

**Location** Carmelite Friars 63 East End Road London N2 0SE

**Reference:** 18/4221/FUL Received: 6th July 2018  
Accepted: 18th July 2018

**Ward:** East Finchley Expiry 17th October 2018

**Applicant:** Re-creo Carmelite Friars Ltd

**Proposal:** Demolition of 2no two-storey building wings of an existing grade II listed building. Erection of 1no two-storey and 1no single storey extensions (replacement wings) to side elevations of the existing building following removal of existing first floor extension to North elevation to provide conversion of existing listed building (and new wings). Including 5 no single family dwellinghouses and 2 no self-contained flats. Erection of a two-storey block comprising of 7no single family dwellinghouses to the West of existing grade II listed building. Erection of 1no single storey family dwellinghouse to North East of existing grade II listed building. Associated alterations to fenestration Associated alterations to hard and soft landscaping. Provision of amenity space, car parking, cycle storage and refuse and recycling storage. Reduction of rear boundary wall to a height of 1.3m

**Recommendation:** Approve subject to s106

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

#### RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. (c) Affordable Housing

The provision within the development for a commuted payment of £70,284 to contribute to the provision of providing affordable housing within the London Borough of Barnet.

Contribution towards the Council's costs in monitoring the obligations of the agreement.

#### RECOMMENDATION II:

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

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

##### Existing Drawings:

Location Plan; AL.00.02 Existing Site Plan (Rev A);

##### Proposed Drawings:

AL.00.02 (Rev. C) Proposed Site Plan; AL.05.01 (Rev. C) Proposed Ground Floor Plan; AL.05.02 (Rev. C) Proposed First Floor Plan; AL.05.04 (Rev. C) Proposed Roof Floor Plan; AL.05.05 (Rev A) Proposed Basement Floor Plan; AL.06.01 (Rev. C) Elevations; AL.06.02 (Rev. C) Elevations - External; AL.06.03 Elevations - Terrace Houses; SK.00.01 (Rev. B) Tree Survey Plan; SK.05 (Rev A) Refuse Plan; SK.07 (Rev A) Parking Layout; SK.12.1 (Rev. B) Part M Compliance (Terrace Houses); SK.12.2 (Rev A) Part M Compliance (Western Houses); Visualisations;

##### Listed Building Existing Drawings:

AL.00.02 (Rev A) Existing Site Plan; AL.01.01 (Rev A) Existing Site - Ground Floor Plan; AL.01.02 (Rev A) Existing Site - First Floor Plan; SK.00.01 (Rev A) Existing Ground Floor Plan; SK.00.02 (Rev A) Existing First Floor Plan; SK.00.03 (Rev A) Existing Basement Floor Plan; SK.00.04 (Rev A) Existing Section A; SK.00.05 (Rev A) Existing Section B; SK.00.06 (Rev C) Existing Section C; SK.00.07 (Rev A) Existing Section D; SK.00.08 (Rev A) Existing Section E; SK.00.09 (Rev A) Existing Section F; SK.00.10 (Rev A) Existing South Elevation; SK.00.11 (Rev A) Existing North Elevation; SK.00.12 (Rev A) Existing East Elevation; SK.00.13 (Rev A) Existing West Elevation;

##### Listed Building Proposed Drawings:

SK.00.01 (Rev. B) Proposed Ground Floor Plan; SK.00.02 (Rev. B) Proposed First Floor Plan; SK.00.03 (Rev. B) Proposed Basement Floor Plan; SK.00.10 (Rev. B) Proposed South Elevation; SK.00.11 (Rev. B) Proposed North Elevation; SK.00.12 (Rev. B) Proposed East Elevation; SK.00.13 (Rev. B) Proposed West Elevation; SK.01.04 (Rev A) Proposed Section A; SK.01.05 (Rev A) Proposed Section B; SK.01.06 (Rev A) Proposed Section C; SK.01.07 (Rev A) Proposed Section D; SK.01.08 (Rev A) Proposed Section E; SK.01.09 (Rev A) Proposed Section F;

##### Supporting Documents:

Design and Access Statement by Re-Creo; Planning Statement by Union4Planning; Heritage Statement; Cornice, Skirting and Chimneypiece Schedule; Window Schedule Rev B; Doors Schedule Rev B; Listed Building Schedule of Works Rev B; Transport Statement by Motion; Construction Management Plan; Arboricultural Report by ACS Trees ref ha/aiams3/eastendrd dated 11th July 2018; Sustainability Report by SGA Consulting Ltd

Ref J1422 Rev P3; Daylight and Sunlight Assessment by Cundall Ref SY-001 Rev B; Noise Survey by Pace consult ref PC-18-0118-RP1; Drainage Strategy Report by SGA Consulting Ltd Ref J1422 Rev P2; Structural Engineer's Initial Report on the implementation of SUDS by Hardman Structural Engineers.

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 buildings (including extensions for the listed building and new buildings) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The details to be provided shall include sample panels of all new facing brickwork showing the proposed brick types, colour, texture, face bond and pointing.

c) The development shall thereafter be implemented in accordance with the materials as approved under this condition. The approved sample panels shall be retained on site until the work is completed and has been approved.

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), Policies DM01 and DM06 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

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

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

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

5 The flat roofs of the Terrace Houses, the flats on the western extension and houses 12 and 13 hereby approved 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).

6 a) No construction works on the flats on the western extension and houses 12 and 13 shall take place until details of the proposed green roofs for these buildings have been submitted to and approved in writing by the Local Planning Authority.

b) The green roofs 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 2016.

7 Before the development hereby permitted is first occupied, the box hedge to be erected along proposed houses 10, 11, 13 and 14 and Flat 1 as indicated on Drawing no. AL.05.01 Rev C shall be planted before first occupation or the use is commenced, shall not be higher than 1.2m and shall be retained as such thereafter.

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

8 Before the development hereby permitted is first occupied, the amenity area(s) shall be subdivided and shall be implemented in accordance with the details indicated Drawing no. AL.05.01 Rev C before first occupation or the use is commenced and retained as such thereafter.

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

9 a) No development other than demolition works shall take place until details of the appearance, materials and opening mechanism for the access gates and appearance and materials for boundary treatment, including fences 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 and DM06 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.

10 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation of House 7 facing Juliana Close; rear elevations of Houses 1 to 7 (Terrace Houses) facing Ethan Drive; and front and side elevation of House 13 facing Houses 10 and 14.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties and future occupiers of the development in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

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

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent trees and the general locality in accordance with policies DM01 and DM06 of the Development Management Policies DPD (adopted September 2012).

12 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise dust, noise and vibration pollution.

The Statement shall be informed by the findings of the Assessment of the Air Quality Impact of construction.

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

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

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

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

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

Reasons: In the interests of good air quality with regard to policies 5.3 and 7.14 of the London Plan (2016).

14 Before development commences, an air quality neutral assessment report and an assessment of the air quality impact of construction shall be written in accordance with the relevant current guidance. This report shall be submitted to and approved by the Local Planning Authority.

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

a) If the report shows that the site does not conform to the air quality neutral benchmark requirements then a scheme of offset measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

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

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

15 a) Before development commences, an air quality assessment report written in accordance with the relevant current guidance shall be submitted to and approved by the Local Planning Authority. The report shall include an assessment of construction dust impacts.

The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. 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) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

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

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

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

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

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

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

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

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

18 Part 1

Before development commences other than for investigative work:

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

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study

and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

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

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

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

## Part 2

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

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

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

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

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

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

20 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and



telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

22 The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 21 shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

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

23 a) No site works (including any temporary enabling works, site clearance and demolition or any investigative works referred in any other conditions, or development) shall be commenced until an ecological survey has been undertaken which details any mitigation strategy that may be necessary and has been submitted to and approved in writing by the Local Planning Authority.

b) The site clearance and any mitigation measures shall be implemented in full in accordance with details approved under this condition.

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

24 The development hereby approved shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall be based upon the principles within the agreed Structural Engineer's Initial Report on the implementation of SUDS report prepared by Hardman Structural Engineers (ref: 2977) dated 02.10.2018 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- c) Full details of the proposed attenuation and flow control measures;
- d) Site Investigation and test results to confirm infiltration rates;
- e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- f) Full details of the maintenance/adoption of the surface water drainage system;
- g) The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF and NPPG.

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

25 a) No external lighting shall be installed and used until details of the appearance and luminance of the proposed lighting has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the character and visual amenities of the site including Listed Building and wider area and to ensure that the buildings are constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policies DM01 and DM06 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.

26 No vehicle access other than for the purposes emergency purposes shall park in front of the Grade II listed building.

Reason: To safeguard the character and visual amenities of the listed building and its setting, 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

and DM06 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.

27 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. SK.07 Rev. A 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.

28 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.

29 Prior to occupation of the development, electric vehicle charging points (EVCPs) in accordance with Drawing No. SK.07 Rev. A submitted with the planning application shall be installed on the development site. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

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

30 The development shall not be occupied until disabled parking spaces have been provided and clearly marked with a British Standard disabled symbol where appropriate in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. 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 to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

31 Prior to commencement of the development details of the vehicular sight line to the either side of the proposed site access on Juliana Close shall be submitted to and approved in writing by the Local Planning Authority. The access thereafter is to be constructed in accordance with the approved details and be maintained free of all obstructions over a height of 0.6 metre above the level of the adjoining highway.

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

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

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

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

33 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. Staff travel arrangement;
- ix. details of contractors compound and car parking arrangements;
- x. details of interim car parking management arrangements for the duration of construction;
- xi. Provision of a competent banksman;
- xii. 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 and to ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with Policies CS9, CS13, CS14 of the Core Strategy (adopted September 2012), Policies DM01, 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).

34 Construction access to the site shall access be from East End Road only, unless otherwise agreed in writing with the Local Highways Authority.

Reason: In the interests of highway safety and to ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with Policies CS9, CS13, CS14 of the Core Strategy (adopted September 2012), Policies DM01 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).

35 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. Any proposal for the adoption of land would need to be progressed under S38 of the Highways Act.

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.

36 a) No development other than demolition work shall take place until details of the location within the development and specification of the 2 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority.

The specification provided for those identified units shall provide sufficient particulars to demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users.

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

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and Policies 3.8 and 7.2 of the London Plan 2016.

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

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

38 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 (2016) and the 2016 Mayors Housing SPG.

39 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.

40 Confirmation that the Emergency access arrangement has been agreed and approved by the Emergency Services shall be submitted to the Local PLanning Authority prior to occupation.

Reason: In the interests of highway safety and to ensure that the proposed development does not prejudice the amenities of occupiers of future occupiers in accordance with Policies CS9, CS13, CS14 of the Core Strategy (adopted September 2012), Policies DM01 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).

## RECOMMENDATION III:

1 That if an agreement has not been completed by 15/02/2019 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application 18/4221/FUL under delegated powers for the following reasons:

The application does not include a formal undertaking to secure an adequate contribution to affordable housing provision to meet the demand for such housing in the area. The application is therefore unacceptable and contrary to Policies 3.12 and 3.13 of the London Plan (2016), Policies CS NPPF, CS4, CS15 of the Barnet Local Plan Core Strategy, Policies DM01, DM02, DM10 of the Development Management Policies Document (both adopted September 2012), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and including subsequent amendments) Supplementary Planning Documents, and the Mayoral Affordable Housing and Viability SPG (adopted August 2017).

## Informative(s):

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

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

application has therefore been assessed at this time as liable for a payment under Barnet CIL.

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

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

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

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

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

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 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 5 The scheme must comply with Section B5 Approved Document B in relation to access and facilities for fire fighters.
- 6 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
  - o Wheel washing
  - o Dust suppression methods and kit to be used
  - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
  - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
  - o As the application is for major developments a copy of an asbestos survey would need to be provided.

o As the application is for major developments a confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

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

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007) 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014) 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014.

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

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

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

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

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

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

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

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

- 9 With regards to noise levels please supply the following information for all extraction units (including air conditioning, refrigeration):
  1. The proposed hours of use of the equipment.
  2. The sound pressure levels of the ventilation/ extraction system to be installed in decibels dB(A) at a specified distance from the equipment.
  3. Details of where the equipment will be placed i.e. within or outside of the building, marked on to a scale map.
  4. Details of silencers to be fitted, and other sound insulation measures to reduce any noise impacts on neighbours including their noise reduction in dB(A).
  5. Distance away from noise sensitive premises and the nature of these premises e.g.: offices, housing flats or storage.
  
- 10 As part of the Sustainable Drainage condition, the applicant must provide proof that Thames Water will accept surface water and foul discharges at the agreed maximum discharge rate. In addition, the applicant should provide proof that the Adopting Authority agrees to take on responsibility for the long-term operation and maintenance of the proposed SuDS.
  
- 11 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.
 

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."
  
- 12 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged. Please Note: A maximum width of a crossover allowed from a public highway is 4.8 metres.

- 13 Parking spaces shall be 4.8m by 2.4m with a 6m manoeuvring space fronting the parking spaces.
- 14 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 15 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 16 Provision of a new footway or modification of the existing footway shall be Disability Discrimination Act (DDA) compliant.
- 17 The proposed access from Juliana Close is likely to affect the visibility splay. Information will need to be submitted with the planning application indicating the provision of visibility splays in accordance with Manual for Streets. The existing hedge to the right of the proposed access is likely to cause visibility obstruction and therefore measures will need to be in place to ensure that the obstruction is mitigated.
- 18 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.

- 19 It is an offence under Section 151 of the Highways Act 1980 to allow mud, debris or other materials to be deposited on the highway so as to damage it, obstruct it or create a nuisance or danger. The applicant will ensure that highways in the vicinity of the works are kept free from mud, debris and dust falling from vehicles or the wheels of vehicles associated with the works or spreading from the works. Where the deposit of mud, debris or dust is unavoidable, warning signs must be exhibited whilst works are in progress. Carriageways and footways affected must be swept at least every two hours or otherwise to the satisfaction of the Authority. The applicant shall be responsible for keeping the highway clean in the vicinity of the site. Any mud or spoil deposited on the public highway shall be removed without delay.
- 20 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 21 The applicant is advised that any works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.
- 22 The applicant is advised that East End Road is a Traffic Sensitive Road between 08:00 to 09:30 hrs and from 16:30 to 18:30 hrs Monday to Friday and a bus route. Therefore, measures need to be in place to ensure that vehicles do not reverse out of the site on to East End Road.

Any demolition or construction activities undertaken as part of the proposed development should not obstruct the operation of the buses and any operation affecting the buses would need to be discussed and agreed with TfL Buses prior to commencement of any works affecting the operation of the bus service.

Deliveries during the construction period should be avoided during this time and careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.

## Officer's Assessment

### 1. Site Description

The application site known as Carmelite Friars (no.63 East End Road) located on the north-eastern side of East End Road within the East Finchley Ward. The site covers an area of approximately 0.4 hectares.

The building is not in a Conservation Area, however the Villa is a Grade II Listed Building (Historic England Reference 1078841). known as Villa at the Convent of the Good Shephard; the structures and boundary treatments are also considered to be protected. The building was listed in February 1975. Historic England describes the building as:

*"Early C19 Villa incorporated into later convent buildings. Two storeys five bays, yellow brick; central stuccoed doric porch with fluted columns; stucco band under first floor windows; a stucco moulded cornice and parapet; sash windows gauged yellow brick flat arches"*

The buildings and land on the site are the last remnants of the former Convent which historically incorporated an extensive complex of ecclesiastical, administrative and residential structures situated over a significantly larger site. The majority of these structures have since been demolished, and at present the site is comprised of the early 19th century Villa, and two later additions (wings). The more recent buildings date to the late 19th Century and 20th Century and are one- to two-storeys in height, comprising a mix of traditional brick and rendered facades.

The main house was constructed in 1817 as a substantial two-storey Regency villa. In 1864, the Sisters of the Good Shepherd purchased East End House and constructed a substantial complex of buildings to the west and north of the Villa to serve as a reformatory for former female prisoners. The original Regency Villa was completely consumed within a sizeable Victorian institutional building and severed from its original context of landscaped gardens and sizable plot. After a fire in 1972, most of the buildings were demolished, with the exception of the original Regency Villa and the later low-quality extensions to it.

The site sits behind a substantial brick wall and there are views of the building from the single entrance onto the site, from East End Road. It is understood that the southern part of the wall along East End Road is original, whereas the remaining wall wrapping around the rest of the Site comprises later additions.

There is a group Tree Preservation Order (TRE/FI/26/G4 and TRE/FI/26/T5) at the front of the site, abutting the boundary with the pavement.

Opposite the site, lie the East Finchley Cemetery (St Marylebone Cemetery) and the Chandos Tennis Club, a modern tennis facility with both indoor and outdoor tennis facilities.

To the east lies no. 1 Thomas More Way; this building is a redevelopment of a former Convent building. The building has a Charles Rennie Mackintosh aesthetic, and is comprised of a mixture of Class D1 and B1(a) office uses.

To the west lies a recently approved residential development on Ethan Drive, which is comprised of 8 residential units. This scheme was granted permission at appeal (planning reference F/00172/14).

To the north and west the site abuts Juliana Close and Thomas More Way respectively.

The site has a PTAL level of 1b.

At the time of writing, the site has been vacant, however was previously occupied by the Friars as accommodation and administration offices; the lawful use has not been confirmed however the supporting information would indicate that the site has an element of Use Class C2 (Residential institution).

## **2. Site History**

None relevant.

## **3. Proposal**

Planning permission is sought for the demolition of the 2no existing two-storey building wings either side of the existing grade II listed building and the single storey towards the front. The existing wing (service wing) to the north east of the Villa would be retained. The proposal would involve the redevelopment of the site to include the following additions:

- Erection of a two-storey side extension, replacing the removed modern wing, to the west of the Villa and connected by a light weight glass connecting wing. This extension would accommodate two flats (one at ground and one at first floor), and a two storey three bedroom house towards the rear (House 14).
- Erection of a single storey side extension, replacing the removed modern wing, to the southeast o of the main Villa and connected to the service wing to be retained. This extension would accommodate a single storey 2 bed house (House 12). This house would be accessed via Thomas More Way.
- Erection of a detached building to the north-eastern corner of the site (north east of the Villa, adjacent to Thomas More Way and Juliana Close junction) to accommodate a 2bedroom house (House 13).
- Erection of a two-storey block comprising of 7no single family dwellinghouses to the west of existing Grade II Listed building. These dwellings would be arranged in a staggered layout. The terrace houses (houses 1 -7) would benefit from private gardens.

In addition, the main Villa would be converted into two dwellings (Houses 9 and 10). Both houses would be 3 bedroom dwellings, including accommodation at basement level. The service wing would accommodate a two storey dwelling (House 11).

There would be associated alterations to the existing fenestration of the main Villa. In addition, the proposal would include associated alterations to hard and soft landscaping, including the increase in the grassed area at the front. The development would include the provision of amenity space in the form of communal gardens (to the rear of the Villa and at the front of the site on the enlarged grassed area), and cycle and refuse storage located in purpose built stores around the buildings.

The proposal also seeks the reduction of the rear boundary wall to a height of 1.3m.

In regard to parking, the proposal would include off-street parking spaces around the site totalling 19 spaces. At the front there would be 10 parking spaces; 4 parking spaces would be located on the eastern boundary from two new crossover points; 5 parking spaces would be located at the rear and accessed from the new vehicular entrance off Juliana Close. The

proposal seeks to move the parking away from the main area of development and to provide a car-free setting.

The unit mix would be as follows:

Western Terrace/ Block

- 1 x 2 bed (3 occupiers) two storey house (House 1)- floor area of 97.3sqm;
- 5 x 2 bed (3 occupiers) two storey houses (Houses 2 to 6) - floor area of 90.6sqm;
- 1 x 3 bed (6 occupiers) two storey house (House 7) - floor area of 191.6sqm;

Villa and side wings

- 1 x 2 bed (3 occupiers) two storey house (House 11)- floor area of 85.4sqm;
- 1 x 2 bed (4 occupiers) single storey house (House 12)- floor area of 76.4sqm;
- 1 x 2 bed (3 occupiers) single storey flats (Flat 1)- floor area of 71.4sqm;
- 1 x 2 bed (4 occupiers) single storey flats (Flat 2) - floor area of 75.9sqm;
- 1 x 3 bed (6 occupiers) two storey house (House 14)- floor area of 103.2sqm;
- 2 x 3 bed (6 occupiers) three storey houses (Houses 9 and 10); - floor areas of 240sqm and 187.1sqm respectively;

Standalone single storey eastern building

- 1 x 2 bed (4 occupiers) single storey house (House 13)- floor area of 80.1sqm.

The proposal would include 4 x 3 bed units and 11 x 2 bed units; the total provision would be 13 houses and 2 flats.

The side extension connecting to the west of the Villa, would have splayed design, with a width of 5.7m at the front, and a width of 7.4 m at the rear, and a total length of 23.9m. The windows to the side would be angled to prevent direct overlooking to the Terrace dwellings. The glass extension connecting to the Villa would have a height of 4.4m, and the main extension accommodating the houses to the west would be a height of 6.5m. This extension would retain a gap of 8.2m to the rear boundary adjacent to Juliana Close.

The eastern single storey extension would project approximately 7.8m beyond the front elevation of the listed building and have a maximum width of 8.3m. The extension would have a flat roof with a height of 3.45m. it would be set between 3.9m and 5.5m from the boundary with Thomas More Way.

The single storey detached dwelling to the northeast would be narrower to the south than the north and run parallel to the site boundary, retaining a gap of 0.7m to the boundary with the road. The building would have a width of between 10m and 4.6m, and length of 12.25m. The building would have a height of 3.45m. This building would be set at a distance of between 15.6m and 16.5m from the proposed western extension to Villa, and 9.1m from the rear of the original service wing.

The staggered western terrace accommodating the 7 houses, would be angled towards the northeast; this has been a design choice to prevent overlooking between the neighbour and proposed units. Houses 1-6 would have a maximum length of 15.2m and width of 3.8m; House 1 has a protruding wing towards East End Road to prevent a blank elevation and to add a visual interest which would project a further 1.4m towards East End Road. Houses 1-6 would be recessed at the rear at first floor level by 2m.

House 7 would have a width of 9.5m and maximum length of 15.1m. At first floor level, the building would be recessed by 2.2m from the boundary with 1-2 Juliana Close, and the



length of the building would be reduced by 4.7m nearest the boundary to the north and set in 2m from the ground floor rear elevation on the other side. The single storey wing of this house would have a partially hipped roof with an eaves height of 3m and maximum height of 3.8m.

Houses 1-7 would have a flat roof with a maximum height of 6.6m.

During the course of the application, Houses 2-6 were amended to remove the second floor accommodation as advised by planning officers.

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

Consultation letters were sent to 311 neighbouring properties.

7 responses have been received, comprising 6 letters of objection, and 1 letters of comment.

The objections received can be summarised as follows:

- Increase traffic congestion on East End Road;
- Worsen the already poor condition of road surfaces and pavements;
- Design of gates serving parking for houses 11, 12, 13 needs clarification as no mentioned of land adjoining Thomas More Estate, managed by Optivo;
- Impact during construction, extra traffic and parking will affect surrounding properties;
- Thomas More Way belongs to the Council, however the Closes belong to Optivo Housing Association (Helen Close, Dunstan Close, St Mary's Green, Juliana Close and Clare Close), development would increase congestion;
- Limiting access from East End Road would make development tolerable;
- Noise / air pollution during construction;
- Archaeological condition should be added;
- Retention of internal stained glass (whose significance is mentioned in the Heritage Statement);
- Greater impact on local amenities and infrastructure;
- Demolition and Alterations to a Grade 11 Listed Building, is not even an option and should not even be for consideration;
- Noise from future users (potentially families) during the day and night'

The representations received can be summarised as follows:

- No objection to the new houses from Optivo representative however would like reassurances on the following:
  - a) Access during construction relating to use of Thomas More Way (under private ownership),
  - b) That residents will be able to access Thomas More Way during school travel times,
  - c) That residents are informed of any disruption to access in advance
  - d) Access for recycling and emergency vehicles are maintained,
  - e) Any damage to Optivo properties would be covered and reimbursed;
  - f) When the gate and car park access are designed, that consideration be made concerning parking on Thomas More way and potential blind spots.

Historic England were consulted, and have written to say that they have no comments to make on this application.

The Council's Heritage officer, Highways team, Environmental Health team, Arboriculturalist and Drainage consultant were consulted and provided comments, detailed in the relevant sections below.

A site notice was erected and press notice published on the 26th July 2018.

## **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 24th July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

#### The Mayor's London Plan 2016

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

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

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

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS8, CS9, CS10, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM14, DM16, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as

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

### Supplementary Planning Documents

Planning Obligations (2013)

Affordable Housing SPD (2007)

Residential Design Guidance (2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of development including whether the dwelling density and change from existing use represents an acceptable use of the land;
- Whether harm would be caused to the character and appearance of the Listed Building, the setting the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the development would provide suitable amenity for future occupiers;
- Whether harm would be caused to the protects trees on site and biodiversity;
- Whether the proposal is acceptable in terms of impacts on the highway network and sustainable transport;
- The provision of affordable housing;
- Drainage;
- Accessibility and sustainability.

## **5.3 Assessment of proposals**

### Principle of Development

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings.

It is understood that the proposal is currently vacant, however the previous use had an element of C2 use with offices. Notwithstanding this, it is understood that the lawful use included residential.

The principle of residential use would reflect the uses on the surrounding sites and there is no objection in this regard.

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

PTAL of 1a which is considered to be low, and is considered to fall within a suburban setting as defined in the London Plan.

The London Plan Density Matrix therefore suggests a range of 35-75 units per hectare (150-200 hr/ha). Taking the site area as 0.4ha the proposal for 15 houses would equate to a density of 37.50 units per hectare (182.50 habitable room per ha) which complies with the London Plan density matrix.

Density however is not the only consideration to determine whether development is suitable. Planners acknowledge that the supporting text within the London Plan (2016) indicates that density calculations should not be applied mechanistically. The NPPF (adopted 2018) stipulates that planning decisions should "optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development" and development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. This will be discussed in more detail in the following sections.

Policy DM08 stipulates that for market housing, the highest priority is for family homes of 4 bedrooms and the medium priority is 3 bedroom units. The unit mix includes mainly 2 bed units and 4 x 3 bedroom units. As part of the amendments, the three bedroom units on the western terrace were removed to overcome concerns about bulk and massing (discussed below). It is considered that whilst it would be ideal to have more larger family units, it is acknowledged that given the historic sensitivity of the site and the constraints of the site, in particular the impact on neighbouring occupiers, this was not possible. Therefore, on balance, the unit mix is considered to be appropriate.

It is therefore considered that the principle of development and proposed density is appropriate.

#### Impact on the character of the area and setting of listed building

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan). In this instance, the proposal should also have regard to the distance to neighbouring boundaries and existing open character.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness. Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality.

The Council's Principal Heritage officer has been in frequent discussions with the applicant and the applicant's Heritage Consultant. The Heritage officer has provided comments for the current application which are included in this section, in addition to the associated Listed Building Consent.

It is considered that the quantum of development has been reduced and on balance is considered appropriate, both in regard to the setting of the listed building and the impact on the listed building itself.

Given that the existing extensions (later additions to the original listed building) currently engulf the Grade II Listed building and are proposed to be removed, it is considered that the two proposed single storey houses (houses 12 and 13) are considered acceptable. House 13 would be single storey in height and would allow greater views of the listed building from the rear than the current form. Similarly, House 12 would be in a more sympathetic position on the site than the structure it would replace. The previously submitted glazed flat-roofed entrance feature proposed on house 12 linked to the original archway has been removed and replaced with solid roof which is appropriate.

Both elements would be single storey in height therefore limiting their dominance and would not detract from the views towards the listed building.

The two storey side western wing although connected to the main Villa, would be attached by a light weight structure so as not to dominate or detract from the presence of the listed building. Its width would be relatively modest in contrast to the sprawling existing extension that dominates the views from the entrance of East End Road. Whilst this extension is deeper towards the rear, than the existing element, due to its uniformity in height and contemporary form reads as a secondary feature to the listed building. On balance, it is considered that the proposed extension results a better setting of the listed building.

Amendments have been received in regards to the two storey terrace. The removal of the second floor storey to this block of houses as shown in the revised documents has made a significant improvement to the scheme as a whole by reducing the building's height and bulk and therefore lessening its visual impact in longer views. In addition, it allows this structure to read as subservient to the Listed Building by this sitting lower than the main villa. Overall, the bulk and massing of the new development is considered to be appropriate in the context of the listed building and surrounding building, and an improvement on the existing buildings adjoining the main Villa.

A condition has been added requiring details of the proposed materials, however the design is considered to be attractive, complimentary to the listed building. Given the sensitivity of the site the materials selected, including the choice of facing bricks, will be very important. Presently, the light-coloured brick shown on the perspective drawings is in a stark contrast to the London Stock brick of the main building; a closer match should be sought however this would be secured via the condition.

The concept of the scheme is to limit vehicles parking in front of the dwellings and to locate parking on the periphery of the site. The spacing between the listed building and the terrace is intended to be car-free so as to create a high quality setting; this would be secured through landscaping which is conditioned. Car parking provision has been improved by removing it from the frontage to the listed building; a condition has been added to prevent parking at the front of the listed building. There existing grassed area would be increase and the level of overall hardstanding would be reduced. Upon entering the site from East End Road, this would provide soften and an improved setting which is considered to be acceptable.

The proposed entrances at the rear from Juliana Close and Thomas More Way are considered to be appropriate and necessary for the viability of the development (to provide off-street parking).

The proposed plans indicate modest refuse and recycling stores located in relevantly discrete locations. It has been requested that details of these are submitted as part of a condition. Details of bin storage should be provided to ensure they are of appropriate size, but appear on the plans to be well designed and integrated within the development itself. Similarly, the cycle stores would be secured by a condition to ensure that the siting of these elements do not detract from the setting of the new buildings or of the listed building.

It is considered that there are significant public benefits in the redevelopment of the site to bring the listed building back into an appropriate use. The proposed development would have an acceptable impact on the character of the area and the heritage value of the listed building and its setting.

#### Impact on the amenities of neighbours

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

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours' amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Any development, particularly in a suburban site, should ensure that the amenities of neighbouring occupiers are respected. The Council's guidance advises that new development should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and that there should be a distance of 10.5 metres between a new development and a neighbouring garden.

The separation distances in reference to overlooking are met in terms of siting of windows both to neighbouring occupiers and within the development itself. It is noted however the gardens of the proposed development, like those on Ethan Drive are relatively modest. In terms of the visual impact therefore, it was considered to be justified to request that the third storey of the terrace houses to be removed from the original submission as it appeared overly dominant on the gardens of neighbouring properties. The amendments including removal of the top storey altogether and lowering of the parapet, removal of second floor windows and amenity area have addressed the overbearing impact previously identified. The terrace would now site at a lower level than Ethan Drive and as such is not considered to dominate or enclose the neighbouring gardens.

In terms of the other proposed dwellings within the development, given the relationship to other buildings and surrounding roads, the dwellings would not result in unacceptable impact

to neighbouring occupiers in terms of loss of light, outlook, privacy. In addition, it is not considered that the proposed residential use would have an unacceptable impact on surrounding properties.

As part of the supporting documentation, a Daylight and Sunlight Assessment was provided to consider the impact of the development on no. 1 and 2 Julianna Close. It confirms that due to the distance and height of the proposed terrace of houses to the west (particular House 7), there would not be unacceptable loss of light to the occupiers of these properties. Properties on Ethan Drive were also assessed and were considered that these would be unlikely to be affected in terms of loss of light due to the distances between the buildings. It is not considered that the proposed development would result to unacceptable loss of light to these occupiers.

Overall, the proposal is considered to have an acceptable impact on the amenity of neighbouring residential occupiers.

#### Impact on the amenities of future occupiers

Any proposal for the site which includes an element of residential dwelling use will need to demonstrate that it is providing suitable amenities for its future occupiers in the relevant regards (for example, daylight, sunlight, outlook, privacy and internal and external amenity space). Development plan policies DM01, DM02 (of the Barnet Local Plan) and 3.5 (of the London Plan), the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance' and the Mayoral planning guidance document 'Housing' identify what this would constitute.

All residential accommodation is expected to meet the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. Table 2.2 of the Sustainable Design and Construction SPD specifies that double bedrooms should provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm, in line with the National standards. The minimum standards as set out in the London Plan are set as follows:

- 2 bedroom 3 person unit (two storeys) requires a minimum of 70sqm;
- 2 bedroom 4 person unit (single storey) requires a minimum of 70sqm;
- 2 bedroom 4 person unit (two storey) requires a minimum of 79sqm;
- 3 bedroom 5 person unit (two storey) requires a minimum of 93sqm;
- 3 bedroom 5 person unit (three storey) requires a minimum of 99sqm;
- 3 bedroom 6 person unit (two storey) requires a minimum of 102sqm.

The units would comply and exceed the minimum space standards. In addition, the bedrooms would meet and again exceed the standards for single and double rooms (respectively).

All proposed residential development should provide suitable outlook and daylight to all habitable rooms of future units whilst not compromising the amenities of neighbouring occupiers. The Council Sustainable Design and Construction SPD stipulates that "the positioning of doors and windows should also be considered and single aspect dwellings should be avoided". All habitable rooms to most units would benefit from suitable outlook and light; the units are all dual aspect.

It is accepted that given the close siting of House 13 to the common boundary, the eastern windows serving one of the bedrooms would mainly look on the boundary wall, albeit this is

relatively low level. In addition, some of the living room windows would also front the boundary wall, although there would also be windows to the north and west, overlooking the communal garden. On balance, the outlook of these windows, particular to the bedroom is not considered to be wholly unacceptable given the height of the boundary and the benefit to the outlook in other directions to this unit.

With regards to the dwellings within the main Villa, there would be one habitable room per dwelling (secondary living area) at basement level. These rooms would receive light from two lightwells. It is considered that whilst the outlook and light to these rooms would be limited, these are secondary living areas, and both dwellings would benefit from other habitable rooms at ground floor and above with better outlook. Therefore on balance, the light, outlook and light to these houses would be acceptable.

A Daylight and Sunlight Assessment was provided which also assessed the amount of light for three of the residential units (House 7 due to its large ground kitchen; ground floor kitchen of House 4 due to its siting and modest size; and one of the bedrooms to the flat due to its siting). The rooms would all meet the relevant BRE standards and therefore would be afforded with adequate light.

In terms of the light to the communal gardens of the site, these would generally be well lit and 92% of the areas would receive more than 2 hours of sunlight on the 21st of March (as per BRE guidance). It is therefore considered that the gardens would receive adequate daylight and sunlight, creating suitable amenity spaces for the future occupiers in this regard.

In respect to mutual overlooking between the proposed units, windows have been angled or positioned to as to prevent mutual overlooking. Officers are satisfied that there would be no direct overlooking between future occupiers. There is a distance of less than 21m between House 13 and House 14, however the positioning is such that it is not considered that there would be direct overlooking. It is therefore considered that there would not be unacceptable levels of overlooking between future units. A condition has been added to prevent the addition of windows to some elevations to mitigate mutual overlooking.

In accordance with the Mayors Housing SPG, outdoor amenity space should be provided for all units. Barnet's Sustainable Design and Construction SPD requires 5 square metres per habitable room of amenity space to be provided for flats. In addition, for houses, the SPD requires provision of 40sqm for houses with 4 habitable rooms, 55sqm for houses with 5 habitable, and 70sqm for houses with 6 habitable rooms. Rooms larger than 20 square metre are counted as 2 habitable rooms. The terrace houses would benefit from private gardens which would meet the relevant standards

The development around the Villa would share a communal courtyard to the north and the grassed area at the front of the site, which would also be increased in size. On balance, given the large grassed area at the front in particular, it is considered that there would be adequate amenity areas within the site. There would be small private area for Houses 11, 12, 13, and 14 and a condition has been added to ensure that box hedging does not compromise the outlook or privacy of these units, without detracting from the setting of heritage asset.

Environmental Health officers have commented on the proposal and consider that the amenities for future occupiers would be appropriate subject to some conditions. A noise report has been submitted, however this does not identify the potential resultant noise levels (after mitigation has been installed); therefore a condition requiring an update noise report has been requested.



The proposal is considered to provide adequate quality units for future occupiers and is acceptable in this regard.

### Impact on Trees and Ecology

The NPPF (2018) stipulates that Planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Policy DM01 of the Adopted Barnet Development Management Policies advises that 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. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

The Council's Trees team have been consulted and have reviewed the submitted information including the applicant's Arboricultural Report.

As detailed above, there is a group Tree Preservation Order at the front of the site on the existing grassed area.

The development retains the protected trees (shown as T1 to T8 on applicants' plan) in the front garden and provides for a greater area of grass. This area will be fenced out of the development and will not be impacted. The access to the site is proposed to remain the same, therefore there appears to be no impact on T1 lime tree. The removal of the hard surface to return to soft landscape and increase the size of the grassed area would be a net benefit.

Within the root protection area of T8 (applicants plan) a small building will be demolished and re-built, on the same footprint. The impact of this work should be acceptable as the existing building will have constrained root growth. The applicant needs to provide a detailed method statement for the demolition and construction of this work which should include a level of monitoring; this would be secured via a condition.

Trees 10, 11 and 12 will be removed to accommodate all other aspects of the development, the impact on visual tree amenity can be mitigated by the planting of replacement trees. The loss of trees 10 and 12 is acceptable due to their poor condition, however suitable replacements should be proposed and submitted as part of the landscaping condition. Tree T11, a Category B Birch is still shown to be removed due to the proximity to House 14. This is an attractive tree which is visible from the rear of the site from Juliana Close, and should ideally be retained or replaced by a tree of similar size and quality. Details of the replacement planting would be secured through a condition.

Tree T9, a Norway Maple, is indicated on the tree information as being retained, however in the works schedule as being removed. In the short term, the retention of this is an acceptable approach, long term the short gardens would not benefit from a maple tree

capable of growing to 30m high. New plantings in rear gardens should be provided to replace this tree once it has outgrown the location. Clarification of this would need to be included in the supporting information for the landscaping. Consideration should be given however to the proposed planting along the boundary, particularly to the west so as the trees do not overshadow neighbouring gardens or the amenity space of the proposed units themselves.

The following tree works are proposed which are deemed acceptable:

- 1) Fell trees 10,11 Low Y Moderate to low quality trees; readily replaceable reason for development.
- 2) Reduce elongated limbs NE 1-2m (Sp2.1); Crown clean (Sp3) T8; the reason is for the general tree maintenance.
- 3) Crown clean (Sp3) Crown thin 20% (Sp5); Remove basal epicormic shoots to 3m; the reason is for general tree maintenance.

Tree T8, the large Cedar, will not be affected by the proposal directly. Concern was previously raised about post development pressure on this tree for pruning/removal due to the proximity of House 12. Whilst these concerns are acknowledged, officers have considered that there would be an element of "buyer-beware" in the sale of House 12. Therefore, on balance, the proximity of this tree to this property is not considered to result in a high probability of future pressures on this tree.

No detailed landscape plan has been produced to support this application. Where trees are being planted within and close to hard landscape, strata-cells must be used to provide high quality rooting areas. Recommendations have been made for replacement trees; again this would be secured through a suitably worded condition.

Tree officers concluded that there are no significant arboricultural reasons to object to this application. Sufficient information has been provided to fully assess the impact of the application on specially protected trees. With a high-quality landscape scheme with extra heavy nursery stock plantings the loss of trees will be readily mitigated and the site enhanced with new plantings. Therefore, this application is in accordance with local planning policy DM01.

An ecological survey has not been submitted with the application, it is not considered this information at this stage would hinder development given the proposed works. A condition requiring an ecology strategy to be submitted and approved by the Local Planning Authority prior to commencement has been attached to assess the potential for any bats with the main building.

In conclusion, on balance, the proposal is considered to be acceptable on tree and ecological grounds.

### Impact on Highways

The Council's Highways team have been consulted on the scheme and subject to conditions do not object to the proposal.

The site benefits from a PTAL 1a, which is considered to be as a poor accessibility rating. The site does not fall within a Controlled Parking Zone.

19 parking spaces are being provided for the proposed development including 2 disabled parking spaces and 4 spaces with electrical Vehicle Charging Points.

Motion were appointed by the applicant as Transport Consultants and have prepared the Transport Statement submitted as part of the planning submission.

#### *Parking Assessment:*

Parking provision for the proposed residential development assessed in accordance with the Parking Standards as set out in the Barnet Local Plan Development Management. Policy DM17 states that the Council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

In accordance with Policy DM17, this scheme would need provide off-street parking in the range of 15 to 22.5 parking spaces. Taking into consideration the PTAL rating for the site of 1b, the proposed development would require parking provision at the higher end of the parking provision range. 19 parking spaces including 2 disabled parking space are being provided on site which is in accordance with the parking standards as set out in Policy DM17.

#### *Cycle Parking Provision*

In accordance with Policy 6.9 of the London Plan, new development should provide secure, integrated, convenient and accessible cycle parking facilities. Based on table 6.3 of the London Plan, the residential aspect of the development would require cycle parking for 30 bikes. Cycle parking spaces are being provided in accordance with the London Plan Cycle Parking Standards; a condition will be applied to this effect to ensure that cycle parking complies with the relevant standards and to require details of the cycle stores.

#### *Electrical Vehicle charging Points (EVCPs)*

4 EVCPs are also being provided in accordance with the London Plan Parking Standards. A condition will be applied to this effect to ensure that these are implemented in accordance with the approved plan.

#### *Works during construction*

To overcome objections raised by neighbours, the applicant has submitted a Demolition and Construction Management Plan which has been reviewed by the Council's Highways team. Highways officers consider that the general details are considered to be acceptable, however further information would be required to ensure that there is not an unacceptable impact on local highways during construction. The CMP submitted needs to include a routing plan for construction traffic. It has therefore been recommended that an updated Demolition and Construction Management and Logistics Plan is submitted via a conditions application to prevent unacceptable disturbance to neighbouring occupiers or highways; the recommended condition has been attached.

In addition, considering the public objection to the proposal relating to construction traffic the following condition, it has also been requested by Highways officers that a condition is attached preventing construction vehicles from East End Road to prevent congestion on side roads.

### *Vehicular Access*

It is proposed that vehicular access to the proposed development will continue via the existing driveway off East End Road. An additional entrance will be created to the north of the development, via Juliana Close which is a private road therefore any access from a private road would be subject to an approval from the land owner; however, this is not a planning consideration. In terms of the planning merits, the new vehicular access from the rear is acceptable.

Two new crossovers are proposed from Thomas More Way to allow access to the parking forecourts in the frontage of the site. The applicant is advised that the maximum width of crossover allowed by the Council of the public highway is 4.8m.

### *Trip Assessment*

The consultants undertook trip analysis for the proposed development based on industry standard TRICS database.

The analysis as indicated that the proposed development is likely to generate 6 two way vehicular trips were assessed during the AM Peak (08:00 to 09:00) and 6 two way vehicular trips during the PM Peak (17:00 to 18:00) and around 54 vehicle movements daily.

The vehicle trips associated with the proposed development are unlikely to have any adverse impact on the surrounding public highway network due its low trip generation.

### *Delivery and Servicing Arrangements*

Delivery/Refuse collection is proposed via Thomas More Way / Juliana Close and via the internal road within the development.

The applicant has confirmed that the refuse collection arrangements will comply with recommended maximum carry distances, as outlined within Manual for Streets. The maximum carry distance for residents to carry their refuse is up to 30 metres distance from their dwelling and waste collection vehicles should be able to get within 15 metres of the area where the bins are stored.

It is proposed that the refuse vehicle will reverse into the internal road of the proposed development from Juliana Close before exiting in forward gears via the same route. Other service vehicles, for example home deliveries, would undertake the same manoeuvre.

However, the applicant is advised that the Council's Refuse Collection Services require the refuse collection vehicles to get to within 10m of the collection point. Any alternative arrangement proposed would need to be agreed with the Refuse Collection Services to ensure that they are able to provide the required services.

As the refuse vehicle is expected to enter the site, then the access road serving the development shall be constructed to the Council's Adoptable Standards and the applicant will be expected to sign a Waiver Liability to ensure that the Council's is not responsible for the potential damage to the access road as a result of the refuse vehicles accessing the site. Details of the refuse and recycling management would be required by way of a condition.

### *Emergency Access to the site*

No information has been submitted with regards to the emergency Access Arrangements. Information will need to be provided to confirm that the Emergency access arrangement is agreed and approved by the Emergency Services. This will be conditioned accordingly.

### *Conclusion*

The proposal is considered to be acceptable on highways grounds subject to recommended conditions and informatives.

### Affordable Housing

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

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

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

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

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

This scheme is able to deliver a commuted payment of £70,284 in lieu of provision of off-site at another location. The independent assessment of the viability report specifies this modest provision is justified (although this is at the higher range of the recommended viability) given various factors including CIL contributions and works to listed building.

This contribution would be secured through a section 106 Agreement.

Therefore, in this instance the proposed contribution to affordable housing is considered to be acceptable and compliant with the objectives of planning policies. As set out in earlier sections of this report the mix of affordable dwellings proposed is considered to be acceptable.

### Drainage

National standards for SUDs<sup>15</sup> require the Council as Lead Local Flood Authority (LLFA) to be satisfied that major development meets the minimum standards of operation and that there are clear arrangements in place for on-going maintenance over the lifetime of the development.

The site has not been identified as being located in an area with a high probability of flooding (Flood zone 1). The site is classified as 'More Vulnerable Development' in association with Table 2 of the Planning and Practice Guidance. In accordance with Table 3 of the Planning and Practice Guidance, 'More Vulnerable Development' is permitted in Flood Zone 1.

A review of the EA's surface water flood map indicates that the development site is at very low risk of surface water flooding.

The development must be designed to provide suitable Sustainable Urban Drainage solutions, in accordance with the Sustainable Design and Construction SPD. The Council's Drainage consultant has reviewed the submitted information including a SUDS report, and confirmed that there is no objection in principle to the proposed development.

The application document demonstrates that surface water from the proposed development can be managed through the use of attenuation tank restricting surface water discharge to greenfield run off rate; however technical details have not been provided. Additional information relating to the design of sustainable drainage systems should be provided and this would be secured via an attached pre-commencement condition.

#### Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition [is attached/would be attached in the event planning permission is granted] to ensure compliance with these Policies. In addition, 10% of the units would be wheelchair adaptable in accordance with M4(3).

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 35% CO<sub>2</sub> reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

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

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

#### CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will

take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm (index related) on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm (index related).

The proposal has been calculated to be liable for Barnet CIL and Mayor's CIL.

#### **5.4 Response to Public Consultation**

It is considered that the comments raised by objectors have generally been assessed in the assessment above. Comments relating to land ownership are not material considerations in the determination of the planning application.

It is not considered that an Archaeological condition is required. The site is not in an area identified as being of Special Archaeological Interest and Historic England have not requested a condition.

Comments relating to the protection of the stained glass window have been dealt with as part of the Listed Building Consent.

#### **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 proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

