

**Location**                                **The Minstrel Boy 156 Colney Hatch Lane London N10 1ER**

**Reference:**                                **18/3529/FUL**

Received: 6th June 2018

Accepted: 7th June 2018

Ward:                                        Coppetts

Expiry 2nd August 2018

Applicant:                                Mr I Ozkan

Proposal:                                Demolition of the existing building and erection of a part three, part four storey building plus basement level, comprising 200sqm of flexible Class A1/A2/A3/A4 commercial use at ground floor level and 9 no. self-contained residential dwellings (Use Class C3) above. Associated parking, cycle store, refuse and recycling

**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:

- Existing Location Plan (495.(1).0.000)
- Existing Block Plan (495.(1).0.001)
- Existing Roof Plan (495.(1).0.002)
- Existing Colney Hatch Lane Elevation (495.(1).0.003)
- Existing Sydney Road Elevation (495.(1).0.004)
- Existing North East Elevation (495.(1).0.005)
  
- Proposed Location Plan (495.(1).1.000 Rev. B)
- Proposed Block Plan (495.(1).1.001 Rev. B)
- Proposed Basement Floor Plan (495.(1).1.002 Rev. D)
- Proposed Ground Floor Plan (495.(1).1.003 Rev. G)
- Proposed First Floor Plan (495.(1).1.004 Rev. D)
- Proposed Second Floor Plan (495.(1).1.005 Rev. E)
- Proposed Third Floor Plan (495.(1).1.006 Rev. E)
- Proposed Roof Plan (495.(1).1.007 Rev. E)
- Proposed Colney Hatch Lane Elevation (495.(1).2.001 Rev. A)
- Proposed Sydney Road Elevation (495.(1).2.002 Rev. B)
- Proposed Sectional Elevation A (495.(1).2.003 Rev. B)
- Proposed Sectional Elevation B (495.(1).2.004 Rev. A)
- Proposed Section C (495.(1).3.001 Rev. B)
- Proposed Section D (495.(1).3.002 Rev. B)
- Proposed Section E (495.(1).3.003)

- Air Quality Assessment (Syntegra - Ref: 18-3295, June 2018)
- Block Compliance Worksheet (04 April 2018)
- BRUKL Output Document (23 May 2018)
- Energy Statement (T16 - 2693 - April 2018)
- Sustainability Statement (T16 - 2693 - April 2018)
- Transport Assessment (EAS - May 2018)
- Daylight and Sunlight Assessment (T16 - 2693 - April 2018)

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

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

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

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

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

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

- 4 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building 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.

- 5 Before the development hereby permitted is occupied the car parking spaces and the access to the parking area as shown on Drawing Nos. 495. (1).1.002 Rev. D,

495. (1).1.003 Rev. G, shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

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

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

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

7 Prior to occupation of the development hereby approved, the electric vehicle charging points within the parking area shown in drawing no. 495.(1).1.002 Rev. D shall be provided and thereafter 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.

8 Prior to the occupation of the development, a Maintenance Agreement for the operation of the traffic light system for the ramped access and the electronic gates shall be submitted to and approved by the Local Planning Authority and shall not be carried out nor shall it be subsequently operated other than in accordance with the approved details.

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

9 Prior to the first occupation of the building hereby approved, details of the electronically operated gate providing access to the basement level car park and the means of remote access shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests 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.

- 10 Notwithstanding the vehicular access ramp details submitted with the planning application, the gradient of the proposed ramp access to the underground parking area should not exceed 1:10 otherwise the ramp shall be constructed in accordance with the guidelines in Institute of Structural Engineers Design recommendations for multi-storey and underground car parks.

Reason: To ensure 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.

- 11 Notwithstanding the information submitted a Demolition and Construction Management and Logistics Plan shall be submitted and no site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

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

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.

- 12 No works on public highway as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

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

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

- 13 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.

- 14 a) A scheme for air pollution mitigation measures based on the findings of the report submitted by Syntegra Consulting Ref 18-3295 shall be submitted to and approved by the Local Planning Authority prior to development. This shall include mitigation for when air quality neutral transport and building assessments do not meet the benchmarks.

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

Reason: To ensure that the amenities of occupiers are 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 2011.

- 15 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. 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 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 a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy

DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

- 16 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.

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

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

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

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

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

- 18 a) Prior to their first installation, a detailed assessment for the kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority

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

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

- 19
- a) A scheme of hard and soft landscaping, including details of the 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, except for demolition works.
  - 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 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.

- 20
- a) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to the buildings first occupation details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.
  - b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 21
- a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features

to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2015.

- 22 The ground floor premises shall be used as A1, A2, A3, A4 and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

- 23 Prior to the first occupation of the ground floor A1, A2, A3 or A4 use hereby permitted, hours of use shall be submitted to and agreed in writing by the Local Planning Authority.

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

- 24 The development shall not be occupied until disabled parking spaces have been provided and clearly marked with a British Standard disabled symbol in accordance with the details shown on drawing no. 495.(1).1.002 Rev. D. The disabled parking spaces shall then permanently retained for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure and promote easier access for disabled persons within the development in accordance with London Borough of Barnet's Local Plan Policy CS9 of the Core Strategy DPD and Policy DM17 of the Development Management Policies DPD.

- 25 a) No external lighting shall be installed and used in relation to the A1, A2, A3 or A4 use at ground floor level 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 2015.



- 26 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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

- 28 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 6.00 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).

- 29 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.

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

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

- 31 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 35% 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.

32 a) Before the development hereby permitted is first occupied, details of privacy measures to be implemented around the roof terraces 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).

#### **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. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

- 4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 5 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 6 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via [crossovers@barnet.gov.uk](mailto:crossovers@barnet.gov.uk).
- 7 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 8 In case if any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Environment, Planning & Regeneration Directorate. This may involve relocation of any existing

street furniture and would need to be done by the Highway Authority at the applicant's expense. Estimate for this and any associated work on public highway may be obtained from the Environment Development and Regulatory Services, Barnet House, 1255 High Road, London N20 0EJ.

- 9 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. 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.
- 10 Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact. Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation. Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site. Confirmation that an asbestos survey has been carried out.
- 11 The costs of any associated works on the public highway, including reinstatement works, will be borne by the applicants and will require the Applicant to enter into a rechargeable agreement or a 278 Agreement under the Highways Act 1980.
- 12 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition

survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

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

- 13 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.
- 14 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.

- 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.

## **Officer's Assessment**

### **1. Site Description**

The application site is situated on the east side of Colney Hatch Lane at the junction with Sydney Road. It forms part of the Colney Hatch Local Shopping Parade. The site contains a vacant two-storey pitched roofed public house (Class A4) and surface level car park to the rear which abuts the adjacent dwelling at no.2 Sydney Road. The surrounding area has a mix of uses, with retail and residential flats primarily to the east along Colney Hatch Lane and single-family dwellings to the west and north along Sydney Road. The surrounding architectural vernacular is predominantly traditional, although there is a significant deviation to this in the form of the proximally located South Friern Public Library to the west of the application site on Colney Hatch Lane. The library has a contemporary block form and façade with glazing along the ground floor and brown, green, jade and light-grey coloured render at first and second floor level.

The application site is not located within a conservation area and is not a locally or statutory listed building. There are no trees subject to Tree Preservation Orders (TPO) located within the curtilage of the application site. The application site is within a Flood Risk 1 Area.

### **2. Site History**

Reference: B/02657/08

Address: The Minstrel Boy, 156 Colney Hatch Lane, London, N10 1ER

Description: Replacement of existing entrance doors, replacement of windows to front elevation with glazed timber folding doors. Alterations to windows on rear elevation. Single storey rear extension following demolition of rubbish store. First floor rear extension.

Decision: Approved subject to conditions

Decision Date: 22 September 2008

Reference: B/02658/08

Address: The Minstrel Boy, 156 Colney Hatch Lane, London, N10 1ER

Description: Installation of 3 No. illuminated retractable awnings.

Decision: Approved subject to conditions

Decision Date: 18 September 2008

### **3. Proposal**

- Demolition of existing two-storey public house
- Construction of a part three, part four storey (including basement level parking) building containing A1, A2, A3 and A4 use at grade and 9.no self-contained flats above.
- 11 on-site parking spaces located at basement level
- On-site delivery zone
- 18 cycle parking spaces
- Commercial and residential bin storage
- Roof Garden

For clarity, the proposal's description has been changed to include the words 'part three, part four storey building', instead of 'part two storey, part three storey building'. It should be noted that the plans and the proposed building scale have not changed and therefore have



been consulted at the proposed part three part, four storey scale. The change was to ensure the proposal description was accurate.

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

Consultation letters were sent to 169 neighbouring properties. 91 public responses were received comprising 3 letters of support, 2 letters of representation and 86 letters of objection. These can be summarised as follows:

##### Support:

- Good to see redevelopment in the area, where existing building serves no purpose;
- The architecture in the vicinity is a complete mix of styles and ages, and this proposal seems to fit in well;
- The development will be good for local businesses and improve the aesthetics of this part of Colney Hatch Lane.

##### Representation:

- Trees need to be saved;
- Shop frontages need to be maintained for high street continuity.

##### Objection:

##### Use:

- There is no need for new commercial space when there are already vacant units within the local shopping parade. It will damage existing businesses;
- The demolition of the pub will be a loss to the community and should not be lost;
- Lack of information provided about the proposed commercial use;
- The pub should be improved and reopened;
- Any future use should be used for community purposes, or a pub / café.

##### Character:

- The development is out of character and not sympathetic with the adjacent streetscape and local design vernacular;
- The proposed height is excessive and overbearing;
- Using the Library as a design precedent is unjustified as this is a public space;
- A landmark design is not wanted in this area;
- It is overdevelopment which should be reduced and limited to residential use only;
- The design needs to be toned down and made more in keeping with the local design vernacular.

##### Amenity:

- The proposed development would worsen air quality and road safety as a result of more trip journeys to the site;
- The development will overlook neighbouring rear gardens causing harm to the privacy of neighbouring occupiers;
- Loss of light would be caused to neighbouring occupiers due to the height of the proposed development;
- Excessive noise and dust caused during the demolition and construction phases;

- Concern that the basement works will impact on the foundations of nos. 2 and 4 Sydney Road where the new building will connect at first and second floor level;
- Insufficient usable amenity for future occupiers;
- The corridor widths and door sizes are insufficient and inadequate for disabled wheelchair access;
- The development will add further pressure on local services;
- Will remove right of way to back garden of no.2 Sydney Road which is currently accessed via the site's car park.

#### Highways:

- The site is by a zebra crossing and Sydney Road itself is also heavily crossed to reach the bus stop. Visibility is poor and over the years there have been multiple accidents. The proposal, with its loading bays and garage access, would make it worst. There is a concern for the safety of children crossing the road;
- The 11 spaces proposed are insufficient for 9 residential flats;
- The proposed development will exacerbate traffic problems along this stretch of Colney Hatch Lane;
- The single lane entrance to the car park will increase traffic on a residential road and cause a danger to pedestrians on Sydney Road where it is already a very overused residential side road;
- The A1/A2/A3/A4 unit will attract additional visitors in cars which in combination with visitors for the residential units will create an unsustainable car parking density in Sydney Road and Colney Hatch Lane;
- Loading area will obscure entrance to the main car park entrance;
- All-day Controlled Parking Zones and restrictions on loading hours are needed.

#### Trees:

- The current proposal involves the felling of two mature Indian Bean Trees of great beauty and environmental value. The new proposal should maintain these trees;
- The removal of the very established mature trees should not be allowed as this will have a detrimental effect to the air quality and the visual amenity of the area;
- The trees in front of the site are subject to Tree Preservation Orders.

#### Affordable Housing:

- The proposed development provides no affordable housing;
- More affordable housing needs to be provided on site.

#### Consultation:

- There has been a lack of consultation on this application.

#### Internal Consultee Comments:

- Arboriculturalist: Loss of trees acceptable subject to scheme of replacement trees.
- Highways: Recommend for approval subject to conditions and informatives.
- Environmental Health: Acceptable subject to conditions and informatives.
- Thames Water: No objection.
- Fire Brigade: No objection.

## **5. Planning Considerations**

## **5.1 Policy Context**

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

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

The 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 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 Mayor's Draft London Plan

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, CS4, CS5, CS10, CS14.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM12, DM13 and DM17.

### Supplementary Planning Documents

Residential Design Guidance SPD (October 2016)

Sustainable Design and Construction SPD (October 2016)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;

- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Provision of refuse storage

### **5.3 Assessment of proposals**

#### **Principle of development**

This application seeks planning permission for the demolition of the former Minstrel Boy Pub on the corner of Colney Hatch Lane and Sydney Road to facilitate the construction of a mixed-use building containing basement level parking for 11 cars, ground floor commercial space for A1, A2, A3 and A4 uses and 9 self-contained flats above. The building is proposed at a part three, part four storey scale and will be in line with the height of adjoining buildings.

The application site has been vacant since the closure of the Minstrel Boy Pub (Class A4) in 2016. Therefore, this application does not result in the closure or loss of an operational pub, but rather seeks to redevelop a vacant site with a flexible commercial use at ground floor which would allow for the reintroduction of an A4 use on site should a viable opportunity be forthcoming. Given the site is located within a local shopping parade, A1, A2 and A3 uses are considered appropriate.

A number of comments received as part of this applications public consultation, refer to the community value and benefit the former pub delivered and want the site used in the future for a similar community use. Policy 4.8 of the London Plan states:

The Mayor recognises the important role that London's public houses can play in the social fabric of communities (see also Policy 3.1B) and recent research highlights the rapid rate of closures over the past decade and the factors behind these. To address these concerns, where there is sufficient evidence of need, community asset value and viability in pub use, boroughs are encouraged to bring forward policies to retain, manage and enhance public houses.

Policy DM13 addresses community use within the borough. While a public house is not explicitly referenced within the policy, it is recognised that the list of community uses identified within the policy is not exhaustive and that the community benefit that a public house can deliver is clearly addressed within the London Plan (2016) as highlighted above. Policy DM13 addresses the loss of a community use as follows:

- a: 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.

The flexible A1, A2, A3 and A4 use for the commercial unit proposed is considered of at least an equivalent quality to the now vacant Minstrel Boy Pub and would provide a high-quality open plan space that could accommodate an A4 use. This will be dependent upon demand. Furthermore, the site has been vacant and available since 2016 as an A4 use. This period of time is in excess of the 12-month's the Council would expect the site to be marketed in order to establish demand. In the absence of any identified demand for the

continuation of an A4 use on site, it is considered that the A1, A2, A3 and A4 uses proposed provides sufficient flexibility to both redevelop the site should an A4 use not be forthcoming, but also to give sufficient scope to re-provide an A4 use onsite should an identified demand come to light. Therefore, it is considered that the proposed development would be compliant with DM13.

Policy DM12 addresses the maintenance of local centres and parades. The policy is primarily focused on preventing the loss of A1 uses within these areas, but outlines the measures that are required should a scheme seek to introduce a different use. It notes that A2, A3, A4 and A5 uses are appropriate in local shopping parades. The proposed development does not result in the loss of an A1 unit, but seeks to provide one as part of the flexible commercial use proposed. Therefore, it is considered that the proposal is compliant with local policy regarding uses within local shopping parades.

Regarding the residential (Class C3) element of the proposal, this is considered acceptable in-principle given the surrounding area is predominantly characterised by residential dwellings and flats. Residential uses above ground-floor commercial units within local shopping parades are considered appropriate and a sustainable form of development. Indeed, Policy 3.4 of the London Plan (2016) reinforces the need to make efficient use of land in areas such as where the application site is located. It states:

Taking into account local context and character...and public transport capacity, development should optimise housing output for different types of location within the relevant density range.

The proposed development is considered an urban setting with a Public Transport Accessibility (PTAL) of 3. It has a habitable room per hectare rating of 437 hr/ha which would comply with the range outlined in the density matrix contained within Policy 3.4 of the London Plan (2016). It should be noted that the density matrix is not meant to be enforced rigidly, but is a guide to be used alongside wider character and transport considerations. Nevertheless, the proposed development's density level falls within the range recommended within the London Plan (2016).

Based on the above, it is considered that the proposal is acceptable in-principle and accommodates policy compliant uses within a local shopping parade. The proposal would not result in the loss of either an A1 or A4 use onsite and therefore would be compliant with Policies DM12 and DM13.

### **Character and appearance**

All new development is expected to preserve and respect the established character and appearance of the surrounding area. Policy DM01 states that:

b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

As noted above, the area surrounding the application site on Colney Hatch Lane has a largely consistent architectural vernacular and building scale. The local shopping parade is predominantly characterised by three-storey pitched roofed buildings clad in red brick with traditional design features such as chimney stacks and window detailing. There have been some modern additions to the local shopping parade such as the extensions recently

approved at no.154 Colney Hatch Lane (ref: 17/0337/FUL) adjoining the application site, which don't include these details. However, they all broadly adhere to the overarching design vernacular existent within the local shopping parade. The application site is somewhat at odds with the adjacent streetscape in both its scale and form.

The adjacent dwelling houses along Colney Hatch Lane and Sydney Road are predominantly at two-storey scale and include different design features such as front and side gables. Due to the topography along Colney Hatch Lane, a number of dwelling houses are elevated above the public highway and therefore have a slightly greater visual prominence within the streetscene.

The one significant exception to the established design vernacular surrounding the application site is the South Friern Library which was granted permission in 2006 (ref: N15252/06). The library has a contemporary design to both its form and material finish which acts as a visual focal point along Colney Hatch Lane. The library is a civic building yet it was granted permission with residential flats above the library and new dwellings on Sutton Road. The dwellings on Sutton Road have a contemporary design. The committee report for that application notes that the 'proposed buildings would be a high-quality design solution that would not be harmful to the character and appearance of the streetscene and the locality'.

It is acknowledged that the proposed scheme would deviate from the established character discussed above, but it is considered that the impact on character would be acceptable on balance. Paragraph 2.3.9 of Policy DM01 states:

Whilst the policy [DM01] intention is to protect local character, it should not be used to restrict well designed and sympathetic development which meets other objectives in the Core Strategy, Development Management Policies DPD, the council's suite of Design Guidance Notes and Supplementary Planning Documents.

Furthermore, the revised NPPF states the following:

Where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development

The NPPF also places 'great weight' on innovative designs that promote high levels of sustainability. There are character considerations to weigh-up as part of the overall assessment, but the focus of the NPPF is very much on promoting innovative designs, in sustainable locations that do not cause significant harm to the surrounding character.

It is considered that the proposal is well-designed and enables an efficient redevelopment of a vacant site. The proposed development would provide a policy compliant use which would bring forward an enhanced commercial offering along Colney Hatch Lane and would facilitate the creation of new residential accommodation in a sustainable location. The proposed development has been designed to balance the efficient use of the site, whilst providing a building scale, and footprint which respects the surrounding building forms and uses. The design addresses the three-storey scale along Colney Hatch Lane and the two-storey scale along Sydney Road, and provides a visual transition between the pitched roofs of the adjoining properties and the flat roof of the proposed design. The proposed development does not exceed the height of the adjoining buildings. It provides a U-shaped design feature in-between the Sydney Road and Colney Hatch Lane elevations which provides visual interest, breaks up the building bulk and enables a transition between the

differing elevational scales. The glazed ground-floor level façade will enable an active frontage to the building in compliance with DM01. The design respects the existing building line along Colney Hatch Lane and Sydney Road and provides new tree planting and a wider pavement width to the front of the commercial use on Colney Hatch Lane to enhance the functionality of the public realm. It is considered that the removal of the existing brick wall and railings to the front of the Minstrel Boy provides an enhanced visual aesthetic and de-clutters and enhances the functionality of the public realm along a section of Colney Hatch Lane that has narrow public pavement widths.

Regarding trees, Policy DM01 states that:

k. Trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate.

It is acknowledged that the proposed development would result in the loss of the sites two mature trees which provide a level of visual amenity within the streetscene. However, the Council's TPO Officer and Arboriculturalist have assessed the quality of these trees and concluded that they were not worthy of a Tree Preservation Order. Therefore, the two trees have no current protection and could be felled without Council permission. To compensate for the loss of these trees, 5 new trees will be planted along both Colney Hatch Lane and Sydney Road, and areas of soft landscaping will be introduced. Details of the proposed trees and areas of soft landscaping will be secured via condition. Considering the existing trees have no protection and could be felled without Council permission, it is deemed that the provision of 5 new trees is acceptable and will help to mitigate the visual impact resulting from the loss of the two existing trees within the streetscene. Given the proximity of the tree roots to the Minstrel Boy, it is expected that any redevelopment of the site which includes the demolition of the existing building would severely compromise their long-term health and viability.

The proposed facing materials have been selected to better integrate the new development with adjacent buildings. Therefore, unlike the adjacent library which stands out in both its form and external facing materials, the proposed development will use glazing to the ground-floor and a high-quality red brick above to soften the visual impact of the design. The use of red bricks is considered sympathetic and in keeping with the red brick used within the local shopping parade. The size of the windows and use of Juliette balconies have been introduced to break-up the visual dominance of the brick facades. The height of the commercial unit aligns with the adjoining property to ensure any future fascia boards are visual consistent.

The form of the building to the rear has again been designed to respect to the adjacent uses and residential amenity of neighbouring occupiers. The roof form provides an acceptable transition from neighbouring scales and roof forms, and the building form adjoining no.154 Colney Hatch Lane, slopes back to reduce the projection and visual dominance of the building. The building line conforms with the established building line of no.154 to again reduce the perception of visual overbearing and protect the wider residential amenities of neighbouring occupiers at nos. 2 and 4 Sydney Road. It is considered that from a character and appearance perspective, the design to the proposed development when viewed from the rear of the application site would be acceptable.

Policy DM01 also requires new developments to the following:

a. Represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change mitigation and adaptation.

The proposed development would have a high level of energy and building sustainability, including the provision of rooftop photovoltaic (PV) panels. This will be secured by condition but is a consequential benefit of the proposed design.

It is acknowledged that the design detailing and form deviates from the majority of the surrounding building forms. In that sense, the proposed development it is out of character. However, it is considered that this deviation is acceptable on balance and unlocks a number of wider regenerative benefits for the site and the local shopping parade in line with the aims and objectives of local policy. These include new housing in a sustainable location, high-grade commercial space with a flexible use and the potential to attract new end users to the local shopping parade with associated benefits for existing businesses. The design itself appropriately responds to the scale of adjacent buildings, provides an active street frontage and enhanced public realm, and proposes facing materials which are considered sympathetic to those used elsewhere along this section of Colney Hatch Lane. It is not considered that the design would appear overbearing within the streetscene given its scale aligns with adjoining properties and the U-shaped design feature breaks up the flat roof. Instead, it is considered to represent a high-quality design and provide a level of visual interest that would complement rather than detract from the appearance of the local shopping parade and wider locality. It is deemed that the proposed design would not represent a departure from Policy DM01, or have a detrimental impact on the character and appearance of this section of Colney Hatch Lane and Sydney Road. It is therefore recommended for approval on character grounds.

### **Neighbouring Amenity**

Paragraph 2.7.1 of Policy DM01 states that:

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

It is considered that the proposed development would have an acceptable impact on the residential amenity of neighbouring occupiers. As discussed above, the rear building line has been set in line with no.154 to provide an acceptable set-back from no.2 Sydney Road. Indeed, the proposed building form adjacent to no.154 has been sloped to further increase the set-back from no.2 and by so doing, reducing the perception of overbearing and opportunities for overlooking. The vantage points provided are considered broadly comparable to those existing at no.154 and the proposed set-back appropriate. Any redevelopment of the site that includes the demolition of the existing Minstrel Boy pub and creation of a building to a similar scale to no.154, would follow the same rear building line and present the same opportunities for overlooking as the proposed development. The proposed windows above two-storey level are located within the element of the design that slopes away from no.2. Based on the above, it is considered that the design would not result in an unreasonable level of overlooking into adjacent properties and garden, or create a sense of overbearing given the proposed scales and sloped design.

Regarding overshadowing, the applicant has provided as part of this submission, a Daylight and Sunlight Assessment that demonstrates any impact on neighbouring dwellings would comply with BRE guidelines. The assessment provides the results of a Vertical Sky Component (VSC) test that concludes, 'the effect on VSC is within the 80%



guidance value in all cases. There will therefore be no adverse impact on neighbouring residents in terms of daylight.' Based on the result of this assessment and a review of the sites orientation and proposed layout, it is considered that the proposal would not result in harmful levels of overshadowing to neighbouring occupiers.

The roof top terraces and residential and commercial plants have been sited away from adjoining properties to reduce the impact of any associated noise and disturbance on neighbouring occupiers. The roof terraces will be located behind the roof parapet wall and will be appropriately screened to the rear to protect the privacy of neighbouring occupiers. Details of all roof top terraces, plant and PV panels will be secured via condition and will require approval before any development commences onsite.

Access to the underground car park is sited adjacent to no.2 Sydney Road. However, it is considered that any associated noise and disturbance is reasonable given the existing site's car park and access is adjacent to no.2. Indeed, the existing car park is surface level which is considered to have a greater noise impact from engine noise and people conversing near their car, than an underground car park where much of this activity is largely concealed. A traffic light system will be used at the entrance to the car park to limit any car idling associated with accessing the basement level and to keep the public highway and footpath clear.

It is not considered that the proposed development would result in a harmful level of noise and disturbance associated with the comings and goings to the site. Access to the commercial use is located on Colney Hatch Lane and the local shopping parade and residential access is located on Sydney Road, a residential street. The proposed level of site occupancy is considered acceptable given the site's location within a local shopping parade, its siting on a main road and the fact the previous pub use could accommodate a large number of people during peak times. Indeed, the application site is considered a sustainable location where land use efficiency is required. The proposed units meet the minimum internal space requirements outlined in the London Plan (2016) and do so within a building envelope and to a scale considered in keeping with adjacent buildings.

Based on the above, it is considered that the impact on neighbouring occupier amenity is acceptable and given its compliance with Policy DM01, is recommended for approval on amenity grounds. It should be noted that any noise and disturbance caused during the demolition and construction phases would be covered under a Demolition and Construction Method Statement which would be secured via condition and the subject of review by both the Council's Highways and Environmental Health Departments. Other conditions will be attached to any permission relating to hours of construction and mechanical plant.

### **Living standards for future occupiers**

Floor Area:

The London Plan (2016) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum gross internal area (gia) space requirements for residential units. A bedroom measuring 11.5m<sup>2</sup> and above is calculated as a two-person room. The proposed units are measured as follows:

- Flat 1: 2-bed, 3-person, 1-storey - 66m<sup>2</sup> provided / 61m<sup>2</sup> required
- Flat 2: 2-bed, 3-person, 2-storeys - 70m<sup>2</sup> provided / 70m<sup>2</sup> required
- Flat 3: 2-bed, 3-person, 1-storey - 61m<sup>2</sup> provided / 61m<sup>2</sup> required

Flat 4: 2-bed, 3-person, 1-storey - 66m<sup>2</sup> provided / 61m<sup>2</sup> required  
Flat 5: 2-bed, 3-person, 1-storey - 63m<sup>2</sup> provided / 61m<sup>2</sup> required  
Flat 6: 1-bed, 2-person, 1-storey - 50m<sup>2</sup> provided / 50m<sup>2</sup> required  
Flat 7: 2-bed, 3-person, 1-storey - 62.2m<sup>2</sup> provided / 61m<sup>2</sup> required  
Flat 8: 1-bed, 2-person, 1-storey - 61m<sup>2</sup> provided (usable) / 50m<sup>2</sup> required  
Flat 9: 2-bed, 3-person, 1-storey - 62.9m<sup>2</sup> provided / 61m<sup>2</sup> required

All proposed units meet the minimum internal space standards stated above.

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

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All proposed bedrooms meet the above 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.

All proposed units meet the above standard.

Room Stacking:

It is considered that the room stacking proposed is acceptable. A sound proofing condition will be secured via condition.

Light/outlook:

Barnet's Sustainable Design & Construction 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 and that bedrooms and living rooms /kitchens should have a reasonable outlook with clear glazed windows.

It is considered that all units would benefit from an acceptable level of outlook (the majority dual aspect) and daylight / sunlight provision. The applicant has provided a Daylight and Sunlight Assessment which demonstrates that each habitable room will benefit from good levels of natural light in excess of BRE guidelines.

Amenity Space:

Section 2.3 of the Sustainable Design & Construction states that for flats, 5m<sup>2</sup> of usable amenity space should be provided per habitable room. Any room at 20m<sup>2</sup> or above is calculated as two habitable rooms.

The proposed development does not meet these standards. However, paragraph 8.2 of the Residential Design Guidance SPD (2016) states that:

Private amenity space for the exclusive use of building occupants is a highly valued asset. Sufficient, functional amenity space should therefore be provided for all new houses and flats wherever possible.

Given the application site's location within a local shopping parade and the consequential space and design constraints, it is not possible to achieve full compliance with the above standards. However, recessed balconies and roof top gardens have been included to provide private external amenity space to all units, with balconies meeting the 1.5m depth requirements in the aforementioned design SPD. In addition to the private usable external amenity space being provided for each unit, the application site is also located around 600m from the Muswell Hill Playing Fields, which is considered an excellent amenity resource that can augment the proposed onsite amenity provision. It is considered that based on the above, the provision of usable external amenity to future occupiers is acceptable on balance.

Based on the above, it is considered that the proposed development would provide an acceptable level of amenity for future occupiers and consequently, this application is recommended for approval on amenity for future occupier grounds.

## **Highways**

The proposed development proposes 11 parking spaces for the residential use via a basement level car park. Based on the number of units proposed, the parking requirement would be 7 to 12.5 spaces. The Public Transport Accessibility (PTAL) for the site has been assessed as 3 which is considered as a medium accessibility level. Therefore, for a site within a PTAL rating of 3, the proposed 11 parking spaces are in accordance with Policy DM17.

The proposed development will provide 2 wheelchair accessible parking spaces and Electrical Vehicle Charging Points (EVCPs). Details of these will be secured via condition.

Gated access to the basement parking area is proposed from a curved ramped access from Sydney Road using the existing vehicle crossover. The applicant has stated within their Transport Statement that the surfacing and kerbing in the vicinity of the existing crossover are in poor condition and will liaise with the Council's Highways Department to arrange for the crossover to be relocated and improved to better facilitate access to the new development.

It is proposed that the access ramp will have a maximum gradient of 1 in 6 with transitions to the top and bottom of the ramp. The ramped access will be wide enough for a large car to negotiate with the passing place extending at least six metres from the highway boundary to allow room for an incoming car to wait for an outgoing one without blocking the public footway.

Due to the narrow width and ramps curvature, traffic signal controls are proposed with priority given to vehicles coming off the public highway. This is to ensure vehicles are not waiting on the public highway or footpath while waiting to access the basement level parking to the detriment of highway and public safety and the free flow of traffic. A condition will be attached to any permission requiring details of the maintenance contract for the operation of the signalised access and the electronically operated gate to ensure that any faults to the system can be quickly rectified.

In compliance with Policy 6.9 of the London Plan (2016), 18 secure cycle parking spaces for future residential occupiers are to be provided in the basement, and 7 spaces are to be provided to the front of the commercial unit on Colney Hatch Lane for use by both residential visitors, and staff and customers of the commercial unit.

Refuse collection will take place direct from Sydney Road with bins stored internally and access via the Sydney Road elevation.

It is proposed that small to medium sized rigid goods vehicles will be used for commercial and residential deliveries and will park on the section of Sydney Road, on the south side, northeast of the short section of double yellow lines near the junction, as there are no loading restrictions on this road. The applicant has stated in the Transport Assessment that to avoid the possibility of this kerbside being occupied by parked vehicles a loading space would be sought between the crossover and the start of the double yellow line. The applicant has been advised that this will require a separate application made to the Highways Department. For clarity, loading vehicles will not be able to stop on Colney Hatch Lane immediately adjacent to the pedestrian crossing.

Based on the above and following consultation with the Council's Highways Department, this application is recommended for approval on highways grounds subject to conditions. It is considered that the measures taken are acceptable in view of public and highway safety and the free flow of traffic, and are in compliance with Policy DM17.

## **Refuse**

The proposed development is required to comply with Barnet's Waste and Recycling Strategy (2018). The proposed refuse and recycling bins are to be located internally to the rear of the commercial units and adjacent to the residential entrance. They have been designed to provide separation between commercial and residential waste. Details of this along with the collection strategy will be secured via condition.

## **5.4 Response to Public Consultation**

- Good to see redevelopment in the area, where existing building serves no purpose:

Noted

- The architecture in the vicinity is a complete mix of styles and ages, and this proposal seems to fit in well:

Noted

- The development will be good for local businesses and improve the aesthetics of this part of Colney Hatch Lane:

Noted

- Trees need to be saved:

See character section above

- Shop frontages need to be maintained for high street continuity:

Noted

- There is no need for new commercial space when there are already vacant units within the local shopping parade. It will damage existing businesses:

See the principle section above

- The demolition of the pub will be a loss to the community and should not be lost:

See the principle section above

- Lack of information provided about the proposed commercial use

The commercial unit would have a flexible A1, A2, A3 and A4 use. Details of the end user, if there is one, has not been provided to the Council

- The pub should be improved and reopened:

The flexible use enables a public house to be reopened on site

- Any future use should be used for community purposes, or a pub / café:

The flexible use enables a pub or café to be located on site

- The development is out of character and not sympathetic with the adjacent streetscape and local design vernacular:

See character section above

- The proposed height is excessive and overbearing:

See character section above

- Using the Library as a design precedent is unjustified as this is a public space:

See character section above

- A landmark design is not wanted in this area:

Noted

- It is overdevelopment which should be reduced and limited to residential use only:

The residential units meet the minimum internal space requirements. As this is a local shopping parade, a residential use at ground floor would be contrary to local policy

- The design needs to be toned down and made more in keeping with the local design vernacular:

See character section above

- The proposed development would worsen air quality and road safety as a result of more trip journeys to the site:

The Council's Highways Department have reviewed the application and deemed it acceptable on highways grounds. It is not considered air quality would worsened. The site if used as a public house, or if redeveloped in line with other uses within the local shopping parade would generate comparable trip journeys. See Air Quality Assessment provided by the applicant as part of this submission

- The development will overlook neighbouring rear gardens causing harm to the privacy of neighbouring occupiers:

See amenity section above

- Loss of light would be caused to neighbouring occupiers due to the height of the proposed development:

See amenity section and reference to Daylight / Sunlight Assessment

- Excessive noise and dust caused during the demolition and construction phases:

A Demolition and Construction Method Statement will be secured via condition and reviewed by both the Council's Highways and Environmental Health Departments

- Concern that the basement works will impact on the foundations of nos. 2 and 4 Sydney Road where the new building will connect at first and second floor level:

The proposed development will be subject to building control regulations

- Insufficient usable amenity for future occupiers:

See amenity for future occupier's section above

- The corridor widths and door sizes are insufficient and inadequate for disabled wheelchair access:

M4(2) compliance will secured via condition

- The development will add further pressure on local services:

This is the redevelopment of a vacant site providing commercial and residential uses within a local shopping parade. This is considered a sustainable location for development

- Will remove right of way to back garden of no.2 Sydney Road which is currently accessed via the site's car park:

This is a civil issue and not a material planning consideration

- The site is by a zebra crossing and Sydney Road itself is also heavily crossed to reach the bus stop. Visibility is poor and over the years there have been multiple accidents. The proposal, with its loading bays and garage access, would make it worst. There is a concern for the safety of children crossing the road:

The Council's Highways Department have reviewed the application and deemed it acceptable on highways grounds.

- The 11 spaces proposed are insufficient for 9 residential flats:

The Council's Highways Department have reviewed the application and deemed it acceptable on highways grounds and in compliance with DM17. See highways section above

- The proposed development will exacerbate traffic problems along this stretch of Colney Hatch Lane:

The Council's Highways Department have reviewed the application and deemed it acceptable on highways grounds.

- The single lane entrance to the car park will increase traffic on a residential road and cause a danger to pedestrians on Sydney Road where it is already a very overused residential side road:

See highways section above

- The A1/A2/A3/A4 unit will attract additional visitors in cars which in combination with visitors for the residential units will create an unsustainable car parking density in Sydney Road and Colney Hatch Lane:

The Council's Highways Department have reviewed the application and deemed it acceptable on highways grounds.

- Loading area will obscure entrance to the main car park entrance:

See highways section above

- All-day Controlled Parking Zones and restrictions on loading hours are needed:

The Council's Highways Department have reviewed the application and deemed it acceptable on highways grounds. The creation of the loading zone is subject to a separate application

- The current proposal involves the felling of two mature Indian Bean Trees of great beauty and environmental value. The new proposal should maintain these trees:

See character section above

- The removal of the very established mature trees should not be allowed as this will have a detrimental effect to the air quality and the visual amenity of the area:

See character section above

- The trees in front of the site are subject to Tree Preservation Orders:

The existing trees are not subject to Tree Preservation Orders. See character section above

- The proposed development provides no affordable housing:

This application is not required to provide affordable housing and is policy compliant

- More affordable housing needs to be provided on site:

The proposed development does not provide enough units to trigger the affordable housing threshold. Therefore, the provision of affordable housing is a commercial decision for the applicant

- There has been a lack of consultation on this application:

This application has been the subject of two rounds of public consultation

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

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

## **7. Conclusion**

The proposed development is considered on balance, to have an acceptable impact on the character and appearance of the application site and wider streetscene, and will serve to unlock wider regenerative benefits for a vacant site within a local shopping parade, in line with the aims and objectives of local policy. Furthermore, it is not deemed that the proposed development would cause significant harm to the residential amenity of neighbouring occupiers, with appropriate conditions also attached to minimise noise and disturbance during the demolition and construction phases. The proposed development is considered to provide an adequate standard of amenity for future occupiers and is deemed acceptable on highways grounds. Consequently, this application is recommended for approval.





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