

Location 111 Hadley Road Barnet EN5 5QR

Reference: 20/0906/FUL Received: 19th February 2020
Accepted: 24th February 2020

Ward: High Barnet Expiry 20th April 2020

Case Officer: Kie Farrell

Applicant: c/o Steven Lyttle

Proposal: Demolition of existing dwelling. Erection of new dwelling to provide 4no self-contained flats with rooms in the roof space. Associated amenity space, refuse and recycling storage, cycle store and provision of off street car parking

OFFICER'S RECOMMENDATION

Approve subject to S106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 their 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. Street Tree contribution - £6,500.
Monitoring of the Agreement - £100.

RECOMMENDATION II:

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

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

Site Location Plan

Drawing RE/DA718/20/1 - Existing Drawings 16.01.19

Drawing RE/DA718/20/2 Rev B dated 29.10.20 - Proposed Drawings

Drawing RE/DA718/20/3a Rev B dated 29.10.20 - Site Plans (Existing & Proposed)

Drawing RE/DA718/20/4 Rev A dated 11.11.20 - Streetscene - Existing & Proposed

Drawing RE/DA718/20/5 Rev B dated 11.11.20 - Sections (Existing and Proposed)

Covering letter, 17th February 2020

Combined Planning, Design and Access Statement, February 2020

Arboricultural and Planning Integration Report, 5th February 2020, GHA Trees

Tree Protection Plan, Rev C May 2020, GHA Trees, received 18.05.20

Preliminary Bat Roost Assessment, Middlemarch Environmental, Final Draft

29.05.20 received 02.06.20.

Bat Emergence Survey, Cherryfield Ecology, Final Draft 14.08.20 received

17.08.20.

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

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

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

- 3
 - a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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

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

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

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

- 5 The flat roof of the development hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

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

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

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

- 7 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.

8 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

9 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.

10 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.

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

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

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

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

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

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

- 13 Prior to occupation of the development the 4 no. proposed car parking spaces within the parking areas as shown on Drawing RE/DA718/20/3a Rev B dated 29.10.20 submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 14 Works comprising demolition, removal or refurbishment of any part of the roof of the existing dwelling shall not commence until the local planning authority has been provided with a European Protected Species Mitigation Licence or Low Impact Licence (if eligible) issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead. The licence shall be accompanied by a Method Statement and Works Schedule which shall specify:

1. Detailed design(s) and/or working method(s) necessary to meet the recommendations and mitigation measures detailed in the Bat Emergence Survey, Cherryfield Ecology, Final Draft 14.08.20 received 17.08.20.
2. Extent and location of proposed works shown on appropriate scale maps and plans;
3. Timetable for implementation;
4. Persons responsible for implementing the works, including the role and responsibilities and operations to be overseen by the on-site ecologist; and
5. Timing and duration of monitoring post-construction.

The works shall be carried out strictly in accordance with the approved details and

to the extent applicable shall be retained in that manner thereafter.

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

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

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

- 16 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.

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

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

- 18 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and

adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

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

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

The applicant will be expected to enter into with the Highways Authority under Section 278/184 of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed.

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

- 20 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.
- b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.13 and 5.14 of the London Plan 2016.

RECOMMENDATION III:

- 1 That if the above agreement has not been completed by 7 April 2021, unless otherwise agreed in writing, the Service Director - Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development fails to provide a legal undertaking to cover a financial

contribution to meet the cost of tree planting in order to mitigate the impact of the development. As such in the absence of a Section 106 agreement, the proposal would not address the impacts of the proposed development contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012) and Policies DM01 and DM17 of the Development Management Policies DPD (adopted September 2012) and the Planning Obligations SPD (adopted 2016).

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

Please visit

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

- 3 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 4 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the

purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

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

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

- 5 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 6 Any gates must open inwards and not out onto the public highway for health and safety reasons.
- 7 All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014) advice is at <http://www.bats.org.uk/>.

OFFICER'S ASSESSMENT

1. Site Description

The application site is a detached dwelling located on a corner plot on the western side of Hadley Road, at the junction with Tudor Road, situated within the High Barnet Ward.

The property is not listed nor does it lie within a Conservation Area. The property to the north, known as the Hadley Hotel Public House, is a locally listed building.

Due to the topography of the area, ground levels decline from north to south. The changes in ground levels provide the existing property with a raised ground floor and a lower ground floor, basement level.

There are some large trees in the rear garden although these are not protected by a tree preservation order.

Hadley Road includes a mix of properties although these are in a suburban setting.

Tudor Road is a perpendicular secondary road running across the principle roads located north to south; there are a limited number of dwellings with frontages from this road. The only example of this in the vicinity is no.6A Tudor Road which is located on land historically linked with the Hadley Hotel Public House.

The plot has an approximate length of 39m and an approximate width of 12m giving a site area of 468 sq m or 0.0468 hectares.

2. Site History

Reference: 18/4084/FUL

Address: 111 Hadley Road, Barnet, EN5 5QR

Decision: Refused

Decision Date: 17.09.2018.

Description: Demolition of existing building. Erection of a two-storey building with rooms in the roofspace and basement level to provide 7no self-contained flats. Provision of off-street parking, cycle and refuse and recycling storage.

Reasons for refusal:

1. The proposed development would, by reason of its design, height, bulk, massing and site coverage, be an overdevelopment of the site out of keeping and detrimental to the character and appearance of the surrounding area contrary to policy DM01 of the adopted Barnet Development Management Policies DPD (2012), adopted Residential Design Guidance SPD (2016), policy CS5 of the adopted Barnet Core Strategy (2012) and policies 7.4 and 7.6 of the London Plan (2016).
2. The proposed development by reason of its design, height, bulk, massing, site coverage and proximity to the neighbouring property at No 109 Hadley Road, would have an overbearing impact, sense of enclosure and lead to a harmful loss of outlook and privacy detrimental to the residential and visual amenities of

neighbouring occupiers. As such, the proposal is contrary to Policy CS5 of the Barnet's Local Plan (Core Strategy) 2012 and Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD 2012, SPD: Sustainable Design and Construction (Adopted 2016) and SPD: Residential Design Guidance (Adopted 2016).

3. The proposed development by reason of the poor levels of outlook from the basement habitable room windows and poor quality and useability of outdoor amenity space would result in a poor quality of accommodation for future occupiers of the proposed development contrary to policy CS5 of the Local Plan Core Strategy (Adopted September 2012), policy DM01 of the Local Plan Development Management Policies DPD (2012) and the Residential Design Guide SPD (Adopted April 2016).

Reference: N07222

Address: 111 Hadley Road, Barnet, EN5 5QR

Decision: Approved subject to conditions

Decision Date: 05.08.1982

Description: Basement and ground floor side extension incorporating garage

3. Proposal

"Demolition of existing dwelling. Erection of new dwelling to provide 4no self-contained flats with rooms in the roof space. Associated amenity space, refuse and recycling storage, cycle store and provision of off street car parking."

4 no flats are proposed, as follows:

Flat 1 - 88.2 sq m (3b, 5p over 2 storeys, 5 habitable rooms). Ground and basement.
Minimum required = 83 sq m.

Flat 2 - 65.8 sq m (2b, 3p over 1 storey, 4 habitable rooms). Ground. Minimum required = 61 sq m.

Flat 3 - 64.0 sq m (2b, 3p over 1 storeys, 4 habitable rooms). First. Minimum required = 61 sq m.

Flat 4 - 81 sq m (2b, 3p over 2 storeys, 4 habitable rooms). First and Roof. Minimum required = 70 sq m.

Total 17 habitable rooms.

Amenity space is provided as follows:

Flat 1 - Private Amenity Space 34.8 sq m

Communal rear garden 139.5 sq m.

Total amenity space proposed - 174.3 sq m.

Minimum amenity space required 5 sq m x 17 habitable rooms = 85 sq m

4 no. off street car parking spaces are proposed.

Amended/Additional Drawings

The following amended and additional drawings were received from the applicant's agent during the course of the application:

Tree Protection Plan, Rev C May 2020, GHA Trees, received 18.05.20.
Drawing RE/DA718/20/2 Rev B dated 29.10.20 - Proposed Drawings
Drawing RE/DA718/20/3a Rev B dated 29.10.20 - Site Plans (Existing & Proposed)
Drawing RE/DA718/20/4 Rev A dated 11.11.20 - Streetscene - Existing & Proposed
Drawing RE/DA718/20/5 Rev B dated 11.11.20 - Sections (Existing and Proposed)

The amended drawings show the following amendments to the original scheme:

- Total number of car parking spaces proposed reduced from 6 to 4, increasing the amount of rear garden retained for amenity space.
- Reduction in the depth of the Lower Ground Floor element
- New side facing dormer added
- Bay windows to the rear elevation reduced in size
- Pitched roofs added to the front bay window features

4. Public Consultation

Consultation letters were sent to 60 neighbouring properties on 25th February 2020.

13 letters of objection were received.

The objection comments received can be summarised as follows:

- Proposal will worsen existing road safety, congestion and parking issues
- Will cause harm to the character of the area
- Overdevelopment
- Loss of privacy
- Loss of trees
- Noise disturbance during construction
- Overly dense
- Plans do not show level access
- Loss of light/sense of enclosure
- Flat roof could be used as outdoor amenity area
- Safety concerns
- Noise disturbance from comings and goings
- Proposed materials unclear
- Family housing is needed
- Rear car parking area and garden levels change.

Following receipt of the final amended drawings re-consultation letters were sent to 60 neighbouring properties on 10th November 2020 allowing further comments for a period of 14 days.

At the time of writing this report, an additional 11 objection comments had been received, the majority from those that have objected following the original consultation.

The additional comments are as follows:

- Can two cars be accommodated on the front drive?
- Loss of on street car parking
- Raised car parking will impact neighbours
- Four floors masquerading as two. Not clear how much higher roof is going to be than 109
- Impact on 109 will be exceptional, will have a high brick wall built along the boundary
- Verandah roof extension can seemingly be accessed very easily from the car parking area, potentially be used by burglars and will no doubt be used to play on.
- Stairs do not offer access to those in wheelchairs
- Out of keeping with surrounding area
- Proposals seem driven by profit
- Overbearing impact
- Loss of light
- Noise disturbance
- Over intensification
- Loss of trees will result in loss of privacy
- Loss of a family dwelling
- Welcome the reduction in parking, however the proposal will result in the loss of 2 on-street spaces.
- Proposal is too symmetrical
- No chimney stacks
- We note that there is no revised red line application boundary - the location plan and site plan showing the application boundary edged in red do not appear to capture changes required for vehicular access to the site. The red-line boundary needs therefore to be amended.
- Height datum/floor levels are unclear
- Unclear whether provision has been made for drainage from the pitched roof along the boundary with 109.
- Parking proposed to the front appears unfeasible
- No revision to the original Design and Access Statement. There is insufficient consideration of access to all flats by mobility impaired people
- Will exacerbate traffic and parking problems
- Visual impact
- Loss of privacy.

An objection letter was received from Progress Planning on behalf of the neighbouring property (109 Hadley Road). The letter states that the objection is also submitted on behalf of other residents as annotated at the foot of the letter (10 other properties).

The main points made by the letter are as follows:

- Flatted development would be out of character
- Proposed density suggests over intensification
- Crown roof and dormers would be incongruous features
- Flat 4 would fail to meet minimum internal space standards
- Inadequate amenity space
- Accessibility is not considered to be acceptable
- Overbearing on neighbouring properties / loss of outlook / privacy
- Impact on trees and ecology
- Insufficient car parking.

Internal / other consultations

Highways: No objection subject to conditions and legal agreement

Tree Officer: No objection subject to conditions and legal agreement

Ecologist: No objection subject to conditions

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Draft London Plan 2017

The draft New London Plan is at an advanced stage. In December 2019, the Mayor issued the "Intend to Publish" version of the emerging New London Plan. After considering that Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor making a series of eleven Directions to the Plan. The Mayor cannot publish the New London Plan until the Directions have been incorporated, or until alternative changes to policy to address identified concerns have been agreed. Those policies affected by the Directions carry moderate weight, whilst those with no modifications can carry significant weight.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and

Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM09, DM17

Supplementary Planning Documents

Residential Design Guidance SPD (2016)

Sustainable Design and Construction SPD (2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle of a flatted development in this location
- Density
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposal would provide suitable living conditions for future occupiers of the proposed dwellings
- Highways and parking
- Trees and landscaping
- Ecology

5.3 Assessment of proposals

The principle of a flatted development in this location

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.

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

The suitability of flatted development is assessed on the particular circumstances and sensitivity of the site. The NPPF reinforces that Local Planning Authorities should enable the provisions of good quality homes in suitable locations.

Policy DM01 of the Development Management Policies DPD (2012) states that the loss of houses in roads characterised by houses will not normally be appropriate. This is because the loss of houses would change the character of the area. The policy states that the 'conversion of dwellings into flats in roads characterised by houses will not normally be appropriate'.

The supporting text to Policy DM01 sets out the rationale behind this, which results in part from the characterisation study undertaken as part of the production of the Local Plan.

This sets out the character of different parts of the borough and how this character changes and evolves over time. The supporting text states that protecting the character helps to maintain Barnet's heritage, and that development proposals which are out of keeping with the character of an area will be refused. In particular, DM01(i) states that: "Loss of houses in roads characterised by houses will not normally be appropriate."

Paragraph 2.32 of the Development Management Policies DPD summarises the following:

"The 'suburbs' cover a large proportion of the built environment in the borough (see map of Barnet residential typologies). The Characterisation Study identifies differences between traditional and more modern building styles found in recent conversions and replacement buildings. The existing traditional housing stock is almost always vertically orientated with window bays and pitched roofs.

More modern developments are usually more horizontal in form often with balconies and flat roofs, larger bulk and building footprint. When built in close proximity to each other these building styles can clash diminishing the uniformity, rhythm and pattern of suburban character. Owing to this impact on character loss of houses in roads predominantly characterised by the same typology of houses will not normally be appropriate."

The typology map in the Development Management Policies DPD (sourced by the Characterisation Study) shows that the host site falls with the category of "suburban". There are several examples of flatted development on the road including at Hadley Vale Court, Lowndes Lodge and Hadley Heights. In addition, 19 properties on the road have been converted into self-contained flats (including no.1; no.16; no.31; no.32; no.49; no.52; no.53; no.56; no.68; no.73; no.74; no.84; no.90; no.103; no.105; no.107; no.110; no.113; no.118). Finally, there are other uses on the road including a hotel and a public house.

It is therefore considered that the character of the area is varied and the proposal for a purpose-built block of flats would not detract from the mixed character of the road.

Density

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 1(b) which is considered to be low and is considered to fall within a suburban setting as defined in the London Plan. The development should seek to ensure that a suitable density is provided which is compliant with the suburban setting and that the unit mix is appropriate. The proposal has been calculated as having 17 habitable rooms and the approximate site area is 0.0468. Based on this, the density would equate to 85 units per hectare which is just above the upper range of the London Plan density matrix, which stipulates a range of 35-75 units per hectare. The habitable room per hectare density would be 363 habitable rooms per ha (the recommended is 150-200 hr/ha).

The current scheme compares favourably with the previous refused scheme which comprised 7 no units with 27 habitable rooms equating to 150 units / 577 habitable rooms per hectare which was considered to indicate a significant over-intensification of the site. The proposed scheme is now considered to be acceptable in terms of building density. However, building density is not the only consideration to determine whether development is suitable. The NPPF stipulates that planning decisions should "optimise the potential of

the site to accommodate 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 is discussed further in the following sections.

Impact on the character of the area

Reason for refusal 1 for 18/4084/FUL was as follows:

1. The proposed development would, by reason of its design, height, bulk, massing and site coverage, be an overdevelopment of the site out of keeping and detrimental to the character and appearance of the surrounding area contrary to policy DM01 of the adopted Barnet Development Management Policies DPD (2012), adopted Residential Design Guidance SPD (2016), policy CS5 of the adopted Barnet Core Strategy (2012) and policies 7.4 and 7.6 of the London Plan (2016).

The current scheme has sought to overcome this previous reason for refusal by reducing the number of flats proposed from 7 no. to 4 no along with a number of other design changes.

The submitted Design and Access Statement describes the current proposal as follows:

"The building is read as a two-storey building with accommodation in the roof.

The design reflects a traditional design with bay windows.

The front building line is consistent with the street scene and the building currently on the site.

The lower ground floor depth is in line with the single storey rear extension of No 109 and the height of the lower ground floor is lower than the single storey rear extension of No 109. The rear upper floor depth is largely in line with the upper floors of No 109.

The levels within the property vary significantly from north/south and east/west. The design responds to the existing site levels with a lower ground floor to the rear. Part of the proposed lower ground floor is proposed to be excavated which is outlined in red on the floor plans.

The existing building is not of particular architectural merit and the original building has undergone extensive unsympathetic alterations. A new high-quality building would therefore contribute better towards the character and appearance of the street. The front of the proposal is symmetrical with two double height bay windows reflecting traditional proportions. The front building line is consistent with the street scene and the building currently on the site. The building is read as a two-storey building with accommodation in the roof.

The proposed development is visible from Tudor Road and both the side and rear elevations have been designed to be an attractive addition to the street scene with a bay window, traditional fenestration and materials combined with some sensitive contemporary elements. The proposed eaves and ridge height follow the established pattern of buildings stepping up in line with the topography of the street and echoes the height of the current building on the site to ensure that there are no adverse issues of overshadowing.

4 roof lights are proposed on the side elevations of the roof which would be flush with the roof to minimise their appearance. The placing of the rooflights has also been designed to align well with the windows below. There is one dormer window to the rear of the roof which is symmetrically placed and echoes the design of the rest of the scheme.

The proposed materials can be conditioned, but the current plans show predominantly red brick with a grey tile roof to match the character and appearance of the existing area. There are some rendered elements for focal features such as bay windows. The design reflects a high-quality design, which provides interest and makes a positive contribution to the street scene. The proposed development would therefore be in keeping with the character and appearance of the surrounding area."

In terms of the demolition of the existing building, it is noted that the existing building is not of particular architectural merit; as such the demolition of this building is acceptable.

In terms of the proposed building lines, the front building line is broadly consistent with that of the existing house and is therefore considered to be acceptable.

The deepest part of the existing rear building line is a two storey projecting wing running along the boundary with No. 109. This extends deeper than the first floor rear elevation of No. 109. No. 109 also has a single storey rear extension which extends deeper than the subject property's two storey rear projecting wing.

At lower ground floor level, the proposed development would over a metre less deep than 109's ground floor rear extension. This is a significant improvement on the 18/4084/FUL scheme where the lower ground floor level would have extended approximately 1.7m deeper rearwards than 109's ground floor rear extension.

At ground and first floor levels the main building of the proposed development would extend level with the rear wall of the main building at 109, with the central bay windows extending 0.8m deeper. Again, this is a significant improvement on the refused 18/4084/FUL scheme which would have extended roughly level with 109's ground floor rear extension with the proposed bay windows extending approximately 1.0m further beyond.

Second floor accommodation is proposed within a hipped crown roof space, which improves on the refused 18/4084/FUL where the second floor appeared as a full storey of accommodation. This allows the proposed building to appear in the street scene as a two storey building with accommodation in the roof and not as a three storey building.

The 18/4084/FUL scheme was refused on the basis that the proposed development would, by reason of its design, height, bulk, massing and site coverage, be an overdevelopment of the site out of keeping and detrimental to the character and appearance of the surrounding area.

The current scheme responds by reducing the height, bulk and massing and improving the design.

Height. The height of the current scheme is reduced by approximately 20cm compared to the 18/4084/FUL scheme and would be approximately a metre higher than the existing building. The proposed building would also be higher than the neighbouring house 109, however it is considered acceptable for the proposed building to rise higher than the neighbouring building to follow the rising land levels on Hadley Road.

Bulk and Massing. The current scheme has been reduced in scale (as described above) when compared to the refused 18/4084/FUL scheme, including significant reductions in the rearward depths at all levels. The rear of the proposed development will be highly visible in the streetscene from Tudor Road and it is considered that the current scheme has now been amended sufficiently to the extent that it can now be said that it would not have a significantly harmful impact on the character and appearance of the site and surrounding area.

Design. Whilst planning does not seek to replicate design, development, whether a modern or traditional in style, should be harmonious and sympathetic to its setting.

The 18/4084/FUL scheme proposed lightwells to the front of the building. The principle of lightwells at the front was considered unacceptable as these are not typical features on the road. The current scheme does not propose lightwells to the front and this is a welcome improvement.

4 rooflights are proposed, 2 to each side elevation along with 2 dormer windows, one to the rear elevation and one to the side elevation facing Tudor Road. The Bay window features to the front and rear have been improved by adding pitched roofs to the front elements and centralising the rear. The design in terms of openings and fenestration is now considered to be acceptable.

The success of new development relies heavily on the quality and detailing of the building. The submitted document indicate that red brick with a grey tile roof will be used in order to match the character and appearance of the existing area. A materials condition has been added.

For the reasons set out above it is considered that proposed development is now acceptable in design, character and appearance terms.

Impact on the amenities of neighbours

New development should have due regard to the amenity of existing occupiers in neighbouring buildings. Given the location on a corner plot the neighbouring occupiers most affected by the proposal would be no. 100 and 112 Woodville Road at the rear and no. 109 Hadley Road to the south.

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. It is not considered that the proposal would result in loss of privacy and a suitable distance would be maintained to prevent overlooking onto the neighbouring rear gardens and the properties directly to the rear at Woodville Road.

As set out in the 'Impact on the character of the area' section the proposed development, the rearwards depth of the proposed development along the boundary with No. 109 has been significantly reduced with the lower ground floor element set back by over 1.0m from the rear wall of NO. 109's single storey rear extension and the height of the lower ground floor will be lower than the height of NO.109's single storey rear extension.

The ground and first floors level with the rear wall of the main building at NO.109 (with the

exception of the bay window). The rear bay window has no side windows to avoid issues of overlooking.

It is considered that the current scheme has overcome concerns in relation to impact on the neighbouring property and the proposal is now considered that the proposal will not have a harmful impact on the amenities of any neighbouring occupiers.

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

All residential development is expected to comply with the minimum space standards as set out in 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 London Plan stipulates the following standards for flats based on the number of bedrooms:

2 bedroom 3 person flat over a single storey requires a minimum of 61sqm;
2 bedroom 3 person flat over two storeys requires a minimum of 70sqm;
3 bedroom 5 person flat over a two storeys requires a minimum of 83sqm;

4 no flats are proposed, as follows:

Flat 1 - 88.2 sq m (3b, 5p over 2 storeys, 5 habitable rooms). Ground and basement. Minimum required = 83 sq m.
Flat 2 - 65.8 sq m (2b, 3p over 1 storey, 4 habitable rooms). Ground. Minimum required = 61 sq m.
Flat 3 - 64.0 sq m (2b, 3p over 1 storeys, 4 habitable rooms). First. Minimum required = 61 sq m.
Flat 4 - 81 sq m (2b, 3p over 2 storeys, 4 habitable rooms). First and Roof. Minimum required = 70 sq m.

All four flats exceed the minimum space standards.

Amenity space is provided as follows:

Flat 1 - Private Amenity Space 34.8 sq m

Communal rear garden 139.5 sq m.

Total amenity space proposed - 174.3 sq m.

Minimum amenity space required 5 sq m x 17 habitable rooms = 85 sq m

The proposed development would provide satisfactory useable outdoor amenity space for future occupiers.

New flats are expected to provide suitable outlook and light to all habitable rooms 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" and that "bedrooms and living rooms / kitchens should normally have a reasonable outlook with clear glazed windows".

It is considered that all habitable rooms in the proposed scheme would enjoy reasonable levels of light and outlook.

Overall the proposed development is considered to provide satisfactory living accommodation for future residents.

Highways and parking

The Highways Department commented on the original proposal as follows:

"The proposal is for the demolition of the existing 4+ bed single family dwelling with the existing provision of 2x off-street car parking spaces, and the construction of a new building to accommodate 1x 3bed and 3x 2bed self-contained units with the provision of 6x off-street car parking spaces for use by future residents of the proposed development.

The site lies within a PTAL 1b, which means that there is poor public transport accessibility to and from the site. The provision of 6x off-street car parking spaces is in line with requirements set out on Policy DM17 of the Barnet Local Plan and is therefore acceptable on highways grounds.

The proposed cycle parking provision of 8 spaces is deemed acceptable on highways grounds, spaces must be safe and lockable as per requirement set out on the below condition.

The proposed car parking layout will require works on the public highway in order to provide vehicular access.

Hadley Road - Drawing no.RE/DA718/20/3 shows the existing crossover is to be retained.

Tudor Road - The applicant is proposing to create 2x 4.2m vehicular crossovers. This will mean loss of on-street car parking, however, this is not expected to pose a significantly detrimental impact on the surrounding public highway. The loss of on-street parking is expected to be balanced out by the off-street car parking provision.

Prior to the occupation of the proposed units, the applicant must make an application to the Highways Department for the proposed crossovers to be assessed and approved, prior to the commencement of any works on public highway.

The offsite highway works are as follows;

Construction/alterations to 2x vehicular crossovers (2x 4.2m) to access off-street car parking spaces, including diversion/relocation of any shallow statutory services.

The vehicular access constructed appears to be wider than the existing crossover, this will require further works to the public highway in order to ensure that vehicles do not overrun the public footway potentially damaging services underneath. An application must be made to the Highways Department to be assessed and works carried out under Highways Department's supervision.

The Highways department was consulted on the amended scheme with a reduction from 6 to 4 car parking spaces and responded to say that officers have no objection to the reduction to 4 spaces.

The reduction in spaces from 6 to 4 was at the request of Planning Officers in order to reduce the impact of the scheme in terms of loss of the rear garden and impact on the character of the site and surrounding area and this was agreed by the applicant's agent.

The removal of 2 of the spaces to the rear will reduce the amount of on-street parking (unrestricted) that will be lost, compared with the original scheme.

The provision of 4 car parking spaces for the 4 flats (1 x 3 bed and 3 x 2 bed) is in accordance with Policy DM17 which sets out maximum parking standards of 1 to 1.5 spaces for 2 and 3 bedroom flats. So in this case the acceptable range is 4 to 6 spaces.

Therefore, subject to the suggested conditions (Demolition and Construction Management Plan, Car Parking and Cycle Parking and off-site crossover works) the proposal is considered to be acceptable in Highways terms.

Trees and Landscaping

The proposal would result in the loss of four low value trees along the Tudor Road boundary.

Three more important existing trees will be retained within the site.

The Tree Officer has reviewed the submitted Tree and Landscaping documents and has no objection to the proposal, subject to conditions and a financial contribution of £6,500 (to be secured via legal agreement) towards 10 no. street trees to compensate for the loss of existing trees on the Tudor Road boundary.

Therefore, subject to the suggested conditions and legal agreement, the proposal is considered to be acceptable in terms of Trees and landscaping.

Ecology

A Bat Survey was provided by the applicant's agent on 17th August 2020. This was reviewed by the Council's Ecology consultant who provided the following comments on 9th September 2020:

"Thank you for providing the Bat Survey Report (Cherry-fields August 2020). A single pipistrelle bat was observed emerging from the roof of Building 1 with this roost characterised "as a low impact low conservation status roost at a local level" most likely being a summer day roost used by individual small numbers of bats.

Therefore, a European Protected Species Mitigation Licence (EPSML) will be required from Natural England or the works carried out under a Low Impact Licence (CL21) . A condition should be placed on the decision notice requiring the developer to apply for, and obtain, a European Protected Species Licence/Low Impact Licence before work commences. An EPSML will be required to enable the proposed works to be lawfully undertaken whilst ensuring the favourable conservation status of the species.

The EPSM licence application should include a Method Statement and Licence Application Form. The Reasoned Statement must address the three tests set out in the Conservation of Habitat and Species Regulations 2017:

1. A licence can be granted for the purposes of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. Regulation 53(9)(a) states: the appropriate authority shall not grant a licence unless

they are satisfied "that there is no satisfactory alternative".

3. Regulation 53(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied "that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range."

The application will need to be accompanied by detailed mitigation based on the 4.3 recommendations (Table 7: Mitigation & Compensation).

In addition, please attach a condition on lighting strategy that it must be designed and used to minimise impacts on bats and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014) advice is at <http://www.bats.org.uk/>."

Subject to conditions requiring the applicant to apply for a European Protected Species Licence/Low Impact Licence and relating to external lighting, the proposal is considered to be acceptable in terms of Ecology.

5.4 Response to Public Consultation

The concerns raised by objectors are noted and all planning related matters are covered in the above report.

6. Equality and Diversity Issues

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

7. Conclusion

Recommended for APPROVAL subject to legal agreement and conditions.

