechanism for the late stage review of schemes that are similar to the application through its adopted policy. However under present circumstances the two stage review proposed is considered the correct procedure to follow on viability.

The most recent application, considered at appeal, included the provision of 3 shared ownership units on site, together with the review mechanism set out above. Following consideration of the viability assessment for this scheme, which includes 6 fewer units, it is accepted by officers that this scheme cannot provide affordable housing and this is the advice of the council's retained specialist advisors. However, in the event that the permission is not implemented within the timescales set out, the review mechanism secures a contribution towards affordable housing in the event that there is any uplift in development value.

It is the view of officers that the agreement to the above review mechanism is sufficient to overcome the third reason for refusal.

Whether the proposals make sufficient provision for apprenticeships and skills training

The fourth reason for refusal stated the following;

4 The proposed development does not include a formal undertaking to meet employment and apprenticeship needs arising from the development. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Adopted Local Plan Core Strategy (2012), Policy DM14 of the Adopted Barnet Development Management Policies (2012, the Adopted Skills, Enterprise, Employment and Training SPD (2014), and the Adopted Planning Obligations SPD (2016).

The Council's Skills, Employment, Enterprise and Training SPD sets out mechanisms and benchmarks for ensuring that development positively contributes to Barnet's economy. This is provided for in part by the Skills, Employment, Enterprise and Training framework (SEET), which is intended to ensure that development provide new job opportunities through construction and / or end use. This can be provided either on site and / or by way of a commuted sum for off-site provision. This provision would need to be provided for in a section 106 obligation and as detailed in the "Delivering Skills, Employment, Enterprise and Training for Development SPG" (October 2014).

The SEET team advise that under the SPD Employment and Training Conditions/Obligations the development triggers the following SEET requirements (as summarised from the formal SEET Consultation response);

Table 1 - Non-Financial Obligations

<u>Contribution</u>	<u>Amount</u>
Progression into Employment	3
Progression into Employment (over 6 mths)	2
Apprenticeships	4
Work Experience	8
Site Visits	45
School Workshops	36
Local Labour Requirement	30%
Reasonable Endeavours to use Local Supplier chain	2

Commuted sum contributions would be as follows;

Local Employment contribution	£ 26,033	Subject to Indexation
Apprenticeship contribution	£ 117,000	Subject to Indexation

Total LEA payment in lieu £143,033

The Applicant has the following options within SPD Employment and Training Conditions/ Obligations, as follows;

- o Can opt to pay the LEA Financial Contribution of £143,033, thereby having no conditions/ obligations to provide Employment and/ or Training during the lifecycle of the build phases and as defined in Table 1 (Non-Financial Obligations)
- o Alternatively, discharge the Non-Financial Obligations as defined in Table 1

The applicant has indicated a desire to meet the non-financial obligations. However the advice from the council's viability advisors is that the scheme is running at a £1,193,178 deficit and as such is unviable. The council's Supplementary Planning Document "Delivering Skills, Enterprise, Employment and Training for Development through Section 106 contributions (SEET) provides commentary on viability at paras 1.15 and 1.16. This states;

1.15 In addition to the requirements highlighted in this SPD, there may be other site-specific requirements such as Affordable Housing to be addressed in the S106 Agreement. In considering all these requirements, including CIL, due regard will be made to economic viability.

1.16 Appendix A sets out how a viability assessment fits into the S106 process. The onus is on the developer to provide justification as to why it may not be possible to deliver the requirements highlighted in the SEET SPD. This should be done through a development industry standard development appraisal.

As discussed within this report, a viability assessment was carried out by the applicant, and the council's independent appraisal of this concludes that the scheme will run at a deficit. The advice received is that the requested contributions as detailed within table 1 would increase the unviable nature of the project and place an unreasonable burden.

The council are keen that any contributions which can make the development more acceptable in planning terms are secured. As discussed above, there are a number of contributions including CIL requirements which will lessen any adverse impacts. The

applicant has shown a desire to make Employment and Learning contributions and in that respect has offered the following;

- 5 apprenticeship places have been offered (as detailed in the list above)
- Site Visits (as detailed in the list above)

The council's viability advisors have indicated that a negotiated compromise would be a reasonable solution. Officers therefore advise that given the viability issues with the scheme, the above offers a reasonable compromise. These measures can be secured by Legal Agreement.

Whether living conditions for future residents would be of an acceptable standard

Amenity Space

Reason for refusal No.5 under application 18/2039/FUL stated the following;

5 The proposed development provides inadequate outdoor amenity and play space for future occupiers and does not include a formal undertaking to mitigate this loss by contributing to off-site amenity and playspace. The proposal would therefore not address the impacts of the development, contrary to Policy 3.6 of the the Mayor's London Plan (2016), Policy CS7 of the Adopted Local Plan Core Strategy (2012), Policy DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Planning Obligations SPD (2016) and the Adopted Green Infrastructure SPD (2017).

As with the previous scheme amenity space is provided in the form of balconies, terrace areas, and private gardens for some of the ground floor flats. Members concluded that in line with SPG guidance although higher density development may not always be able to provide the requisite amount of private amenity space in such circumstances the Council normally requires a planning obligation towards off-site open space.

The level of amenity space provided for the majority of flats would not comply with the Council's SPG standards, and no playspace is provided, this is offset somewhat by the site's town centre location and the availability of public amenity space at Victoria Park, opposite the site.

Whilst the locational benefits of the site are recognised the shortfall is not insignificant and a sum towards off-site provision for playspace and the private amenity shortfall, securable through a S106 Agreement, is deemed necessary and would meet the tests of CIL Regulation 122.

Under policy DM02 and the Supplementary Planning Document: Sustainable Design and Construction, approximately 485 square metres of amenity space would be required to serve the development (5 sq. m per habitable room). The development provides 306 sq. m of private amenity space. There is therefore a shortfall of 179sq. m and the council multiply the shortfall in provision by £50 per sq. m. Therefore the shortfall requires a contribution of £8,950 towards off-site amenity space.

Under the GLA Mayor's Play Space Calculator the accommodation schedule generates a square meterage of play space of 18sq. m which based on previous play schemes that the council cost at £187.68 per sq. m, this results in a play provision contribution of £3,378.24.

The above contributions, securable by Section 106, would address the fifth reason for refusal.

Daylight and sunlight

The daylight / sunlight study undertaken also considers the light for future residents at the development, which demonstrates that, like the previous applications, acceptable levels of amenity would be provided.

Privacy

One issue for privacy within the development relates to the use of the amenity space at the rear of Block A. Any communal use of this space would be in close proximity to the habitable room windows of adjacent flats, resulting in unacceptable impacts on the privacy of these flats. It is therefore considered that as with the previous scheme this space should be apportioned as private amenity space to the adjacent flats. It would be acceptable to provide for direct means of access between the flats and their private amenity space, and this can be agreed by condition.

In all other respects, acceptable standards of privacy for future residents would be provided, with no harmful overlooking between units.

Internal Space

The proposed units would all comply with the internal spaces standards in the Mayor's London Plan and LBB Sustainable Design and Construction SPD. Four of the flats would be wheelchair units, which is in keeping with the 10% stipulated in the London Plan standards.

Conclusions on the amenities of future occupiers

Overall, it is considered that the proposal offers a good standard of amenities for future occupiers, including future disabled occupiers. The contributions to offsite amenity space compensate for the under provision onsite and given the location, opposite the park and the difficulties of providing on site on apartment developments this is deemed acceptable.

Carbon Offsetting Contribution

The sixth reason for refusal stated the following;

6 The proposed development does not include a formal undertaking to provide a contribution towards carbon off-setting to achieve net zero carbon dioxide emissions from the residential component of the development. The proposal would therefore not address the impacts of the development, contrary to Policy 5.2 of the Mayor's London Plan (2016), Policy CS13 of the Adopted Local Plan Core Strategy (2012), Policy DM04 of the Adopted Development Management Policies DPD (2012), the Adopted Sustainable Design and Construction SPD (2016) and the Adopted Planning Obligations SPD (2016).

Under DMP Policy DM.04, major development will be required to demonstrate through an Energy Statement compliance with the Mayor's targets for reduction in carbon dioxide emissions within the framework of the Mayor's energy hierarchy. The applicant has confirmed that the residential component of the development would produce net zero carbon dioxide emissions, through building efficiency measures that include individual

efficient boilers, and a financial contribution of £47,434 towards carbon offsetting in accordance with London Plan Policy 5.2 and the Mayor's Housing SPG (2016, para. 2.3.58). The sum, in lieu contribution, will be ring fenced to secure delivery of carbon dioxide savings elsewhere.

Other key issues

This leave the other key issues both as considered in the previous applications, and/or which may have arisen due to the differences in the refused and proposed schemes, to be assessed.

Loss of the Police Station

The proposals seek to demolish the existing police station building and replace it with two residential blocks. Policy DM13 relates to community uses and states that 'Loss of community or educational use will only be acceptable in exceptional circumstances where:

- i. New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or
- ii. There is no demand for continued community or education use, and that the site has been marketed effectively for such use.'

London Plan policy 3.16 states that:

Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for reprovision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.

Page 129 of the Core Strategy suggests that a police station would not technically fall under the description of a community facility and therefore should not be considered under policy DM13. However it must be noted that such a facility could provide some community benefit and this has been considered in the previous applications involving loss of the facility. It was noted then that Policy CS12 states that LB Barnet will work with the Metropolitan Police to provide remodelling of its estate as a basis for an effective and responsive police service in Barnet.

The applicant advises that the police station was identified as being surplus to requirements in the Mayor of London's Policing and Crime (MOPAC) Estates Strategy 2013-2016. The building is no longer used by the Metropolitan Police. Given the fact that the Metropolitan Police have already identified the site as being surplus to requirements, needs to be balanced against the benefits that the proposed housing units would provide. There is therefore no objection to the loss of the police station.

Whether the proposed commercial unit is acceptable

Policy DM11 essentially supports Class A uses within a secondary retail frontage, and the A1 use proposed for the 161 sq.m. commercial unit is considered to be appropriate. It is noted that there may be scope for a subsequent change of use to A3 or A5 use, subject to the normal policy controls and to anticipate that it is considered that internal flues and ventilation should be provided for within the interior layout of the building. A condition is recommended to provide for this.

Whether the mix of residential accommodation is acceptable

While Policy DM08 identifies family sized home as the biggest priority for housing delivery in Barnet, the proposals would once again make provision for significant numbers of smaller units, including a range of studio units and 1 and 2 bedroom flats. While no 3-bedroom flats would be provided, the site is within a town centre, and therefore is suitable for delivering smaller sized units. The mix of unit sizes is therefore considered to be appropriate for this site.

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

Daylight and Sunlight

The issue of daylight/sunlight was the subject of third party representations at appeal, both through written submissions prior to the Hearing and verbal submissions on the day. In his Decision Letter the Inspector made the following point;

"...In relation to daylight and sunlight, the appellant does not seek to argue that there would be no effects arising from the scheme. It is obvious that some form of built development on the site would be likely to have an effect on neighbours in this respect. Having carefully considered the submitted assessment, I am satisfied that any reduction in daylight and sunlight would not give rise to unacceptable harm to the living conditions of neighbours".

An updated daylight and sunlight report accompanies the planning application (March 2019). The results of the survey, in keeping with the Inspector's deliberations, conclude that the scheme will have minimal impact on daylight or sunlight. The scheme would have an acceptable level of impact from this perspective. As the previous report to committee advised;

The guidance notes that all of the BRE standards are not always achievable in urban areas, and it is noted that any development that is capable of delivering a viable scheme for the redevelopment of the site is likely to result in more urban characteristics for the area as a whole. In this context a marginal non-compliance with BRE standards is not considered to be so great as to warrant refusal of the application, given the overall benefits of the proposals in respect of delivering housing to the area.

Outlook, visual impacts and privacy

The Inspector commented as follows on this aspect of the scheme;

...Neighbouring residents expressed concerns in relation to the direct effects of the proposal on their living conditions. In relation to the distance of the proposal from the existing homes within the surrounding properties, it was confirmed that the proposal satisfies the Council's normal requirements in relation to outlook and overlooking. I was able to judge these effects at the site visit and I saw the windows of the existing properties which were referred to by neighbours. The rear of the existing site is open and it is obvious that almost any form of built development here would be seen by the existing neighbours. In my judgement, the schemes have been carefully designed in this respect, so that normal and expected outlook and overlooking standards are satisfied. In this respect, I consider that, whilst the proposals would be obvious and visible to neighbours, they would still retain an acceptable level of outlook and privacy.

During the course of previous applications the following amendments were received to address the concern in relation to potential overlooking;

- Removal of windows on the western elevation of block A to prevent overlooking of the properties adjacent to the site at Wentworth Lodge;
- Provision of screening on the western balcony on the north elevation of Block A, to reduce opportunities for oblique overlooking of Hartnell Court;
- Substitution of the balconies serving the studio units on the east elevation of Block B with angled/ projecting Juliette balconies to reduce opportunities for overlooking of Hartnell Court;
- Additional screening to the balconies on the western part of the north elevation of Block A, further reducing opportunities for oblique overlooking of residents within Hartnell Court; and
- Enclosing the stair core serving Block B to remove opportunities for overlooking.

These measures remain and it is not considered the scheme would give rise to excessive overlooking of neighbouring properties.

Noise and disturbance

The proposals involve developing a former police station site as primarily residential scheme. Taking into account the former use of the premises as a police station it is not considered that the proposals would result in a material harm in terms of noise and disturbance to neighbouring residents as a result of the development.

Light Pollution

Given the site layout, location of windows, it is not considered that harmful light pollution should result from the development. A condition could be attached to any grant of planning permission to ensure that external lighting is considered especially for the proposed communal areas, balconies, and access areas.

Conclusions on neighbour impacts

The Inspector was content that separation distances were adequate and that normal outlook conditions could be retained. As discussed, any form of development will alter the character and relationship of the site to its neighbours, but a material impact on existing amenity would not result. The above measures ensure that over the course of applications a considerate scheme has evolved which is mindful of its potential impacts on adjoining neighbours and employs measures to overcome potential issues.

Whether the proposals would have an acceptable impact on archaeology

The site is located within the 'Finchley: Nether Street & Ballard Street, Church End and Manor House' Archaeological Priority Area as identified in the LBB Development Management Policies DPD. This is an APA and is associated with Anglo-Saxon and Medieval period settlement. A Desk Based Archaeology Assessment was submitted with the application. This noted that the site has been subject to considerable disturbance in the development of the Police Station as well as prior to that, and any remains are considered to be of local significance only.

Following consultation with Historic England, the following response was received;

The archaeological evaluation carried out for the previous application revealed limited archaeological potential within the site. No further assessment or conditions are therefore necessary.

Environmental and sustainability issues

Air quality

An air quality report accompanies the planning application. The majority of the building is set back from Ballards Lane. Mitigation measures include 'mechanical ventilation system which draws air from the roof or rear of the building'. This would be acceptable to Environmental Health officers subject to conditions. Potential issues relating to dust during construction could be dealt through a construction management plan, as provided for in the recommended conditions.

Biodiversity and wildlife

Policy DM16 of the Barnet Development Management Policies 2012 advises that when considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity. The applicant has submitted an environmental report which sets out that a preliminary ecological appraisal including a site survey undertaken in July 2017.

The site is currently of low ecological value, with the existing assessed as having negligible potential for roosting bats and the site's location and habitats provide negligible bat foraging or commuting potential. Owing to a lack of suitable habitat and its location, it is unlikely that other protected species are present at the site. Recommendations for enhancements are made within the report which aimed at improving the ecological value of the site post-development. A condition is recommended to provide for this, but also for a further survey to be undertaken if demolition has not commenced prior within three years of the date of the survey.

Building sustainability

A sustainability report is provided with the application, which sets out proposals to ensure acceptable standards of building sustainability. This would be secured in the recommended conditions.

Whether the proposals would have an acceptable impact on local drainage

A proposed drainage strategy was reviewed by the Lead Local Flood Authority. Further information was requested and conditions would be attached to any grant of planning permission in order to ensure that the development had an acceptable impact on local drainage.

Whether the proposals would make adequate provision for accessibility

The application scheme is required by Policies 3.5 and 3.8 of the London Plan and LB Barnet SPDs to meet Building Regulation requirement M4(2) for 90% of the units and M4(3) for the remaining 10%. As noted above the number of wheelchair units proposed is

acceptable. A condition is recommended to secure this level of accessibility within the development.

Energy use within the development

The applicant has provided an energy strategy which indicates that enhanced insulation and photovoltaic panels can provide good energy performance with 35% reductions in CO2 emissions for the non-residential component of the development, and zero carbon for the residential component. In terms of water consumption, a condition would be attached in the event planning permission is granted] to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan.

Section 106 and Community Infrastructure Levy

The development would be liable to make a contribution towards Barnet Community Infrastructure Levy and Mayoral Community Infrastructure Levy. In addition the matters as discussed above will need to be agreed through a suitable Section 106 Agreement.

5.4 Response to Public Consultation

The issues raised by objectors/supporters are addressed in Section 5.3 of this report.

6. Equality, Diversity and Human Rights issues

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

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

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

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

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

The Human Rights Act 1998 incorporated provisions of the European Convention on Human Rights (ECHR) into UK law. The general purpose of the act is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a

democratic society. It sets out the basic rights of every person together with the limitations placed on these rights in order to protect the rights of others and of the wider community.

The articles of the act relevant to planning include Article 6 (Right to a fair and public hearing), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

Officers have considered the proposals against the Human Rights act and do not consider that the proposals would be in breach of this.

7. Conclusion

In light of the above appraisal and having taken all material considerations into account, the proposed development is considered to have sufficiently addressed the reasons for refusal of application ref. 18/2039/FUL and the subsequent appeal Inspector's concerns. This is subject to the recommended conditions and to the completion of a section 106 agreement that provides for the matters discussed within this report. It is therefore recommended that consent is granted.

