

Location **233 - 237 East Barnet Road Barnet EN4 8SS**

Reference: **18/1228/FUL** Received: 23rd February 2018
Accepted: 27th February 2018

Ward: East Barnet Expiry 24th April 2018

Applicant: Evergreen Associates Ltd

Proposal: Conversion of existing upper first floor level (rear of building) from existing A1 use class to C3 use class. Erection of an additional floor to rear to facilitate the creation of 4no self-contained flats with an access deck, incorporating front gardens, and green sedum roof to existing lower roof level. Associated refuse and recycling, parking, cycle storage. Associated refuse and recycling, parking, cycle storage

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management 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:

OS/01, EX/01, EX/02, EX/03, EX/04, EX/05, EX/06, EX/07, EX/08, PP/01, PP/02, PP/03 Rev C, PP/04 Rev C, PP/05 Rev B, PP/06 Rev C, PP/07 Rev B, PP/08 Rev B, PP/09 Rev B, PP/10.

Planning Statement, RPS, February 2018; Design and Access Statement, Tasou Associates; Sunlight Daylight Analysis letter dated 20th February 2018; SuDs Report, Nimbus Engineering Consultants; Transport Statement, Cottee Transport Planning, February 2018; Noise Assessment MoirHands 29th April 2017.

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

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

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

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

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

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

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

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

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

5 a) No development other than demolition works shall take place until details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.

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

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

6 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. PP/10 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of

the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

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

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

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

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

- 9 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013), and 7.15 of The London Plan 2015.

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

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

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

- 11 a) No development shall take place until a scheme of proposed noise mitigation measures against externally situated plant connected with the Co-Op has been submitted to and approved in writing by the Local Planning Authority.

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 the amenities of occupiers are not prejudiced by traffic noise/mixed use in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of the London Plan 2011.

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

This sound insulation shall ensure that the levels of noise generated from the A1 use as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of the London Plan 2011.

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

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

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

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

- 15 Other than the areas at first floor level indicated on drawing PP/03C as amenity areas or for access, the roof of the development hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

- 16 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a

satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 17 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).

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

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

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

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

- 19 Before the building hereby permitted is first occupied:

the first floor secondary bedroom windows in the north/rear elevation facing 227 Crescent Road (as indicated on drawing PP/03C);
the second floor east facing living room window to Unit 1;
the second floor west facing living room window to Unit 4; and
the first floor east facing window serving the communal staircase

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

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

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

- 3 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.

- 4 Refuse collection point should be located at a ground floor level and within 10m of the public highway. Levelled access should be provided for the refuse collection personnel to collect the bins.
- 5 East Barnet Road is a traffic sensitive road from Monday to Friday during 0800 hrs - 0930 hrs and 1630 hrs - 1800 hrs.

Therefore the applicant is advised that deliveries during the construction period should not take place between these hours. Careful consideration must also be given to the optimum route(s) for construction traffic and Development and Regulatory Services should be consulted in this respect.

Officer's Assessment

1. Site Description

The site is located on the north side of East Barnet Road and comprises two 2 storey blocks which are linked by a single storey ground floor element.

The site's topography rises, from south to north (lower at the front of the site, higher at the rear).

The ground floor units fronting East Barnet Road are occupied by a supermarket (Co-op), a takeaway (Li's Chinese Food Takeaway) and a vacant former coffee shop (Sunset Cafe) falling within the East Barnet Village Local Shopping Frontage.

The first floor of both blocks provides ancillary office / storage accommodation. The front block has Prior Approval for conversion to residential accommodation (16/3702/PNO).

It is the rear 2 storey block that is the subject of this planning application.

The external areas within the site ownership boundary, outside the proposed building refurbishment and development comprise a tarmac service yard and car parking area and an electricity substation to the north of the building.

The subject property is bordered to the east by a mixture of A1 - A5 uses along East Barnet Road. To the west is the East Barnet Baptist Church, which is located on the corner of the Longmore and East Barnet Road mini roundabout.

2. Site History

Reference: 17/4931/FUL

Address: 233 - 237 East Barnet Road

Decision: Withdrawn

Decision date: 9th October 2017

Description: Conversion of existing upper first floor level (rear of building) from existing A1 use class to C3 use class. Erection of an additional floor to rear to facilitate the creation of 4no self-contained flats with an access deck and green sedum roof to existing lower roof level. Provision of associated parking, cycle storage and refuse and recycling storage

Reference: 16/0523/PNO

Address: 233 - 237 East Barnet Road

Decision: Prior Approval Required and Approved

Decision Date: 22nd March 2016

Description: Change of use from Use Class B1 (office) to Use Class C3 (residential) to provide (4 Units)

3. Proposal

This application seeks planning permission for:

"Conversion of existing upper first floor level (rear of building) from existing A1 use class to C3 use class. Erection of an additional floor to rear to facilitate the creation of 4no self-contained flats with an access deck, incorporating front gardens, and green sedum roof to

existing lower roof level. Associated refuse and recycling, parking, cycle storage. Associated refuse and recycling, parking, cycle storage."

The proposal includes the following elements:

- o Conversion of the existing first floor of the rear block to residential accommodation
- o Construction of an access deck to the south elevation of the existing first floor
- o Construction of an additional storey (increase in height of building of approximately 3.0m) in order to create 4 no. maisonettes over 2 storeys (existing first and proposed second floors).
- o Introduction of Green sedum roof on existing ground floor level link between the front and rear blocks.
- o 4 no. car parking spaces - one for each unit.

Amended drawings were received on 26th March 2018. These show the following amendments to the original scheme:

- Second floor set in on all sides from 1st floor level below (original drawings showed second floor set in from the rear elevation only)
- First and second floor balconies removed (replaced with juliette balconies)
- Unit mix amended to provide 4 no. 2 bed, 3 person units (original scheme 1 x 3 bed, 5 person, 1 x 2 bed, 4 person and 2 x 2 bed, 3 person).

4. Public Consultation

Consultation letters were sent to 220 neighbouring properties.

6 responses were received, comprising 7 objections which can be summarised as follows:

- Parking concerns
- Impact on local businesses and shoppers
- Pressure on local schools, GP and Dental surgeries, local facilities and infrastructure
- Overlooking and loss of privacy to properties and gardens on Crescent Road, especially with the direct views from the bedroom windows at first floor level and large picture windows to the top level
- Potential loss of light to gardens and properties on Crescent Road
- Location of refuse store on boundary will increase potential nuisance (noise, litter and smell) as well as the ongoing issue with vermin such as foxes etc
- The set back to the north east elevation at second floor level is shown planted on some illustrations in the Design and Access Statement. If this is the case it is not clear how this will be safely accessed or maintained without the use of scaffolding or a mobile elevated working platform (cherry picker). The associated cost and disruption involved in these methods of access making maintenance of the planting in this location unlikely. In a similar vein it is not clear how the sedum roof will be safely accessed or maintained.
- Although the proposed development is on a significantly smaller scale, following the Grenfell Tower fire I would suggest the provision of a single means of escape for multiple dwellings would be considered undesirable. Especially when the proposed domestic accommodation is part of a complex containing a unit for food preparation which constitutes an elevated fire risk.
- There is reference to the provision of accessible threshold to the dwellings, however the current scheme, which is only accessible by a single stair, makes no provision

for access to the units at either level for the elderly, infirm or wheelchair bound. Nor would the toilet accommodation appear to make suitable provision for wheelchair users should they be able to access the dwellings.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Draft London Plan 2017

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, DM11, DM17.

Supplementary Planning Documents

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposals would provide suitable living conditions for future occupiers of the proposed dwellings.
- Whether the change of use from A1 retail floorspace to C3 residential would adversely affect the vitality and viability of the Local Shopping Centre.

5.3 Assessment of proposals

The proposal includes the following elements:

- o Conversion of the existing first floor of the rear block to residential accommodation
- o Construction of an access deck to the south elevation of the existing first floor
- o Construction of an additional storey (increase in height of building of approximately 3.0m) in order to create 4 no. maisonettes over 2 storeys (existing first and proposed second floors).
- o Introduction of Green sedum roof on existing ground floor level link between the front and rear blocks.
- o 4 no. car parking spaces - one for each unit.

Access to the units would be via an entrance core at the east end of the block comprising the existing staircase where access to the individual units would be via a landscaped access deck to the south elevation, which also includes private amenity space for each of the units.

The proposed development would retain the use of existing materials comprising red brick and concrete. The second floor level would be finished in zinc cladding to complement the existing traditional materials.

A green roof is proposed to the existing single storey ground floor link between the front and rear blocks.

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

Due to it being set well back from the street frontage, the proposed additional storey to the rear block would have limited visibility from the East Barnet Road street scene, other than from the gaps either side of the applications site; to 239 East Barnet Road to the east and to the East Barnet Baptist Church to the west.

It is noted that the terrace of buildings to the east of the application site, on the north side of East Barnet Road (239-251 to Barons Gate) is three storeys in height, meaning that the proposed second storey would not be visible heading west on East Barnet Road.

Whilst there would be views of the second floor from the area around the junction of East Barnet Road, these would be limited. The second floor element will be set in from the existing first floor below on all sides and this will serve to ensure that it is a subordinate addition and will limit any visual impact as viewed in the streetscene.

In summary, it is not considered that the proposed development would cause harm to the character or appearance of the existing building, street scene or surrounding area and is therefore acceptable in this respect.

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

To maintain privacy to the rear gardens of properties on Crescent Road (approximately 10/10.5m to the north) rear facing windows in the first and second floors have either been set back 10.5 from the nearest garden (227 Crescent Road) or where they fall within 10.5m, have been obscure glazed. This arrangement is considered to be satisfactory in terms of ensuring there would be no unacceptable loss of privacy to the rear gardens of existing residential properties on Crescent Road.

Similarly, the distance between the proposed building and the nearest neighbouring residential properties (227, 229 and 231 Crescent Road) is such that it is considered that there would be no undue impact on the visual amenity of the occupiers of those properties.

The south elevation of the proposed flats would be approximately 14m from the north elevation of the existing front block. Whilst the first floor of the front block has prior approval for conversion to residential accommodation it does not include any facing habitable windows and it is therefore not considered that the proposed residential units in the rear block would have a detrimental impact in terms of overlooking or loss of privacy to the front block or any other neighbouring properties, subject to suitable privacy screening being applied to the proposed access deck and first floor terraces.

All windows in the East elevation (facing rear gardens of properties in Barons Gate) and West elevation (facing East Barnet Baptist Church) would be obscure glazed and as such no loss of privacy would arise to neighbouring properties to the east or west.

The new build elements of the proposal are the second storey and the first floor access deck. The second floor element is set in from the existing first floor below ensuring that it is a subordinate addition and the access deck is positioned between the existing front and rear blocks with limited visibility. As such it is not considered that the proposed development would have a detrimental visual impact on any neighbouring properties.

In summary, it is not considered that the proposed development would have a harmful impact on the residential or visual amenities of the occupiers of any neighbouring properties and is therefore acceptable in this respect.

Whether the proposals would provide suitable living conditions for future occupiers of the proposed dwellings

All of the proposed flats meet the minimum London Plan space standards (2 bed 3 person over 2 storeys - minimum 70 sq m) as follows:

Unit 1, 2 bed 3 person, 83 sq m
Unit 2, 2 bed 3 person, 70 sq m
Unit 3, 2 bed 3 person, 73 sq m
Unit 4, 2 bed 3 person, 72 sq m

All bedrooms meet the required minimum sizes.

Amenity space is provided in the form of landscaped first floor terraces as follows:

Unit 1, 4.8 sq m
Unit 2, 3.9 sq m
Unit 3, 3.9 sq m
Unit 4, 7.5 sq m

Whilst this level of provision falls short of the required 20 sq m per flat (based on 5 sq m per habitable room) usually required, it is considered that the proposed green sedum roof, although it is not usable amenity space, provides some additional visual amenity (along with the landscaping to the access deck and terraces) to the future occupants. It is also noted the application site falls within East Barnet Village with good access to local amenities, including Oak Hill Park within walking distance. The proposed private amenity space provision is therefore considered to be acceptable in this case.

All flats are dual aspect. The first floor rear facing bedrooms are served by two windows, one clear glazed and one obscure glazed in order to protect the privacy of the occupiers of neighbouring properties. The internal accommodation has been arranged so that the main living areas and main bedrooms benefit from the best south facing windows, outlook and balconies, with the second bedrooms and kitchens being served by the rear facing windows. On this basis it is considered that all habitable rooms benefit from reasonable levels of outlook and the proposal is acceptable in this respect.

Whilst some of the rear facing bedroom windows are relatively tall and thin, glazing to all habitable room rooms exceeds 20% of the internal floor area of the room and all habitable rooms have clear glazed windows providing a reasonable level of outlook. In summary, it is considered that the proposed development would provide suitable living conditions for future occupiers of the proposed dwellings.

Whether the change of use from A1 retail to C3 residential would adversely affect the vitality and viability of the Local Shopping Centre

The application site falls within East Barnet Village Local Shopping Frontage as defined by Appendix 6 of the Development Management Policies document, September 2012.

Policy DM12 relates to 'Maintaining local centres and parades' and states:

"The council will protect all retail uses (Class A1) in the existing local centres, parades and isolated shops unless it can be demonstrated that:

- i. there will be no significant reduction of shopping facilities as a result; and
- ii. that alternative shopping facilities that are similarly accessible by walking, cycling or public transport exist to meet the needs of the area; and
- iii. the proposed use is within Class A2, A3, A4, A5 or meets an identified local need; and
- iv. there is no demand for continued Class A1 use, and that the site has been marketed effectively for such use."

There would be no reduction in shopping facilities as a result of the proposed development as all of the ground floor retail units would remain operational as existing.

The first floor area of the Co-op unit was last used as ancillary storage space to the ground floor retail unit, but is currently vacant and in poor condition internally.

The area of retail floorspace that is proposed to be converted to residential floorspace is not a separate retail unit with its own street frontage; it is a dis-used part of an existing retail unit that will remain operational following the conversion. For this reason it is not considered necessary or appropriate to require marketing of the space. Furthermore, the proposed residential units would meet an identified local need and there would be no loss of shopping facilities.

On this basis, the aims of policy DM12 are achieved and the proposed change of use of the first floor of the existing retail unit to residential use is considered to be acceptable.

Highways

The PTAL for the site is 3 which is considered as medium accessibility.

The proposal requires parking provision of between 4 to 6 parking spaces in accordance with Policy DM17. 4 no. parking spaces are being provided for the proposed development which is in accordance with Policy DM17.

The existing rear car park is in the private ownership of the applicant. It is currently available for use by shoppers of the Co-op. Parking is limited to 1 hour. The submitted Proposed Parking Drawing PP/10 shows that the parking area will be marked out and that 4 no. spaces will be allocated to the 4 no. units proposed by this application, 4 no. spaces allocated to the residential units in the front block, 4 no. spaces allocated to Co-op, 1 no. space each for Unit 2, the Café and the Takeaway, 4 no. unallocated spaces and 2 no. disabled spaces.

8 no. Cycle parking spaces are also proposed in accordance with London Plan Cycle Parking Standards a planning condition is proposed in order to secure the provision of these spaces.

Vehicular access for the residential vehicles is proposed from the existing access to the east side of the building.

The Highways department has no objection to the proposal subject to conditions relating to Car Parking, Construction Management and Cycle Parking/Storage.

Environmental Health

The Environmental Health department was consulted and responded stating that it has no objection to the proposal subject to noise mitigation conditions.

5.4 Response to Public Consultation

Main issues addressed elsewhere in this report. Specific responses as follows:

- The existing rear car park is in the private ownership of the applicant. The proposed development will provide sufficient car parking for the proposed residential units and the other existing uses.
- It is not considered that the proposed 4 no residential units would have an unacceptable impact on local businesses, shoppers, schools, GPs, dental surgeries, local facilities or infrastructure.
- It is not considered that the proposed development will result in unacceptable levels of overlooking or loss of privacy to properties and gardens on Crescent Road or any other neighbouring properties.
- It is not considered that there would be an unacceptable loss of light to gardens and properties on Crescent Road or any other neighbouring properties.
- Refuse storage issues are subject to Environmental Health control.
- No planting is proposed at second floor level. How the green roof is a matter for the applicant. Further details of the Green roof will be required by planning condition.
- Means of access and escape will be subject to subsequent Building Regulations approval.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that 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 and the quality of the living accommodation is satisfactory. This application is therefore recommended for approval.



