

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 D3, D4, D5 and D6 of the London Plan 2021.

- 4 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 (ROAVR Environmental 20_5837_09_27 Site: Thatcham Court, 10 High Road, London, N20 9QU report and Tree Protection Plan dwg no 20_5837_09_27) approved 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.

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 G7 of the London Plan 2021.

- 5 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 G7 of the London Plan 2021.

- 6 Prior to occupation of the development the proposed parking spaces within the parking area as shown in Drawing No. 20003-GRA-ZZ-ZZ-DR-A-PL008 - Rev. 3 submitted with the planning application and the access to the parking area from public highway shall be provided. The access to the parking spaces shall be maintained at all times. 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 and policy T6 of the London Plan 2021.

- 7 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, before the development hereby permitted is occupied, 3 (long stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of cycles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012 and policy T5 of the London Plan 2021.

- 8 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 (2021).

- 9 Prior to occupation of the development, details of refuse collection must be submitted to and approved in writing by the Local Planning Authority. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to be designed in accordance with the Council's adoptable standards. The applicant will be expected to sign a Waiver of Liability and Indemnity Agreement to indemnify the Council against any claims for damage caused to private roads arising from and/ or in connection with the collection of waste by the Council vehicle from the premises.

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 10 Notwithstanding the 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 Policy D7 of the London Plan and the 2021

- 11 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 SI5 of the London Plan 2021.

- 12 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 10% 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), Policy SI2 of the London Plan 2021.

- 13 No flat shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority, and have been installed in their entirety; details of privacy screens to adequately screen the private amenity areas/balconies associated with the development, The screens shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers at the development and of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 14 Before the any of ther flats hereby permitted are first occupied the proposed windows, above ground floor level, in the flank elevations shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 15 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).

- 16 The residential units hereby approved shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

- 1 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 or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

- 2 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.
- 3 Informative: 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.
- 4 The applicant is advised that High Road (A1000 - the whole length) is a Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Crossover Team in Development and Regulatory Services should be consulted in this respect.
- 5 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.
- 6 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. Your planning application has been assessed at this time as liable for a £__ payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £__ payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be

eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

Please visit

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

OFFICER'S ASSESSMENT

1. Site Description

The application site is located on the eastern side of the High Road, between the junctions with Buckingham Avenue and Thatcham Gardens, and is occupied by a three/four storey block of 31 residential flats. The flats are set on a landscaped plot which includes some mature trees, and a row of lock up garages and an amenity area are located to the rear. These ancillary facilities are accessed from Buckingham Avenue. The immediate area is residential in character and the rear of the site abuts dwellings on Thatcham Gardens and Buckingham Avenue. The blocks are finished in brick with uPVC windows. There are blocks of flats opposite the site, and the wider areas also contains flat complexes. Thatcham Court is approximately 200m to the north of Whetstone Town Centre, and a parade of shops is located opposite, across the road entrance to Buckingham Avenue.

2. Site History

Reference: 20/4703/FUL

Address: Thatcham Court, High Road, London, N20 9QU

Decision: Refuse permission

Decision Date: 02.12.2020

Description: Demolition of existing bin and general store and construction of a four storey building providing 3no self-contained flats. Associated parking, cycle store and refuse and recycling store

Reason for Refusal:

1.The proposed development, by reason of the contrasting material finish, colour and visual appearance would have a discordant and would not relate sympathetically with the host building, resulting in a scheme which would be visually jarring, causing harm to the character

and appearance of the existing building which would be out of keeping and detrimental to the character and appearance of the site and the wider locality. As such would be contrary to policies CS1, CS5 and CS NPPF of the Adopted Core Strategy (2012) and policy DM01 of the Local Plan Development Management Policies DPD (2012).

3. Proposal

This is a revised application following the refusal of consent for application 20/4703/FUL (as above). The development description for that application, as recorded within the Delegated Report, was;

... "The applicant seeks consent to construct a new residential block, 50mm from the existing structure, adjacent to the entrance to the lock up garages and amenity area on the Buckingham Avenue frontage, effectively demolishing a single storey refuse storage area, and replacing it with a four-storey building.

The new build would appear as an extension to the existing, albeit retaining a small gap between flank elevations. It would include an entrance hall and ancillary facilities within the ground floor, including cycle and refuse storage areas. Three 1 No. bedroom flats would be developed on the upper floors - one per floor, with the same layouts replicated on each level. The extension would be finished in light buff facing brick with balcony areas to the front, feature brick detailing and a matching flat roof. The building would have a maximum depth of 12.5m and a maximum width of 7.0m.

3 parking spaces would be provided to the front of the extension, replacing an existing grassed area and removing some vegetation. The front elevation would extend beyond the existing adjacent front elevation of the flats"...

This application differs in that the material finish has been altered from the original 'light buff facing bricks with a Flemish bond pattern' to a 'red blend facing bricks with a running bond pattern. The feature brick header offset pattern to the front elevation has been replaced with a feature of green glazed bricks to all elevations.

The same number and layout of units would be provided, with ancillary facilities on the ground floor, and 3 parking spaces, would once again be provided. Balcony areas would once again be provided to the front elevation.

Therefore, the only significant change would be the new materials finish to the structure.

4. Public Consultation

Consultation letters were sent to 120 neighbouring properties. 33 responses were received comprising 33 letters of objection. The responses received can be summarised as follows:

- Concern about disruption and disturbance particularly during the construction phase
- The proposed scheme would result in an over-development of the site.
- Concern about loss of open space. Green space around the building for the benefit of residents will be lost.
- Concern about loss of area to dry linen and loss of expenditure by residents in upgrading/maintaining the area.
- Concern about increased parking, which will lead to increased parking stress in the wider area, congestion and pollution.

- Concern about loss of daylight/sunlight to adjoining residents and its importance to health and well-being.
- The proposal will lead to a loss of privacy for adjoining flats.
- Overshadowing of adjoining garden areas.
- Concern that the proposal does not differ from the refused scheme.
- Concern about the noise and disruption during the construction phase.
- Loss of light to adjoining garden on Buckingham Avenue. The new proposed building would be 4 stories high and look directly into our garden and house resulting in a loss of privacy.
- The space for the current bins and additional bins will cause further congestion, increase traffic and make it very difficult for refuse collecting.
- Increased pressure on local services.
- Concern the design will be out of place amongst 20th Century development, and out of keeping with Buckingham Avenue.
- The height is discordant, not sympathetic & visually jarring to the existing building of Thatcham Court & to the houses in Buckingham Ave
- The proposed scale and massing is inappropriate.
- The proposed development would not be a sustainable form of development and is a poor design. A four storey addition will appear out of place.
- Concern the proposal would impact on the rights of leaseholders by building over gardens and demolishing the bin store/drying area.
- The dwellings will be too close to an electrical sub-station and has the potential to cause serious health issues for any residents.
- Concern about impacts on the health of residents, particularly elderly residents.
- Concern this proposal will lead to waste storage issues.
- Concern about highway safety and vehicles being able to safely enter the site.
- The proposal will lead to a loss of trees and greenery.
- There is no right of access from the bin store across privately owned land belonging to one of the flats.
- Concern about access along pavements with increased parking and congestion.

A letter of objection was also received by the Rt. Hon. Theresa Villiers M.P for Chipping Barnet making the following comments;

Constituents living in Thatcham Court are contacting me with their objections to the above planning application.

Concerns they raise include;

- Loss of green space, which has proven to be particularly important during the pandemic.
- the amount of parking being provided is insufficient given the difficulties already being faced by existing residents.
- Concern that the clothes-drying area is to be demolished.
- what the developer describes as a "central courtyard" is made up of individual gardens/patios belonging under leases to individual flats and is therefore not a communal area.

Additionally, I note that a number of residents in Buckingham Avenue have objected because the proposed four storey building would overlook their properties causing a loss of privacy and also obstruct the light.

While I note from the present application that the developers have tried to address the reasons for the refusal of their previous application, I still believe that this building will look out of place with the existing building and is an overdevelopment of the site.

I would be grateful if the committee determining this application would take all my constituents' comments into consideration before reaching a decision. Please also inform the committee that I oppose the application and believe that it should be rejected.

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 (Revised 19th February 2019) is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous 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, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

Supplementary Planning Documents

- Residential Design Guidance SPD (adopted October 2016)
- Sustainable Design and Construction SPD (adopted October 2016)
- Planning Obligation SPD (adopted April 2013)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Planning History;
- Principle of development;
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Provision of refuse storage.

5.3 Assessment of Proposals

Planning History

As detailed above this application follows the refusal of consent for a similar scheme under application 20/4703/FUL. Any new submission would need to overcome the previous concern which related to the design of the building. Whilst some third-party comments state that the same application has been made, a fundamental change is a change to the finished design and materials of the proposed addition. This issue, and whether officers consider an appropriate design has now been achieved, will be discussed in more detail under the character and appearance section below.

Principle of development

Flats/Previously Developed Land

Under the previous application the following was stated;

"The site is occupied by Thatcham Court, an existing flat complex and the wider area also includes purpose built flat developments. As a result, flatted developments are considered to form part of the character of the area. The National Planning Policy Framework promotes a presumption in favour of sustainable development requiring local authorities to permit development which accords with the development plan. The reuse of a previously developed site more efficiently, in close proximity to a town centre, with provides a range of services and access to public transport links, are characteristics of a proposed development with many sustainable attributes".

It is considered that the principle of flats, and any attempt to use the site more efficiently can still be accepted. It is acknowledged that some neighbours have concern this amounts to an over-development, but officers consider the general principle to develop flats within the existing site to be acceptable.

Density

Under the previous application the following was stated;

"The wider site is occupied by 31 residential units, this scheme would see that increase to 34. A density range of 106 units per hectare would be provided which would be above the London Plan Density Matrix for a suburban site with a PTAL rating of 2 (35-95 units per hectare), the existing density on site is 103 units per hectare so the increase is marginal. However, it is acknowledged that the density range given in the London Plan is intended as a guideline and not to be applied mechanistically, and will not form part of the New London Plan's make up. A development's impact on the character and appearance of the area, whether suitable residential units are provided, issues around neighbour amenity and parking provision are often a more key indicator of appropriateness with a proposed development.

The London Plan 2021 has now been adopted and density ranges no longer apply. As previously discussed design, amenity, parking provision and how a proposal can successfully assimilate within a setting are often better indicators of appropriateness with new development.

Policy GG2 states that to create successful sustainable mixed-use places that make the best use of land, those involved in planning and development must:

"proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling"

and;

"apply a design-led approach to determine the optimum development capacity of sites "

The site is close to the town centre and the range of goods and a services on offer and there are public transport links which make the site sustainable, and suitable to explore the potential to increase density. Whilst it is accepted local residents and occupants of the existing complex have raised a number of concerns, it is considered the principle of increasing the density can be accepted and tested against other policy requirements, to ascertain if a suitable development could be accommodated, taken into account the comments received.

Unit Mix

National and London Plan (2016) guidance states that new developments should provide a mix of housing size and types based on current and future needs. Policies CS4 and DM08 reflect this guidance. Policy DM08 states that "development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough" with a preference for larger family sized dwellings (3- and 4-bedroom family units). The scheme proposes only 1-bedroom units. The supporting text to the policy does state that it is intended to be applied flexibly. It further states that it may not be appropriate to meet the standards in town and local centres. The site is not within a town or local centre, but is adjacent to Whetstone Town Centre, and the development on the site, and wider area does have some urban characteristics. It is accepted that there would be some constraints to providing family sized dwellings on this site in terms of parking provision, amenity space, and general amenity considerations. Site

constraints would not accommodate larger units, and the application proposed will increase the number of units on the complex, effectively increase local housing supply, and as such this mix can be accepted, given the above characteristics and the flexibility the policy allows.

Conclusion

Given these positive sustainable attributes of the site, and the mixed residential nature of the immediate surroundings, it is considered that the principle of this development can be agreed, subject to all other material considerations. As discussed above, a key consideration will be how the development would assimilate within the established character of the area. This will be discussed below.

Character and appearance

The National Planning Policy Framework 2018 (and revised version 2019) reiterates the original guidance from the 2012 version stating '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.

Policy DM01 seeks to preserve, protect and enhance the character of the Borough. It states amongst other priorities, that:

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

In addition, Policy CS5 of the Core Strategy states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high-quality design'.

The analysis of the previous application stated the following;

"Thatcham Court is a stand-alone purpose-built block of flats. As discussed above, the immediate area also contains flat developments and it is not considered that a scheme proposing flats would appear out of place.

The existing built form consists of a central section facing the High Road, which is 4 storey in height, and is finished in brick with uPVC windows. Two 3 storey rear returns extend along the Buckingham Avenue and Thatcham Gardens frontages. It is notable that the Thatcham Garden frontage, extends for a much greater distance than that facing Buckingham Avenue, the shorter side being where access to the garages and rear amenity area is achieved.

There has been significant local comment in relation to the scheme, and not least from existing occupants of Thatcham Court, and one concern has been that the scheme would be a poor addition at the site. The scheme would result in the loss of an existing refuse storage building, and an area to the rear which is used by residents to dry clothes. Aesthetically the existing built form does not contribute to the overall aesthetic of the building.

One concern is that part of the landscaped grounds and some vegetation around the flats would be lost to accommodate the proposed parking spaces. The proposed development is supported by a Tree Survey which concludes the scheme does not require the removal of

any trees on the development site, and all can be retained providing precautionary measures through tree protection are taken. This could be secured by condition. The lost space would be minimal, and a well landscaped site would remain, with the building set in relief behind a grassed frontage. The three parking spaces, located adjacent to the access to the rear of the complex, would not be strikingly out of character and replacement planting could also be agreed.

The scheme proposes a four-storey development, when the overall height of the adjoining building is three-storey. As discussed above, the building does have a four-storey section to the front. The front elevation has a symmetry in that the four-storey section is flanked by the front elevation of the three storey returns. However, the addition of a four-storey element on a different elevation would not impact this and it is not considered that this step up would appear particularly discordant. It is accepted that the character along Buckingham Avenue consists of two storey, detached dwellings, but this additional would be seen in the context of Thatcham Court, and would not detract from the uniformity and settled pattern of development along this road, which is a positive attribute of the area.

As opposed to following the existing form, detailing and design of Thatcham Court, this scheme markedly proposes something different in finish and detailing. The proposed balconies are a character trait of the existing building and raise no concern, albeit the scheme proposes an exposed balcony, and the use of a different style of window to bookend the building on this elevation, the projection beyond the building line, are not considered particularly offensive, given that the general style of flat developments has advanced somewhat since Thatcham Court was developed.

Most controversially, the standard brown brick finish would not be replicated, the applicant instead favouring a light buff facing brick, a much lighter shade.

Para. 130 of the NPPF advises that "where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development".

Para. 127. States that decisions should ensure (inter alia) that developments:

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);.

It is therefore acknowledged that any approach to design will involve a balancing of allowing appropriate innovation, whilst being mindful of a need to be sympathetic to local character.

Whilst the existing building is now somewhat dated when contrasted with the more modern flat developments around the district, and further afield, it has an identifiable character, and its uniformity and well-kept landscaped setting make a mainly positive contribution to wider character. Whilst the elevation treatments do include red and brown facing bricks, the light buff will introduce another finish and would be contrasted against adjoining brown brick.

As discussed above, the scheme is essentially an extension to the existing building, and a proviso to ensure an appropriate finish, in the interests of the character of the existing building and wider area, is usually that a similar finish is used with any addition. It is considered the use of materials in this case would result in a discordant extension to the building and the new development would appear incongruous when contrasted against the

existing development. Whilst the balconies, brick detailing and contrasting windows could be justified, and the council is mindful to be unduly restrictive on design, it is considered the scheme would appear out of place, causing harm to the character of the existing building and as such the wider area. As a standalone building, the scheme is well designed, but as an effective extension to an existing building it is considered, in its conflict with existing, to appear out of place.

It can therefore be concluded that the concern with the previous submission was the use of contrasting materials on an effective extension to the building. Under this submission the applicant proposes a brick which is more in keeping with the adjoining development and proposes a green glazed brick feature, referencing the existing hanging tile on the building. Once again, it is acknowledged that many local residents, and occupants of Thatcham Court, have formed the view that this extension would appear out of place. However the newly proposed materials, details of which could be secured by condition, are much more in keeping with the existing building, and the strikingly discordant relationship evident last time has been removed. Officers consider the above analysis, in terms of height, mass, setting and finishes is still relevant, with the key difference that the concern relating to materials finish has been addressed. In that respect, it is considered the new scheme could increase housing supply on the site, without causing harm to the character of the existing building, and would assimilate successfully into this setting. It is considered the previous concern has been overcome.

The council's Trees Officer has been consulted and advises that no trees will be directly impacted by the building. Three car parking spaces at the front of the building remove a small section of amenity grass and a large established privet thicket. This feature, being a shrub cannot be protected by way of TPO, however the loss of visual amenity and wildlife habitat must be compensated for with new tree and shrub planting. The submitted arboricultural report provides enough information to ensure the existing trees will not be harmed, if fully implemented. Landscaping to the front of the building can provide replacement planting to help soften the visual massing of the proposal and offset the loss of the shrubs, and this could include new tree planting. There is no objection subject to tree protection condition and a condition agreeing details of hard and soft landscaping.

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

The analysis under the previous application stated the following;

Policy DM01 of the Local Plan requires that development have regard to the amenity of residential occupiers. In this regard it is necessary to consider the design of the scheme and the privacy that would be afforded to future occupiers of the development.

The scheme would remain flush along the existing rear elevation and would not materially impact on rear facing windows or lead to excessive overshadowing or loss of daylight/sunlight. Whilst there are rear amenity areas, an existing scenario is that they are surrounded by third party residential units and the new development would not materially change this existing scenario.

The scheme will project 2.0m beyond the existing front elevation, though it would be set off the corner of the building by 1.6m. This ensures that adjoining windows would receive an adequate supply of daylight/sunlight, which would remain relatively unaffected by this development. Concern has been raised that the proposed balcony areas could give rise to a loss of privacy to adjoining windows, but the balconies are set at an angle and would not

result in a loss of amenity to adjoining residents. Suitable screening could further protect existing amenity levels.

The site is adjoined to the rear by No.2 Buckingham Avenue. However the new addition retains an adequate separation distance to the common boundary of 13.0m, and loss of amenity would not be a concern.

Neighbours in Thatcham Gardens have also raised concern in relation to impact on amenity, but the scheme would be located 30.0m from the nearest property on the close and there would be no serious impact.

It is appreciated that the same concerns have been raised by occupants of the building and the adjoining residential properties. However officers still consider there would not be a serious impact on amenity, for the reasons outlined above. The flank of the development retains a suitable distance to No2 Buckingham Avenue, in line with policy, and the garages provide a further buffer. It is not considered there would be a material impact on the amenity of residents on Buckingham Avenue. As discussed above, balcony areas are proposed, whilst they are set off the boundary and angled to adjoining windows, there is the potential for impact on the amenity of adjoining residents, particularly through the outside use of balconies close to habitable room windows. A condition agreeing a form of screening between the windows and the balcony areas would reduce this impact to an acceptable level and is considered reasonable and necessary to apply.

Living standards for future occupiers

Floor Area:

The London Plan (2021) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum internal space requirements for residential units. A bedroom measuring 11.5m² and above is calculated as a double, and a bedroom measuring 7.5m² to 11.4m² is calculated as a single.

Each of the proposed flats 1bed/2 person units would need to meet the highlighted minimum internal space standards as demonstrated below:

1 Bed/2 person: London Plan requirement = 50m² - 55 sq. m provided.

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

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

All proposed double bedrooms would meet the above standards.

Floor to ceiling height:

The London Plan states that a minimum ceiling height of 2.5 metres is required for at least 75% of the gross internal area of a dwelling.

Each of the proposed flats would meet the above standard.

Light/outlook:

Barnet's Sustainable Design & Construction SPD (2016) section 2.4 states that glazing to all habitable rooms should provide reasonable levels of outlook and daylight / sunlight to all habitable rooms.

It is considered that each flat would receive an acceptable level of outlook and daylight / sunlight. None of the flats would be single aspect north-facing.

Amenity Space:

Section 2.3 of the Sustainable Design & Construction SPD (2016) sets out the minimum external amenity space standards for a flat, which is 5m² per habitable room. A room measuring 20m² or more is calculated as two habitable rooms.

The proposed units are all served by individual balcony areas. This will provide 2.5m of private amenity space, each unit would require a provision of 10 sq. m per unit (30 sq. m in total). Officers are content that some area of private amenity space would be provided, particularly important and brought into sharp focus during the recent pandemic. There is also access to public amenity space in the wider locality, and the town centre and public transport links to other areas of public amenity provision, are also close by providing other options. Thatcham Court is set in a landscaped plot, which in itself could act as ancillary communal open space for all residents. The council can also consider a s106 contribution equivalent to the shortfall to upgrade existing local public amenity provision, but it is considered that the combination of above would ensure a suitable provision.

Accessibility:

The proposed development will have to be designed to comply with M4(2) standards. This could be secured via condition.

Highways

The site is located on the northern side of the T-junction between High Road (A1000) and Buckingham Avenue, N20. A1000 forms part of the Strategic Road Network (SRN) maintained by Highways England (HE). It is occupied by a single-storey building containing a general storage area and a bin store in relation to the existing part-three, part four storey residential building (Thatcham Court). The facilities also provide an external drying area.

The existing storage facilities are located at the courtyard which is directly accessed by a private vehicular driveway running from Buckingham Avenue, N20 to the south. Additionally, the existing driveway serves an electrical substation and a number of private garages lined up along the eastern boundary of the site.

The section of A1000 in the vicinity of the site and Buckingham Avenue are not subject to formal parking controls and waiting restrictions. However, there are Double Yellow Lines (DYLs) on the northern side of Buckingham Avenue, N20 at the T-junction preventing car vehicles from parking there at any time.

Buckingham Avenue, N20 is a predominantly residential road comprising up to two-storey detached and semi-detached residential properties, whilst there is a mix of residential,

commercial, retail and business office units on the A1000 heading south. The site lies on the edge of Whetstone Town Centre and in close proximity to local amenities and shops.

The Public Transport Accessibility Level (PTAL) for the site is assessed as 2 which is regarded as poor accessibility. There are two Transport for London (TfL) Bus stops adjacent to and opposite the site (Buckingham Avenue and Friern Mount Drive) that are accessed by 7 bus routes (34, 234, 263, 326, 626, 634, N20). Totteridge and Whetstone London Underground station facilitating Northern Line services is located within walking distance from the site to the south.

DEVELOPMENT PROPOSAL:

The proposal is for the demolition of the existing storage unit to erect a four-storey building consisting of 3x1 bedroom residential flats (Use Class C3). A total of 3 off-street car parking spaces will be provided to the southern side of the building footprint in proximity to the private driveway entry.

Assessment of Vehicular Parking Provision:

According to the Parking Standards as set out in Barnet Council's Local Plan Development Management Policy DM17, the proposed development would be required to provide between 0 and 3 off-street parking spaces.

Based on the PTAL rating for the site as 2 (poor accessibility), 2.4 off-street parking spaces would be required to meet the parking standards of DM17 policy. Therefore, the provision of 3 car parking spaces on site is compliant with the residential parking requirements of DM17 policy. The London Plan would have a maximum parking requirement of 2.25 spaces and the proposal also exceeds this.

Vehicular Parking Layout:

The submitted vehicle tracking plan No. TR001 - Rev. A shows that each one of the three proposed car parking spaces on site can be accessed from Buckingham Avenue, N20. The car vehicles will get to the right branch of the driveway within the courtyard and reverse back into the parking spaces. It is also demonstrated that car vehicles will be able to egress the site in a forward gear. The applicant is advised that car vehicles should not reverse straight out on Buckingham Avenue, N20 as this may cause waiting and queuing of other vehicles approaching the site.

Cycle Parking and Storage:

According to the Drawing No. 20003-GRA-ZZ-ZZ-DR-A-PL009 - Rev. 3, the proposed cycle store will be located at the ground floor level accessed via 2 sets of doors including the main entrance. It will secure 3 long-stay cycle parking spaces which is compliant with the London Plan Cycle Parking standards. However, the applicant will need to provide design details for the cycle parking spaces, such as the types and dimensions of the stands as well as the gaps between those, and the cycle storage facility in accordance with the London Cycling Design Standards (LCDS). This information will be secured by a condition.

Refuse Collection Arrangements:

Drawing No. 20003-GRA-ZZ-ZZ-DR-A-PL009 - Rev. 3 shows that the proposed bin store will be located close to the northern side of the ground floor and therefore beyond 10 metres

away from public highway. The applicant is advised that a refuse collection area will need to be designated at the back of the adjacent footway where the bins will be taken to on collection days. If the refuse collection vehicles are expected to access the courtyard via the private driveway to empty the bins, the developer will need to sign a Waiver of Liability and Indemnity Agreement to indemnify the Council in case of any damage caused on the driveway. Additionally, the access and egress of waste removal vehicles to the site's courtyard may require the construction of the vehicular crossover and the private driveway in accordance with Barnet Council's adoptable standards. Taking the above into consideration, the applicant will be requested to provide details for the refuse collection arrangements by a way of a condition.

Demolition, Construction Management and Logistics Plan (DCMLP):

The proposed development will involve demolition and construction works and therefore will require submission of a robust Demolition, Construction Management and Logistics Plan (DCMLP) to ensure that road safety will be maintained especially for vulnerable road users throughout the works, delivery and construction-related trips to and from the site will be reduced as much as possible to ease congestion on the surrounding roads and follow access routes that minimise disruption to local residents. The DCMLP report will be requested by a way of a condition.

RECOMMENDATION:

In light of the above highways recommend the application is subject to these conditions.

Refuse and Recycling

The applicant submission confirms the following re: waste storage;

The existing refuse strategy for Thatcham Court consists of 3 waste euro bins located within the bin store (Figure 046), which is accessed via the courtyard. Additionally, alongside the access road, there are 11 wheelie bins for recycling and 2 wheelie bins for garden waste (Figure 047). The proposed refuse strategy (Figure 048) re-provides a bin store within the ground floor which has the capacity for six 1100 litres euro bins. Access is provided to the bin store for the 3 new residential units via the main entrance. Additional access is provided for existing units of Thatcham Court via the courtyard. The proposal for the six euro bins is as follows:

- o 3 waste euro bins for existing Thatcham Court residential units
- o 1 recycling euro bin for existing Thatcham Court residential units
- o 1 waste euro bin for the 3 new residential units
- o 1 recycling euro bin for the 3 new residential units

By providing a new recycling euro bin for the existing Thatcham Court residential units within the bin store, this will allow for the wheelie bin provision alongside the access road to be reduced to 7 wheelie bins for recycling and 2 wheelie bins for garden waste.

The council's Streetscene has assessed this provision and find this approach is acceptable to meet the needs of residents.

Third Party Representations

Some of the third-party representations in terms of design, character, amenity, impact on neighbouring properties, over-development, quality of accommodation, parking/highway safety, refuse storage etc. have been considered within the main body of the report, and the level of public objection is acknowledged. Other issues are discussed below;

- The dwellings will be too close to an electrical sub-station and has the potential to cause serious health issues for any residents.

Some concern has been raised that the proximity of the development to the existing electrical sub-station, housed on the opposite side of the access road to the lock up garages would pose health risks to future occupants. Officers have consulted the council's Environmental Health section on this point and been advised that the main concern is from live electricity, but in this case the sub-station is enclosed within a locked ancillary store building. The electro-magnetic fields at a distance of 4.0m would have no serious impact.

- Concern about loss of area to dry linen and loss of expenditure by residents in upgrading/maintaining the area.
- Concern the proposal would impact on the rights of leaseholders by building over gardens and demolishing the bin store/drying area
- There is no right of access from the bin store across privately owned land belonging to one of the flats.

A continued concern of residents relates to the loss of the clothes drying area. Whilst acknowledging the concern, Officers previously concluded that this would be a civil, leasehold matter. Anything that relates to the development or use of land is capable of being a material planning consideration, but ordinarily disputes around property rights, covenant or leasehold agreements are not material planning considerations. The Planning System generally takes the view that these issues are capable of resolution outside the planning process, and it is difficult to envisage how a reason for refusal on this issue could be sustained. It is also difficult to conclude that a condition agreeing a replacement would meet the tests of a planning condition in terms of reasonableness, necessity and relevance to planning, when in terms of necessity the council would have to entertain refusal on this issue, should a condition not be used.

- what the developer describes as a "central courtyard" is made up of individual gardens/patios belonging under leases to individual flats and is therefore not a communal area.

The consideration of rear amenity areas has been considered in the neighbour amenity section of the report.

- Loss of green space, which has proven to be particularly important during the pandemic.
- The proposal will lead to a loss of trees and greenery.

Whilst this concern is noted, the loss of green space is very modest, further planting can be agreed by condition, and this loss must be balanced against the planning merits of the proposal which are considered in this case to outweigh the loss.

- Concern about disruption and disturbance particularly during the construction phase
- Concern about access along pavements with increased parking and congestion.
- Concern about highway safety and vehicles being able to safely enter the site.

Conditions can be used which can to some degree alleviate disturbance during the construction phase of the development. The council's Highways Officer advises that the level of parking provision associated with the development is acceptable, and it is not considered that this scheme would increase local parking stress or lead to hazardous parking.

- Concern about impacts on the health of residents, particularly elderly residents.

It is acknowledged that a number of elderly residents have raised concern with this proposal. Officers have judged the scheme on its planning merits and conclude that an acceptable development could be provided, subject to conditions. This will include conditions to manage disturbance during construction, and whilst there is sympathy with residents of the block, it is considered that disturbance can be minimised, and that a policy compliant scheme would result.

- Concern this proposal will lead to waste storage issues.

The council's Refuse section advise that the proposed waste storage arrangements are acceptable.

- Concern the design will be out of place amongst 20th Century development, and out of keeping with Buckingham Avenue.
- The height is discordant, not sympathetic & visually jarring to the existing building of Thatcham Court & to the houses in Buckingham Ave
- The proposed scale and massing is inappropriate.
- The proposed development would not be a sustainable form of development and is a poor design. A four storey addition will appear out of place.
- The proposed scheme would result in an over-development of the site

It is considered issues around design, layout, massing, character have been addressed and considered within the design/character section of this report.

- Concern about loss of daylight/sunlight to adjoining residents and its importance to health and well-being.
- The proposal will lead to a loss of privacy for adjoining flats.
- Overshadowing of adjoining garden areas.
- Concern about the noise and disruption during the construction phase.
- Loss of light to adjoining garden on Buckingham Avenue. The new proposed building would be 4 stories high and look directly into our garden and house resulting in a loss of privacy.

The concerns relating to amenity are noted, but it is considered this scheme can be accommodated without impacting excessively on existing amenity levels, as considered above.

- Increased pressure on local services.

It is not considered a refusal on this ground could be sustained, given the need for housing locally, the London Plan desire to consider increasing the density on existing sites, and the above analysis which concludes that this 3 unit extension could be accommodated on this site.

- Concern that the proposal does not differ from the refused scheme.

As detailed above, a fundamental difference is the materials finish, which aims to address the previous reason for refusal.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed design of the development has overcome previous concerns, and as there are no new issues to determine otherwise, it is therefore recommended consent is granted subject to conditions.



