

Location **Former Meeting Hall Rear Of 2 Blenheim Road London EN5 4NF**

Reference: **21/3621/S73** Received: 1st July 2021
Accepted: 1st July 2021
Ward: High Barnet Expiry 26th August 2021

Case Officer: **Jonathan Martin**

Applicant: Mr Deepinder Singh

Proposal: Variation of condition 1 (Approved Plans) of planning reference 20/0512/FUL dated 14/05/2021 for ' Demolition of existing meeting hall and erection of a 2-storey building to provide 4no. self-contained flats. Associated amenity space, cycle stores, refuse and recycling storage. Provision of 4no. car parking spaces.' Variation to include correction of floor space for ground floor flats. Increase size of the first floor to provide additional floor space for the proposed flats

OFFICER'S RECOMMENDATION

Approve subject to conditions

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)

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

- Drawing PL-001 - proposed master plan
- Drawing PL-002 - proposed site plan
- Drawing PL-001 - proposed ground floor plan
- Drawing PL-002 - proposed first floor plan
- Drawing PL-003 - proposed roof plan
- Drawing PL-006 - proposed east and west elevations
- Drawing PL-007 - proposed south and north elevations

Drawing PL-008 - proposed sections (AA & BB)
Drawing PL-009 - proposed sections (CC & DD)
Drawing SK-008 - Proposed elevations (east and west)
Drawing SK-009 - Proposed elevations (north and south)

CGI Visualisation Images, MSK Designs
Drawing 918169 - Land Survey, apr services
Planning Statement, Henry Planning
Sustainability Statement, Henry Planning
Letter regarding Marketing, Jeremy Leaf, 15th January 2020

Arboricultural Survey Report, Ashmore, Rev 1 dated 12th September 2018
Drawing 181117-L-20 Rev a - Landscape Masterplan, tma associates
Soft Landscape Report, 181117-LD-20a, tma, September 2020
Tree report for planning purposes, 181117-PD-12a tma, September 2020
Preliminary Ecological Appraisal, tma associates, October 2019-181117-ED-01
Bat Survey Report, tma, October 2020 - 181117-ED-02a

For sale board photo
Preliminary Particulars, Jeremy Leaf
Marketing Statement, Henry Planning
Marketing Statement, Jeremy Leaf, 22nd December 2020
Screenshot Rightmove
Screenshot Jeremy Leaf webpage
Marketing Invoices Jeremy Leaf
Enquiries Table Jeremy Leaf
Agency agreement dated 22nd January 2020
For sale board photo 18.2.21

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 the original permission reference 20/0512/FUL, dated 14th May 2021.

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 No dwelling shall be occupied until parking spaces have been laid out within the site in accordance with drawing PL002 Rev B for 4 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

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

- 6 Prior to occupation of the development, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 7 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).

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

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

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

- 9 Demolition and construction works, including site clearance, shall be implemented in accordance with the mitigation strategy and the biodiversity enhancements detailed in the Preliminary Ecological Appraisal, tma associates, October 2019 and

Bat Survey Report, tma, October 2020.

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, London Plan and NPPF.

- 10 a) All site works or development (including any temporary enabling works, site clearance and demolition) shall be carried out in accordance with the following tree protection documents:

Tim Moya: 181117-PD-11 AIA Tree report for planning purposes Land at the rear of Blenheim Road Barnet London EN5 4NF September 2020 181117-PD-12a Tree Protection Plan 181117-P-12 Rev B.

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) A scheme of hard and soft landscaping shall be implemented in accordance with the following approved documents:

Drawing 181117-L-20 Rev a - Landscape Masterplan, tma associates
Soft Landscape Report, 181117-LD-20a, tma, September 2020.

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.

- 12 a) Prior to the first occupation of the hereby approved development, details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 13 Before the building hereby permitted is first occupied the proposed first floor window(s) in the west elevation facing Queens Road as shown on Drawing PL004-Rev B 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).

- 14 a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 15 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 treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat

c) 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, DM16, 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).

- 16 The roof of the extension 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).

- 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 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).

- 19 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.

- 20 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.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase

to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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 Grass mixtures for lawn areas must be shade tolerant and species rich, with suitable herbs.

Some large diameter logs should be retained on the site (from the removal of the ash and other trees) for informal seating but more importantly wildlife dead wood habitat and soil water retention.

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

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

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

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

- 5 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.

- 6 The submitted Construction Method Statement shall include as a minimum details

of:

- o Site hoarding
- o Wheel washing
- o Dust suppression methods and kit to be used
- o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
- o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

- o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

OFFICER'S ASSESSMENT

1. Site Description

The application site is land to the rear of 2 Blenheim Road. The site currently accommodates a former religious meeting hall (former D1 use, 68 sq m floor area).

The immediate surrounding area comprises a mixture of single-family dwellings and blocks of flats. Planning permission was approved for the demolition of the meeting hall and the erection of 2 storey building to provide 4 self contained flats under permission 20/0512/FUL.

The application site and surrounding sites have a large number of trees. The site includes trees protected by tree preservation orders (TPO).

The site is not located within a Conservation Area but falls just outside of the boundary of the Wood Street Conservation Area. Nearby properties Eleanor Palmer Cottages and 1 & 2 Blenheim Road are locally listed buildings and are within the Conservation Area.

The site is within flood zone 1 (low risk).

2. Site History

Reference: 20/0512/FUL

Address: 2A Blenheim Road, Barnet, EN5 4NF

Decision: Approved subject to conditions

Decision Date: 14 May 2021

Description: Demolition of existing meeting hall and erection of a 2-storey building to provide 4no. self-contained flats. Associated amenity space, cycle stores, refuse and recycling storage. Provision of 4no. car parking spaces

3. Proposal

This application seeks a variation of condition 1 (Approved Plans) of planning reference 20/0512/FUL dated 14/05/2021 for ' Demolition of existing meeting hall and erection of a 2-storey building to provide 4no. self-contained flats. Associated amenity space, cycle stores, refuse and recycling storage. Provision of 4no. car parking spaces.'

Variation to include correction of floor space for ground floor flats and to increase the floor area of the first floor to provide additional floor space for the proposed flats.

Flats 1 and 2 (Ground Floor) will be annotated to show the correct size as the approved plans under permission 20/0512/FUL annotated the wrong floor space. Flat 1 is indicated on the approved drawings as 90sqm when the annotation should have stated 94sqm. Flat 2 is indicated on the approved drawings as 101sqm when the annotation should have stated 107sqm. The footprint and layout of the ground floor will remain as approved.

The proposal also seeks to enlarge the first floor in order to increase the size of flats 3 and 4. At first floor level, the southern elevation will increase by 1.5m, the northern element will increase by 1m and an infill extension on the eastern elevation measuring 2.5m x 1.8m.

Ground floor:

Flat 1: as approved annotated as 90sqm - corrected to annotate 94sqm

Flat 2: approved annotated 101sqm - corrected to annotate 107sqm

First floor:

Flat 3: approved 60sqm - proposed 81sqm (+ 21sqm)

Flat 4: approved 68sqm - proposed 83sqm (+ 15sqm)

The proposed changes are to replace the following drawings:

Drawing PL-001 Rev A - Proposed Masterplan

Drawing PL-002 Rev B - Proposed Site Plan

Drawing PL-003 Rev A - Proposed Ground Floor Plan

Drawing PL-004 Rev B - Proposed First Floor Plan

Drawing PL-005 Rev A - Proposed Roof Plan

Drawing PL-006 Rev A - Proposed Elevations (East and West)

Drawing PL-007 - Proposed Elevations (North and South)

Drawing PL-008 - Proposed Sections

Drawing PL-009 - Proposed Sections

Drawing SK-008 - Proposed Elevations (East and West)

Drawing SK-009 - Proposed Elevations (North and South)

With drawing Nos:

Drawing PL-001 - proposed master plan

Drawing PL-002 - proposed site plan

Drawing PL-001 - proposed ground floor plan
Drawing PL-002 - proposed first floor plan
Drawing PL-003 - proposed roof plan
Drawing PL-006 - proposed east and west elevations
Drawing PL-007 - proposed south and north elevations
Drawing PL-008 - proposed sections (AA & BB)
Drawing PL-009 - proposed sections (CC & DD)
Drawing SK-008 - Proposed elevations (east and west)
Drawing SK-009 - Proposed elevations (north and south)

4. Public Consultation

A site notice was posted 6th July 2021.

Consultation letters were sent to 83 neighbouring properties. 10 objections have been received raising the following:

- Breach in the 10.5m guideline to neighbouring boundaries
- Clarification on increase in unit sizes
- Increase in overall bulk of the building and loss of setback at first floor
- Moving the car park area is inconsiderate to neighbours
- Loss of privacy and overlooking
- Increase in floorspace is not a minor amendment

CAAC Objection

The Monken Hadley & Wood St Conservation Area Advisory Committee would like to express its concern at the proposed variations to this approved development. Enlarging the building at first floor level will make the building more prominent. In our opinion, it was only border-line acceptable in the previous application. We are also concerned that the extended proposal would further threaten the crowns and root protection areas of the nearby trees, resulting in their loss. We hope this variation will be refused.

Ecology - no objection

Highways - no objection. The proposed changes to the first floor and ground floor flats are not expected to have an impact on the previously approved car parking provision or the surrounding public highway.

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 published on 20th July 2021. 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 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, CS8, CS9, CS12, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM13, DM16 and DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM18 seeks to ensure that the safety of all road users is taken into consideration when considering development proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive

when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the proposed amendments are considered 'minor material amendments' and fall within the ambit of Section 73 the Town and Country Planning Act 1990

- Whether the proposed amendments are in accordance with development plan policy

5.3 Assessment of proposals

Planning Practice Guidance (PPG) states that an application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied [Paragraph: 013 Reference ID: 17a-013-20140306].

PPG advises that planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made. Section 73 cannot be used to change the description of development [Paragraph 014 Reference ID: 17a-014-20140306].

PPG advises that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved [Paragraph: 017 Reference ID: 17a-017-20140306].

In the first test, it is considered that the scale and/or nature of the proposed amendments would not result in a development which is substantially different from the one which has been approved. On the southern elevation, the building footprint at first floor would increase in depth by 1.5m and 1m on the northern elevation. The infill extension on the eastern elevation would measure 2.5m by 1.8m. The increase in footprint and extensions are considered to be minor changes to the approved scheme. Furthermore, the footprint of the building remains as previously approved.

The proposed S73 application would not alter the description of development.

In the second test, Officers need to consider whether the proposed amendments accord with development plan policy.

Character and Appearance

The parent permission was approved under 20/0512/FUL for the demolition of the existing meeting hall and the erection of a 2-storey building to provide 4no. self contained flats. The building's sitting and scale was considered to be appropriate under the parent application with the new building relating well to the site's spatial constraints. A contemporary building

style was considered to be acceptable given the site has limited visibility in the streetscene. The principles of the overall scheme were fully assessed as part of the parent scheme.

Policy DM01 states that proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. The proposal would not increase the overall footprint of the building and would not increase the height of the approved scheme. The increase in footprint at first floor level would not significantly increase the overall bulk, scale and massing of the APPROVED building. Furthermore, the materials of the extensions would be in keeping with the approved scheme with the proposal providing for a high-quality flat roof contemporary design building with the provision of high-quality materials, including: Facing brick long format brick - S. Anselmo Corso Grigio Timber cladding vertical larch timber Metal cladding - Anthra-zinc panels - VMZinc.

Overall the proposed alterations are considered to be acceptable in character and appearance terms.

Heritage

Policy DM06 states that development proposals must preserve or enhance the character and appearance of the 16 Conservation Areas in Barnet. Supporting paragraph 7.2.2 states that if a site lies within a Conservation Area or is located nearby, planning permission will not be granted where development proposals neither preserves nor enhances the character or appearance of that area. The development proposed is a modern contemporary development which is located outside of but close to the Wood Street Conservation Area.

Due to the backland nature of the site, views of the development from the streetscene and surrounding Conservation Area would be limited and it is considered that the proposed amendments at first floor level would preserve the character of the nearby Conservation Area.

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

Policy DM01 and London Plan Policies require development proposals to respect the amenities of neighbouring occupiers. Paragraph 2.7.1 of Policy DM01 states that: Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the boroughs residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

The Barnet Residential Design SPD states that there should be a minimum distance of about 21m between properties with facing habitable room windows to avoid overlooking and 10.5m to a neighbouring garden. Shorter distances may be acceptable where there are material justifications.

The proposed amendments at first floor level will still maintain a distance of over 21m between facing habitable rooms and all neighbouring properties.

To the east, the proposed infill extension will not lead to increased overlooking because it is an infill extension and there are no windows facing eastwards.

To the south and north the proposal will still maintain a distance of over 10.5m to all neighbouring boundaries as shown on drawing PI-002.

There are no changes to the west elevation and a condition will be reattached to ensure the angled windows facing Queens Road would be obscurely glazed.

Overall it is considered that the proposed minor amendments at first floor level would not cause unacceptable harm to the living conditions of neighbouring residents.

Residential Space Standards

Flat 1: proposed 3b5p 94sqm 86sqm required

Flat 2: proposed 3b5p 107sqm 86sqm required

Flat 3: proposed 2b4p 81sqm 70sqm required

Flat 4: proposed 1b2p 83sqm 50sqm required

All 4 flats are dual aspect. Officers have reviewed the proposed units and are satisfied that they all meet the minimum space standard requirements. The proposed amendments will improve the living conditions of all future occupiers by providing more internal space.

Highways

There are no alterations to the parking arrangements and the highways officer has no objections to the proposed development.

Trees

The proposal does not result in the increase of the footprint at ground floor level and therefore the proposal will not impact the root protection zones of any of the protected trees around the site.

For the above reasons, the proposed minor-material amendments are considered acceptable and compliant with development plan policy.

5.4 Response to Public Consultation

- Breach in the 10.5m guideline to neighbouring boundaries - see amenity section.
- Clarification on increase in unit sizes - see proposal section
- Increase in overall bulk of the building and loss of setback at first floor - see character section
- Moving the car park area is inconsiderate to neighbours - no alterations to parking layout
- Loss of privacy and overlooking - see amenity section
- Increase in floorspace is not a minor amendment - the amendments are considered to be minor in comparison to a new two storey building.

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 subject to compliance with the attached conditions, the proposed development falls within the ambit of Section 73 of the Town and Country Planning Act 1990 and is compliant with development plan policy.

