

Location	St Johns Church Hall Friern Barnet Lane London N20 0LP	
Reference:	20/5845/FUL	Received: 3rd December 2020 Accepted: 4th December 2020
Ward:	Totteridge	Expiry 5th March 2021
Case Officer:	Dominic Duffin	
Applicant:	MKM Developments Ltd	
Proposal:	Demolition of existing building and construction of a three-storey building comprising 20no. self-contained residential dwelling units (Class C3), with car parking, cycle parking, bin storage and landscaping	

OFFICER'S RECOMMENDATION

Approve subject to s106

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

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for

the purposes seeking to secure the following:

1. The Council's legal and professional costs of preparing the Agreement and any other enabling agreements.
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority
3. Affordable Housing
 - Contribution of £40,857.00 towards Affordable Housing provision within the borough paid at the start of construction phase.
 - an Early Stage Viability Review if the development has not been completed to the ground floor slab level within two years of the permission being granted
 - a Late Stage Viability Review, triggered when 75 per cent of the units in the scheme are sold or let
4. Travel Plan/Highway Works
 - Submission of a Travel Plan and associated monitoring contribution of £5,000
 - £3,000 in sustainable travel plan incentive
 - £15, 000 towards highway works to mitigate the impact of the scheme on the local highway network
5. A contribution of £1,000 towards off site improvements to public amenity space.
6. Meeting the Council's costs of monitoring the planning obligation

RECOMMENDATION II:

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

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

PD601 Rev F (Location Plan and Floor Plans),
PD 602 Rev C (Elevations),
PD 603 Rev C (Ground floor block plan) ,
PD604 (First floor block plan),
S01A - (Existing Plans),

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 Policy D4 of the London Plan 2021.

- 4 a) No development shall take place other than demolition works, 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.

- 5 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 SI 1, SI 7, D14 and T7 of the London Plan 2021.

6 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 G.7 of the London Plan 2021.

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

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

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G.7 of the London Plan

- 8 No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the SuDS operation and maintenance plan, detailed design drawings and details of construction phasing. The strategy shall include details of;

1. Detailed design plan with pipe dimensions, etc.
2. SuDS design plan layout drawings with all relevant references and information on how they will operate, (we acknowledged the receipt of the submitted plan however all the nodes, dimensions, etc should be marked on the plan)
3. Details of overland flood flow routes in the event of system exceedance, or blockage with demonstration that such flows can be appropriately managed on site without increasing the flood risk to the occupants or the public; and
4. SuDS construction phasing.
5. The attenuation is provided in several small-scale SuDS facilities, their operation, phasing and continued maintenance should be provided in the detailed design stage.
6. Thames Water agreement for the proposed discharge rate in the sewer system (3l/s)

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

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policy SI.13 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the

Non-statutory Technical Standards for Sustainable Drainage Systems).

- 9 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.
Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

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

Reasons: In the interest of good air quality in accordance with London Plan policy SI.1.

10 Part 1

Before development commences other than for investigative work:

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

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

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

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

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

Part 2

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

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

- 11 Prior to occupation of the development hereby approved, an air quality neutral assessment report shall be written in accordance with the relevant current guidance. This report shall be submitted to and approved by the Local Planning Authority.

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

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

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

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy GG3 and SI1 of the London Plan 2021.

- 12 a) Prior to the occupation of the development a scheme of proposed noise mitigation measures against externally generated traffic/ mixed use noise shall be submitted to and approved in writing by the Local Planning Authority.

b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the occupation of any residential unit and retained as such thereafter.

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

- 13 A scheme for acoustic fencing along the boundary of the development with Alma Primary School shall be submitted in writing and approved by the LPA prior to the occupation of the development hereby permitted.

This scheme shall be fully implemented before the development hereby permitted is brought into use.

Reason: To ensure that the amenities of occupiers are not prejudiced by industrial/commercial noise in the immediate surroundings in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012))

- 14 Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%), and shall be installed in full accordance with the details approved.

Reason: To reduce and limit NOx emissions to improve air quality and reduce greenhouse gases in accordance with Policies GG3, SI1 and SI2 of the Mayor's London Plan 2021.

- 15 Prior to the first occupation of the development hereby approved, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that the building can achieve full 'Secured by Design' Accreditation and 'Secured by Design' accreditation shall be obtained for the approved development.

The development shall only be carried out in accordance with the approved details.

Reason: To protect the amenity of the area in accordance with Policies DM01 and DM04 of the Barnet Development Management Policies (adopted) September 2012.

- 16) No lighting shall be fixed on the external faces of the building hereby approved, unless and until details of external lighting are submitted to and approved in writing by the Local Planning Authority beforehand.

Any lighting must be designed and used to minimise impacts on bats and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014) advice is at <http://www.bats.org.uk/>.

b) The lighting shall be installed in accordance with the details approved before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse effect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document (DPD) 2012 and London Plan Policy G.6

- 17 Prior to occupation of the development hereby approved, a scheme of ecological enhancements to incorporate ecological net gain shall be submitted to the Local Planning Authority for approval. This could incorporate but not be limited to the following;

1. Creation of useful wildlife corridors within the site.
2. Any tree species for replanting should be native and typical of the local area and of UK provenance
3. Bat roosting provision should be incorporated into the fabric of the new structure. Suitable examples of integral roosting provision include Schwegler 1FR tubes or habitat bat boxes.
4. Inclusion of bird nesting provision in the form of bird boxes.
5. Using native plants in the landscaping design which can provide habitat for wildlife.

The enhancements shall be incorporated into the design, and managed after in perpetuity.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse affect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London Plan Policy G.6.

- 18 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 1 no 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).

- 19 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 20 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall 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. Each residential phase of 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.

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policy D7 of the London Plan 2021.

- 22 The residential units as shown in the hereby approved drawings shall be used as self-contained units 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).

- 23 Prior to occupation of the development hereby permitted, details of the size, design

and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out and constructed in accordance with the approved details, prior to occupation of any of the residential units..

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 CS5 and DM01 of the Barnet Local Plan and Policies D3, D4, D5 and D6 of the London Plan 2021.

- 24 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).

- 25 Notwithstanding the parking site layout plan submitted with the planning application, no works, other than demolition works, shall take place, until a detailed parking layout plan showing the exact dimensions of the existing crossovers, any redundant crossovers to be reinstated to footway, and 14 off-street parking spaces including 3 disabled spaces, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the 14 off-street parking spaces includidg 3 disables parking bays shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with the approved development. The applicant will be required to obtain a s184 licence for works on the public highway including reinstatement the redundant crossover at the southern site access to footway.

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.

- 26 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, a minimum of 32 (long stay) and 2 (short 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 vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles 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..

- 27 Before the permitted development is occupied, details of refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved servicing management plan.

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

- 28 Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 20% of the approved residential parking spaces to be provided with active electric vehicle charging facilities and 80% passive electrical charging facility (3 active and 11 passive). The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy T6.1 of the London Plan.

- 29 No works on the public highway including creation or modification or upgrading of existing vehicular access as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Local Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to enter into an agreement with the local Highways Authority under Section 278/184 of the Highways Act for these works and reinstatement of the footway along the site frontage and any consequential damage to the public highway resulting from the proposed development.

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

- 30 Before the building hereby permitted is first occupied the proposed windows in the flank elevations identified on the approved plans as obscure glazed, shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be non-openable below a height of 1.7m, when measured from the internal floor level at where the window is installed.

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).

- 31 Prior to the first occupation of development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures as detailed in the submitted Sustainability, Energy & Climate Change Statement by SHA Environmental (17.08.2021) which achieves an improvement of not less than 35% in carbon dioxide emissions, when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations.

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), and Policy SI2 of the London Plan 2021.

RECOMMENDATION III:

- 1 That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:
- 2 That if the above agreement has not been completed or Section 106 agreement has not been submitted by 01 December 2021, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):
 1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).
 2. The proposed development does not provide a legal agreement to mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Adopted Core Strategy and policy DM17 of the Adopted Development Management Policies DPD.
 3. The proposed development provides inadequate outdoor amenity space for future occupiers and does not include a formal undertaking to mitigate this loss by contributing to off site amenity space. The proposal would therefore not address the impacts of the development, contrary adopted Local Plan Core Strategy (2012), Policy DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Planning Obligations SPD (2016) and the Adopted Green Infrastructure

SPD (2017).

Informative(s):

- 1 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.

- 2 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.

- 3 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."

- 4 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.

- 5 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
 - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
 - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;

5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;

6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

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

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

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

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

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

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

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

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

footprint by siting further away from source of poor air quality.

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1)

Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014

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

- 8 The applicant shall carry out a "before" and "after" condition survey of around the perimeter of the site. The "before" survey shall be submitted to the highways section prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to the highways section. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.
- 9 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 10 Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 11 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.
- 12 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.
- 13 Any gates must open inwards and not out onto the public highway for health and safety reasons.

OFFICER'S ASSESSMENT

1. Site Description

The site is located on the north-eastern side of Friern Barnet Lane, within the Totteridge ward. It consists of a single storey building previously used as a religious/community hall (former Use Class D1) with approximately 177sq.m of floorspace. The site is accessed via Friern Barnet Lane.

To the north of the site is the 3-storey Alma Primary School and to the immediate south is a two-storey residential dwelling, no.291 Friern Barnet Lane. Towards the east is a new residential development, with dwellings on McCready Road behind the site, comprising mainly 2 storey dwellings and opposite to the west is a flatted development which has a two-storey building fronting Friern Barnet Lane.

The character of the street consists of a variety of uses and styles of buildings, with a public house and primary school located to the north at the junction with High Road, office and flatted development on the opposite side of Friern Barnet Lane to the west; and residential dwellings to the south. The southern end of Whetstone town centre lies approximately 230m to the north-west. St John the Apostle Church is located on High Road to the west, approximately 70m away.

A recent application (20/4180/191) confirmed the lawful use of the site as a health clinic within Class E and it had been in use as a Health Clinic. It is currently vacant.

2. Relevant Site History

Reference: 18/0347/FUL

Address: St Johns Church Hall, Friern Barnet Lane, London, N20 0LP

Decision: Withdrawn

Decision Date: 30 October 2019

Description: Demolition of the existing building and redevelopment to provide 22 self-contained flats with associated car parking, cycle store, refuse store and landscaping

Reference: 19/4491/FUL

Address: St John The Apostle Vicarage, 1163 High Road, N20 0PG

Decision: Pending Consideration

Decision Date: N/A

Description: Erection of a new single storey church hall with lower ground floor level, with link to the existing Church. Associated landscaping, cycle and car parking

Reference: 20/4180/191

Address: St Johns Church Hall, Friern Barnet Lane, London, N20 0LP

Decision: Lawful

Decision Date: 14 September 2020

Description: Use as Health Clinic (Class E)

Reference: 20/4032/FUL

Address: St Johns Church Hall, Friern Barnet Lane, London, N20 0LP

Decision: Approved with conditions

Decision Date: 29 October 2020.

Description: Replacement of existing building with a new mixed use development comprising a Class E use and 9no self-contained residential dwelling units (Class C3), with car parking, cycle parking, bin storage and landscaping [amended description]

3. Proposal

The application was amended during the course of the submission to reduce the originally submitted development. The original application sought consent for the;

...."Demolition of existing building and construction of a four-storey building comprising 26no. self-contained residential dwelling units (Class C3), with car parking, cycle parking, bin storage and landscaping"

The proposed replacement four-storey building has a T-shaped footprint, with a total depth of 33.0 metres. It has a width of approximately 28.0 metres fronting the road, and a height of 11.7 metres with a flat roof. The building would be finished in brick and zinc cladding, with a setback 4th floor. 26no self-contained residential units are proposed. The proposed dwellings are as follows:

4 studio, seventeen 1 bedroom and 5 two bedroom.

A total of 16no on-site car parking spaces are provided, with the existing site entrance utilised for access, but through a new undercroft access. An area of communal outdoor amenity space comprising 165 sqm would be located on the south-eastern corner of the site. The development also provides refuse and recycling stores and cycle parking (40 for residents, 2 for visitors), located at the northern boundary of the plot.

Under the revised submission, the fourth floor has been removed and the number of units reduced to 20. The same design rationale is retained, and the building would be similar in appearance to the extant 9 unit scheme, granted consent under application 20/4032/FUL.

The T-shaped footprint is retained and the building would be finished in brick and zinc cladding. The proposed dwelling mix is as follows:

12 studio, four 1 bedroom and two 2 bedroom, two 3 bedroom.

14 parking spaces are provided and an area of communal amenity space would once again form part of the development.

4. Public Consultation

273 consultation letters were sent to neighbouring properties.

A site notice was erected on 10 December 2020 and an advert was published in the local press.

A total of 75no objections were received with regards to the original application. Their contents can be summarised as follows:

- Concern that the proposal will result in loss of amenity to the adjoining school, in terms of privacy, overlooking and overshadowing, causing a significant infringement on amenity. Fourth floor balconies provide an open aspect over the school boundary.
- Additional height, bulk and scale over the approved 9-unit scheme is total out of character for the area.
- The dwelling mix is contrary to adopted and emerging policy and does not provide family sized dwellings.
- Loss of community/employment space is inappropriate.
- The proposed development would significantly exacerbate existing problems and add very considerable road safety danger next to a school and for the children at the school. It is clear that the parking provision for the proposed development is inadequate.
- Proposal looks out of place in a suburban setting.
- Concern about disruption to drop off at adjoining school - parking level provided is inadequate.
- The outdoor amenity space provided falls short of the minimum required by the Council's standards for external amenity space, pursuant to Policy DM02
- The proposed development provides zero affordable housing and instead proposes a negligible payment in lieu of £23k.
- The proposal will entirely overlook our garden area.
- This would create additional traffic in an already congested area. This is right next to a school and would be highly disruptive.
- Daytime parking in this area is under maximum stress including along Friern Barnet Lane, causing road traffic, obstructions along the carriageway for buses and emergency vehicles and additional pollution.
- Concern about disruption during construction and potential instability issues with adjoining buildings.
- The proposal will overlook adjoining properties and cause a loss of daylight/sunlight.
- The proposed dwellings are under-sized.
- The proposal will put a strain on local infrastructure.
- 3 storey is the maximum height suitable along this road.
- The issue in this area is daytime parking and not overnight parking, as considered in the parking surveys submitted.
- This is an over-development of a small plot.
- The school needs this space for additional parking. The Friern Barnet Lane is currently unusable with the amount of cars using it along with Alma primary.

- The proposal would result in the loss of a community/health facility contrary to policy DM13.
- Lack of larger units and no affordable housing.
- Parking surveys are flawed and were undertaken during the pandemic.
- The proposal will overshadow the playground.
- The education, welfare and safety of Barnet's children is paramount. The proposed development will adversely affect all three so far as the children of Alma Primary are concerned.
- Refuse strategy will result in bins stored on the street
- Concern about overshadowing of the school playground
- No consultation between the Community Security Trust (CST) and the developer

The three Totteridge Ward Councillors made submissions to object to the above application

We are aware of the large local public concern and the many reasons that have been given in their communications with the council by them to refuse this latest application.

This is yet another development that has accommodation for 1-2 people, whereas the area now has a deficit of family type (3-4 bed) accommodation. We are also concerned that the community use has been lost, as it is clear that this is something that should be provided on this site having been a community hall for very many years. The height and scale of this new proposal with the extra floor is also out of character with the area.

A second consultation was held on 11th August 2021 in relation to the amended scheme. The following additional representations were received:

3 replies were received making the following comment;

- Acknowledge that the additional storey has been removed from the proposals I still firmly believe that the proposals constitute overdevelopment of this suburban site and are not in keeping with the local context or scale.
- Concern about impacts on daylight/sunlight in relation to our property.
- Concerned about the number of balconies shown on the elevation facing our property with no screening, and will overlook our private amenity space.
- Applicant has demonstrated that there is a market demand for units of this size, particularly given the number of 1 and 2 bed apartments that are currently already under construction in the surrounding area.
- We have not been engaged with by the Applicant at any point regarding these revised proposals, which we do not think is acceptable given that we are a direct neighbour.
- Consider the car parking survey to be seriously flawed as it appears to have been taken during the Pandemic. Friern Barnet Lane is a very heavily congested and dangerous road.
- There is very limited parking facilities available contrary to what the survey suggests.
- Such a development is uncalled for and unnecessary given the amount of similar developments in close proximity to this one.

Friern Barnet & Whetstone Residents' Association

Whilst the reduction in the scale and height of the proposal, by removing the uppermost floor previously proposed is a considerable improvement in terms of how the proposal would relate to the neighbouring properties, and so is welcome, we must record that we are

uncertain as to whether the revised design does enough to overcome the objections of others regarding overlooking, loss of privacy and the effect on light.

Our principal objections are-

1. Housing mix. The preponderance of small (and very small) units proposed does not comply with the Council's current or proposed housing mix policies. There is a plentiful supply of small and 2 bedroomed flats in the area but only a limited supply of larger flats. The proposal should be modified to bring it into line with the housing mix policies - otherwise, what is the point of those policies?

2. Parking and traffic. Whilst the proposed on-site parking presumably satisfies the current policy on the provision of on-site parking spaces - which of course imposes a "cap" and with the current proposed unit mix actually provides little in the way of a clear minimum required provision, so that, as ever, any shortfall in actual on-site spaces will be "dumped" to onstreet parking, inadequate attention seems to have been paid to the issue of congestion in Friern Barnet Lane.

The upper section of the Lane, including the application site, is frequently blocked as the two streams of traffic are simply unable to pass one another. It is only the availability of driveways and unoccupied parking spaces that enable the blockages to be resolved as vehicles "dodge" into them. Consequently any development proposal that may result in increased on-street parking in upper Friern Barnet Lane must be able to demonstrate that no on-street parking will actually be generated by it. We see nothing in the application documents which does this.

Further, whilst we note the additional parking survey, which clearly demonstrates the lack of available on-street parking in the locality, we also note that the surveys take no account of the proposals for the redevelopment of Barnet House.

It should be borne in mind that any available on-street parking capacity does not exist for the sole use of residents living in the immediate vicinity - it also exists to be used by others - visitors, tradesmen, shoppers and the like. On-street parking by residents is frequently long term and so denies the use of the parking spaces to others.

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

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

The Mayor's London Plan 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 replaces 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, DM10, DM13, DM14, DM16, DM17.

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

Barnet's Local Plan (Reg 19) 2021

Barnet's Draft Local Plan Reg 19 - Publication was approved for consultation on 16th June 2021. The Reg 19 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It is Barnet's draft 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 the policies and site proposals in the draft Local Plan

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, semidetached 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:

- Principle of development;
- Whether harm would be caused to the character and appearance of the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether harm would be caused to the living conditions of future residents.
- Whether the development would impact traffic and highways to an unacceptable level.

5.3 Assessment of proposals

Principle of development:

For areas such as the application site policies CS1 and CS3 of the Barnet Core Strategy (2012) expect new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

An extant permission, detailed in the planning history above, agreed the demolition of the existing building and its replacement with a mixed use, 3 storey building, including a Class E use on the ground floor with 9 residential dwellings. This proposal would be entirely residential with no commercial or community element retained.

Existing Use

The existing use on site comprised as a health clinic. This was confirmed via a certificate of lawfulness ref 20/4180/191 granted in September 2020.

The existing use was as a massage therapy use constituted treatments by appointment with a reflexologist. The business is known as Zen Chi Therapy.

At the time that the change of use occurred, the massage/health clinic use would be considered to fall within Use Class D1. This was within the same planning use class as the previous Church Hall use associated with St Johns Church and as a result was a permitted change that did not require express consent. Subsequent to the change of use, legislation

(Statutory Instrument 2020 No. 757) came into effect on 1 September 2020 amending the Use Class Order and effectively revoking Class D1. Within the current use class order, a massage/health clinic use falls within Use Class E:

"(e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,"

The loss of the existing health clinic under the previous application for the nine unit scheme was compensated for in the proposed development with the re-provision of a health centre with the same floorspace. A condition was included to ensure the use of part of the building was retained within Class E. Given the previous development proposed to re-provide an equivalent level of employment floorspace, it was not considered to conflict with local planning policy, including Policy DM14. Condition (No.22) stated the following;

22. The area of the ground floor plan hereby approved, marked 'Health Centre' shall be used as Class E including related ancillary uses only and for no other purpose.

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.

The applicant advises that Zen Chi has since vacated the premises, it is stated that ... "The previous tenant has had to terminate her lease of the premises due to the second UK National Lockdown during the COVID pandemic and the premises are therefore currently unoccupied in unrestricted Class E use. No other employees worked from the premises other than the business owner"....

The council advised the applicant that any loss of the existing hall (community centre) would need justified under policy DM13. Where a proposal seeks the loss of community use, Development Management policy DM13 states that this will only be acceptable in exceptional circumstances where:

- i. New community use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or
- ii. There is no demand for continued community use and that the site has been marketed effectively for such use.

As discussed above, the lawful use of the site has since been confirmed as a health clinic within Class E, benefiting from a change within the then use Class D1, which did not require express consent. The lawful use of the site is therefore no longer as an exclusively community facility and it is considered that the requirements of policy DM13 are no longer engaged.

Under the extant consent (20/4032/FUL) for the mixed use scheme the council secured a continued use within the new Use Class E with a portion of the ground floor retained for Class E purposes.

The applicant states that "Given the current general commercial use class of the premises, any change of use of the site falls to be assessed against Policy DM14. As the proposal is not currently in a Class B use, then Policy DM14(a)(ii) does not apply".

Policy DM14 of the Local Plan advises at iv. That proposals to redevelop or reuse an existing employment space which reduces the levels of employment use and impacts negatively on

the local economy will be resisted. Part v. of DM14 states that where appropriate, loss of employment space will be expected to provide mitigation in the form of contributions to employment training. However, the Local Plan does identify existing employment space as uses within the "B" Class and as such there would be no specific loss of this floorspace.

Class E now constitutes a "broad church" of uses, part of the Government drive to introduce greater flexibility within the use class system. Whilst a community use or business within the B class could have taken up the use of the existing building, or the ground floor unit on the extant scheme, this would be equally true of a plethora of uses, including A1, A2, A3, B1, D1 (Clinics, health centres, creches, day nurseries, day centre) D2 (Gymnasiums, indoor recreations not involving motorised vehicles).

The applicant further states that;

... "the site is neither in a town centre or edge of town centre location - the site is located approximately a third of a kilometre from the edge of the nearest shopping frontage on the High Road. Similarly, the proposals by virtue of their location would be highly unlikely to impact negatively on the local economy (Policy DM14(a)(iv)) especially given the solopreneur nature of the last occupier and the poor state of the premises and therefore its very low likely appeal to future occupiers. The location of the premises is also against it as a future commercial use, particularly being located outside a local commercial centre"...

Policy DM11 of the Local Plan requires;

"Significant new retail and other appropriate town centre uses outside the town centres or any expansion of existing out of centre sites will be strongly resisted unless they can meet the sequential approach and tests set out in the NPPF or are identified in an adopted Area Action Plan. Edge of centre proposals will not normally be appropriate and therefore should demonstrate why they are not locating in a town centre site".

It is the case that many of the uses within Class E are ordinarily directed to town centre locations. Friern Barnet Lane is predominantly residential. The previous application has effectively agreed a broad use within Class E and the previous Certificate of Lawfulness application, now confirms the lawful use within Class E.

In light of the above it does not seem reasonable to insist that any new development includes a Class E provision. The proposal will however still result in the loss of potential employment space, albeit the applicant has a pessimistic view of the likelihood of the existing premises ever attracting an occupant, and a wide range of employment uses, and other potential uses, could potentially avail of this unit. Policy DM14 states that any loss of employment space will be expected, where appropriate, to provide mitigation in the form of contributions to employment training, however employment space is classed as a B use, only one of the options under class E, and so this seems an unreasonable request. The council's Employment and Learning Team have confirmed they would not be seeking contributions for loss of an employment space.

Whilst Class E includes "community uses" including the last use as a health centre, given the thrust of Government policy is to allow greater flexibility within the use class system, it is not considered the council can direct any future use specifically to one of these community uses, and require a replacement provision in line with policy DM13.

It is noted that third party comments consider the loss of the building cannot be justified under policy DM13, without the consideration of the requirements of this policy, and to set

aside the policy would be to open other land uses, such as retail in town centres, business in employment areas to be lost to other uses, contrary to policy.

The Government has outlined that one reason for the changes to the Use Classes has been the need to enable a repurposing of buildings on high streets and town centres. It is accepted that the changes are to provide further flexibility, but the issue is whether that extends to various sites which are offered a degree of protection by policy.

It is acknowledged the council would not necessarily want to envisage a position whereby existing Class E uses were lost to other uses outside that class. This could result in a weakening of retail presences within town centres, employment uses in employment areas, and the loss of a plethora of uses which serve the local communities. Similarly, the council would not necessarily allow new Class E uses to be created, given the impact that could have, such as a weakening of the role of town centres, should retail uses be created in all areas.

As above, the council could not seek contributions for the loss of employment space, as only one of the potential uses which could occupy the building. It is not considered the council could also insist on an equal level of community use at this site as currently exists, as per DM13, or a marketing exercise to demonstrate there would be no demand for such a use, as a potential occupier of the building. In such a scenario this would mean any Use Class E site would have to satisfy the requirements of the range of relevant policies, for which the Class E site could be used, before it could be used for a non-Class E use. This is perhaps an unforeseen circumstance of this extended use class. It is not considered in this case the council would insist in the marketing of the site for one of the uses that could occupy it, or insist on a replacement with another community use, when the options for future use would be under the control of the applicant.

A residential scheme would be in keeping with the character of the road, and the overall site and building envelope will not increase. Local, regional and national policy encourages Local Planning Authorities to seek opportunities to use previously developed land more efficiently, the there is an opportunity to increase the number of residential units on site.

As such the principle of redevelopment of the site to provide a purely residential scheme can, on balance, be accepted.

Unit Mix

National and London Plan (2021) 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". The policy places emphasise on the need for 3- and 4-bedroom family units.

The proposed mix for the 9 unit scheme was as follows

Two 1 bedroom and one 2 bedroom and six 3 bedroom.

Under this revised application the scheme would consist of the following mix, initially no 3 bedroom units had been proposed under the 26 unit scheme;

12 studio, four 1 bedroom and two 2 bedroom, two 3 bedroom

It can be noted that the strong provision of family sized units relating to the nine-unit scheme is removed with this scheme.

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, it is in close proximity to the Whetstone Town Centre, but the road is suburban in character. It is accepted that there may be some constraints to providing a high percentage of family sized dwellings on this site in terms of parking provision, amenity space, and general amenity considerations, given the number of units proposed. However, the previous scheme of limited numbers, did include a 66% provision of family sized dwellings.

The immediate area contains a mix of dwelling types and sizes, and in the council's view did not have characteristics to justify a scheme which does not include any family sized dwellings.

The applicant states that there is a strong demand for smaller units to meet the needs of young professionals, and the demand for larger units locally has reduced. A submission from a local estate agent has been provided to support this position.

Emerging local policy HOU2, recognises two bedroom units as a medium priority. Furthermore, the London Plan, at policy H10, recognises that one-bedroom units play a very important role in meeting housing need, and provision in new developments can help reduce the pressure to convert and subdivide existing larger homes.

The scheme does now include a mix of unit sizes to provide for a range of households within the local community, albeit there is a high percentage of single-family dwellings. In that respect, given the degree of flexibility that exists, and on balance, this housing mix, which includes 10% Three bedroom, is considered acceptable.

Density

The London Plan takes a less prescriptive approach to density than the density levels matrix within the 2016 plan and considers a designed approach to determine the capacity of the site, including site context, accessibility and capacity of surrounding infrastructure. Policy D6 also notes that schemes should optimise housing density.

Whilst the wider area is mixed in character, with urban characteristics, this is a suburban road, of mainly low-density housing.

The site is within walking distance of Whetstone Town Centre which features an array of public services, shops and transport options making it a sustainable location for residential development. Therefore, unit sizes, unit mix, the quality of accommodation, design/character, and impact on the amenity of neighbouring occupiers are a key indicator when striking an appropriate density. Any submission can be judged against these key indicators when attaining an appropriate density, and scheme, for a site, but the number of units is considered acceptable.

Affordable Housing

Policy DM10 states that the maximum reasonable amount of affordable housing will be required on site, subject to viability, with 40% local policy provision. The submission had originally been supported by a Viability Statement (S106 Management), which stated that the scheme could only remain viable with a commuted sum of £46,110 towards affordable housing provision as the site value for the 26 unit scheme was only marginally greater than the alternative use value for the extant 9 unit scheme. (£1,479,702 - £1,433,592)

In line with standard practice the council had the 26 unit submission appraised independently. The advice received concluded that a significant contribution to affordable housing (34.6% affordable housing (5 London Affordable Rent units and 4 shared ownership units) in addition to a commuted sum payment of £25,476) could be provided. This conclusion related to a number of factors which the council's consultants advised would result in a significant surplus (£771,843), the main differences being;

- Need to increase private residential values to reflect current market expectations;
- Reduce construction costs in line with advice received from CDM;
- Reduce finance rate to reflect the current market;
- Reduce profit levels to reflect the risk profile of the scheme;
- Adjust the viability benchmark in line with comments (reduction from the applicant site value £1,479,702 to council consultant's figure £1,269,884)

As detailed above, the scheme has been revised with a reduction to 20 units and there have been significant levels of discussion between the council's viability consultants and the consultants representing the applicant.

Under a second round of discussions held in June/July 2021 the applicant advised that when the costs were deducted from the sales values of the units the resulting residual land value (£967,356.98) (site value) was less than the Benchmark Land Value (£1,214,301.00) (the value of the site for the 9-unit extant permission scheme). As such there was a deficit of £246,944.02 and the scheme would not be viable should it include affordable housing contributions.

This submission was reviewed by the council's consultants and under this review the consultants identified a surplus.

Whilst the applicant's consultants had assumed the majority of suggested assumptions from the council's consultants further review was suggested;

- Include affordable housing revenue within the assessment;
- Reduce construction costs in line with advice received from CDM;
- Reduce profit levels to reflect the risk profile of the scheme;
- Adjust the programme timetable to reflect current market expectations; and
- Adjust the viability benchmark in line with comments

Under the council's assumptions the scheme could provide 15% affordable housing (3 shared ownership units) providing a surplus of £6,193 against the council's reduced viability benchmark of £909,298, or a commuted sum of £153,583. This 15% contribution could be secured through a s106 Agreement and an early and late-stage review was recommended.

The applicant provided a third viability assessment in August 2021. This demonstrated a deficit of -£130,705 and as such the scheme could not contribute to affordable housing.

This was once again reviewed. One key change was an agreed increase in the site values (viability benchmark) from £909,298 as concluded in July 2021, to £1,140,585, owing to an agreed increase in construction costs for the extant scheme., which was only marginally below the Residual Land Value of £1,143,294 providing a marginal surplus of £2,709.

As well as CIL contributions, and some contributions on carbon offsetting, travel plan contributions and an open space contribution the applicant had included a contribution to loss of employment space of £35,733, as detailed above the council do not consider that this can be reasonable requested.

The conclusions of viability discussion are that there would be no available surplus to contribute to affordable housing provision under these scheme characteristics. The consultants advise early and late-stage reviews within a s106 Agreement.

Given the inclusion of the employment contribution and the small surplus identified by the council's final review, the applicant has offered that £40,857.00 should be included in a s106 Agreement as a contribution towards affordable housing within the borough, as a commuted sum.

Conclusion

In light of the above considerations, the principle of the replacement of the existing building with a residential scheme can be accepted. Other considerations are discussed below.

Impact on the character and appearance of the site and wider area

The NPPF attaches great importance to the design of the built environment, stating 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"

Policy DM01 states, 'development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The analysis on the originally submitted 4 storey/26 unit scheme concluded the following;

The proposal would replace the existing single-storey part-pitched roof, part-flat roof building with a four-storey flat roof building. The extant consent relates to a 3 storey building on a similar footprint. That building used the school building and the adjoining two storey residential unit as a guide for height, the overall height being no higher than the ridge on these structures.

This scheme would once again fill the entire plot frontage, with the addition of the zinc clad 4th floor, set back from the front of the 3 storey brick façade below.

It is evident that previously the council has acknowledged that whilst the High Road includes a mix of higher density development, it does not necessarily mean that it is suitable to replicate this on the application site. That being said, the site is in close proximity to this road, and with the school site forms the entrance to this change in character and density.

The High Road does include much more of a mix of styles and has a character typical of a main thoroughfare. Friern Barnet Lane has more of a deferential character to this main route. Under the previous submission (9 unit scheme) while it is noted that the scale reduces to

predominantly two-storeys to the south on Friern Barnet Road, given the mixed character of the immediate area and the siting near the junction with the High Road, it was not considered that a building of three-storey scale would be out of keeping or incongruous in this location.

This proposal would add an additional storey across the entire footprint of the building, above the previously consented scheme. It is stated that under previous discussions the council did not rule out a 4 storey submission, that, the height and/or set back would have to adapt to respect the lower ridge height of the residential dwellings to the south and immediately adjoining at no.291 Friern Barnet Lane."

As discussed, the school and application site, mark the entrance point from the more mixed character of the High Road, into the typically residential suburban character of Friern Barnet Lane. The proposed scheme does retain a step-down from 4 storey to 3 storey where the scheme would adjoin at no.291 Friern Barnet Lane. However, when viewed from the entrance to the road, or when progressing along Friern Barnet lane to the site, the full 4 storey structure will be apparent. The upper floor would be set in from the main bulk of the front elevation, and set in from the flank elevations, this reduces the dominance of the structure to a degree, and it can benefit from its bookend position at the entrance to Friern Barnet Road. However, adjacent to No.291 there is little transition to the more suburban character of this road, and whilst progressing towards the junction, the building would appear prominent

The site benefits from its bookend position on Friern Barnet Road, the fact it does not sit "within" a lower density road, and benefits from the differing character of the school site adjacent. Local Authorities should look for the opportunity to increase the density on previously developed sites, in line with national guidance, but it is considered that a 4 storey structure would appear out of place, at the entrance to this road, with the benefit of close proximity to the High Road having limited significance, and with the no transition to the more suburban residential properties on Friern Barnet Road.

Once again, the pitches to the front elevation on each flank of the building are of limited assistance in transitioning to the pitched roof dwellinghouses to the south. The proposed building comprises predominantly facing brick for the external surfaces. This is in keeping with the character on Friern Barnet Lane. Elements of zinc cladding to the flanks and roof provide some visual interest to the building and, given their limited use and the mixed character of the area, including the extant consent, can be accepted.

The council are always mindful that sites for redevelopment, and their contribution to meet housing need, requires a careful balancing exercise of protecting local character whilst always seeking to maximise the benefit of redevelopment. It is not considered that the scheme strikes a reasonable balance. A four-storey building, with limited set-in and set-back, and the increase in building height jars within this setting, and would appear discordant.

The residential development of McReady Road, is located to the rear of the site, but it is not considered the additional floor would result in an imposing development when viewed from this residential development.

The scheme proposes a high-quality build with materials that are evident within the wider area, and the design can be broadly accepted. The existing site is almost entirely hard-landscaped any redevelopment would provide some benefit to the visual amenities of the area through increased soft landscaping and the provision of a communal garden. Conditions could also be attached to ensure existing trees on adjoining land are retained

and protected through the development. However the proposed bulk and scale is significant, would cause harm to the character of the area and is contrary to local, regional and national guidance.

In light of the above, it is considered the proposed 4-storey scheme would be inappropriate with the submitted scheme characteristics.

As discussed above, the concern of officers was the addition of the 4th floor to the building. Under the revisions this element has been removed, and the proposed structure is similar in appearance to that granted consent under the extant 9 unit scheme. That submission had involved close discussions with officers in order to strike a suitable balance in terms of maximising the development of the site but ensuring the resulting scheme would successfully assimilate into this setting. Whilst the density would increase with this proposal, the overall design, bulk and scale is more in keeping with what was previously considered acceptable. The contrast in appearance can be accepted on this somewhat standalone site, and this scheme would not appear out of place. It is therefore considered the initial concern with the overall bulk and scale has been addressed and the council can accept the raised scheme as being appropriate from a visual perspective on this site, and within this setting. Good quality materials could be agreed by condition.

Quality of accommodation for future occupants:

Policy DM01 of the Development Management Document DPD (2012) states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. The council also has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance, both updated 2016) providing more detailed guidance on a range of matters related to creating new residential accommodation in addition to the Mayors adopted SPG's).

The council have had concerns with regards to the amenity of residents under the 26 unit scheme with the outlook afforded to some units and the level of amenity space provision. This has resulted in the submission of the amended scheme.

Dwelling size:

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.

A mix of 1, 2 and 3 bedrooms are proposed, with the following London Plan requirements;

- (1 Bedroom/1 person): London Plan requirement = 39m²
- (1 Bedroom/2 persons): London Plan requirement = 50m²
- (2 bedroom/3 person): London Plan requirement = 61m²

(2 Bedroom/4 Persons): London Plan requirement = 70m²
(3 bedroom/4 person): London Plan requirement = 74m²
(3 bedroom/5 person): London Plan requirement = 86m²
(3 Bedroom/6 Persons): London Plan requirement = 95m²

The proposed units have the following gross internal areas (GIA):

Ground Floor

Flat 1: (1 Bedroom/2 person): 50 sqm;
Flat 2: (1 Bedroom/2 person): 50 sqm;
Flat 3: (1 Bedroom/2 person): 50 sqm;
Flat 4: (1 Bedroom/2 person): 59 sqm;

First Floor

Flat 5: (1 Bedroom/2 person): 50 sqm;
Flat 6: (2 Bedroom/3 person): 63 sqm;
Flat 7: (3 Bedroom/5 person): 74 sqm;
Flat 8: (1 Bedroom/1 person): 38 sqm;
Flat 9: (2 Bedroom/3 person): 66 sqm;

Flat 10: (1 Bedroom/2 person): 50 sqm;
Flat 11: (1 Bedroom/2 person): 51 sqm;
Flat 12: (1 Bedroom/2 person): 51 sqm;

Second Floor

Flat 13: (1 Bedroom/2 person): 51 sqm;
Flat 14: (2 Bedroom/3 person): 63 sqm;
Flat 15: (3 Bedroom/5 person): 74 sqm;
Flat 16: (1 Bedroom/1 person): 39 sqm;
Flat 17: (2 Bedroom/3 person): 66 sqm;
Flat 18: (1 Bedroom/2 person): 50 sqm;
Flat 19: (1 Bedroom/2 person): 51 sqm;
Flat 20: (1 Bedroom/2 person): 51 sqm;

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 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.

Dwelling layout and outlook:-

Development plan policy requires that new dwellings are provided with adequate outlook.

Not all units are dual-aspect, Policy D6 of the London Plan "Housing Quality and Standards" advises that single aspect units should be avoided unless, as per Policy D3 Part B "Optimising Site Capacity through the Design Led Approach" are located in areas of higher density developments which should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling and best deliver the requirements of Part D of the policy.

The site is close to Whetstone town centre which provides a range of jobs, services and public transport options. A requirement of D is that the scheme delivers a suitable degree of amenity with regards to outlook, amenity and privacy. The policy also requires that any scheme enhances local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape,

Given the proposed scheme utilises the same envelope of the extant permission, the council are content that the proposal would respond sufficiently to local character. the proposed unit layout would not provide a poor level of amenity for future occupants, none are north facing and single aspect.

The extant scheme consisted predominantly of larger duplex units, and the rear wing included units over the first and second floor levels. This afforded each unit to have a good level of outlook. Under the current scheme, the plans indicate that a number of these south facing units are relatively deep on plan form and would rely on high-set obscure glazed windows to provide some aspect. They are also served by balcony areas, but this would have some impact on the amenity of the residents in these units.

London Plan Policy H1 requires LPA's to:

"optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially the following sources of capacity:

- a) sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station or town centre boundary
- b) mixed-use redevelopment of car parks and low-density retail parks and supermarkets.
- c) housing intensification on other appropriate low-density sites in commercial, leisure and infrastructure uses

The site has the characteristics that are set out in Policy H1, in that it is:

- o A brownfield site;
- o It has a PTAL that falls within the range of 3-6 - the sites PTAL is 3;
- o It is well within 800 metres of Whetstone Town Centre and within 800m of Totteridge and Whetstone Tube Station;
- o It is the redevelopment of an appropriate low-density sites in commercial use (Class E).

Given the continued policy slant which encourages Local Authorities to seek opportunities to use existing brownfield sites more efficiently in the deliver of housing, it is considered the proposed 20 unit scheme is appropriate and the units would provide an acceptable standard of accommodation for future occupants.

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 proposal would provide approximately 310 sq. m of amenity space, the scheme provides 66 habitable rooms, including double rooms, with a requirement of 330 sq. m of amenity space, therefore 20 sq. m short of the requirement. The scheme has been amended to ensure that all the proposed flats would benefit from private amenity space, but some would have very limited amenity space, being served by small balconies of 2-3 sq. m. Even the 3 bed units with a requirement of 25 sq. m would only be served by approximately 5.5 sq. m of private amenity space. The majority of amenity space is provided by the communal area. Whilst a similar arrangement was considered acceptable on the 9 unit scheme, this scheme proposes a significant increase in units and now would have a marked increase in inhabitants, including family sized dwellings, relying on either small balcony areas for private amenity space, or the communal area, to supplement, with what would provide a relatively poor amenity area.

The location is close to Whetstone Town Centre, which provides access to a range of services, with public amenity space in the wider, though not immediate, area. SPG guidance does advise that with increased density it may be difficult to provide the required levels of amenity space, however, a shortfall can also point to over-development. The applicant has advised that, as per the council's SPG guidance, a contribution could be made through s106, equivalent to the shortfall, to improve public amenity space in the wider area.

The proposed shortfall is minor, and not dissimilar to many flatted developments in the borough, and beyond. This provision is considered acceptable.

Public amenity space in the area is not immediately accessible from the site - Swan lane Open Space is 500m from the site, and the local public realm provides little in the way of amenity value for future residents.

As a result, it is considered a contribution of £50 sq m x 20 sq m (£1,000) of shortfall on these units can be justified, and the contribution, securable through a s106 obligation, could be used for use in improvements to local amenity space, and perhaps Swan Lane Open Space. It is considered that such an obligation would meet the test of CIL Regulation 122, and would be necessary to make the development acceptable in planning terms.

Room Stacking:-

The proposed internal stacking of the units is considered acceptable.

Accessibility:-

The proposed development would be required to be designed to comply with M4(2) & (3). This can be secured via condition.

Privacy and overlooking:-

Window placements are such that there is no internal overlooking between units.

Daylight and sunlight:-

On the basis of the proposed layout, arrangement and design of the units, in addition to the orientation of the proposed dwellings, it is considered that the proposed development would provide adequate daylight and sunlight to future occupiers.

Conclusions on the amenities of future occupiers:-

There is some concern with the outlook afforded to some units and the level of amenity space provision, however it is considered that this would not have a detrimental impact on the amenity of future occupiers and can be accepted. It is considered the number of units proposed and the quality of the accommodation can be accepted.

Impact on amenity of neighbouring occupiers:

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users.

Barnet's Sustainable Design and Construction SPD (2016) contains standards of distancing for new development to prevent overlooking and loss of privacy. It states that a minimum of 21 metres is required between facing windows of habitable rooms and a minimum of 10.5 metres between windows and neighbouring amenity spaces.

It is acknowledged that for the occupants of No.291, adjacent to the site to the south, there will be a marked difference in development of the adjoining plot. However the plans indicate that there is either a minimum separation distance between the flank windows of the proposed building and the side boundary, or the directing of windows/balconies away from the boundary, or high level placing of windows. It is not considered that the proposed building would cause an unacceptable overbearing impact on the neighbouring occupiers or facilitate harmful overlooking of the neighbouring garden.

The submitted daylight and sunlight report demonstrates that there will not be undue overshadowing of the neighbouring garden. A good level of outlook could still be maintained, and the east facing garden would receive a direct supply of sunlight for a large section of the day.

Additionally, the provision of a communal garden and improved planting along the shared boundary will provide natural screening between the sites. The amended development will have an acceptable impact on the residential amenities of the neighbouring occupiers at No. 291, notwithstanding the increase in occupation.

Concern has been raised that the scheme would result on unacceptable impacts on privacy in relation to the adjoining school (Alma Primary School). Whilst an additional floor had been initially added, the scheme is reduced to a similar size to the extant scheme. Measures can be put in place to prevent harmful overlooking, and once again there is no outlook on the northern elevation facing Alma Primary School that would facilitate harmful overlooking of the school site. High level and obscure glazing can be agreed by condition, any clear windows would comprise angled or oriel windows facing away from the school's play areas. It is not considered that the northern elevation would have an unacceptable overbearing or overshadowing impact on the neighbouring school. As such, this relationship is considered to be acceptable.

To the rear, the site borders a recent development of residential dwellings on McReady Road. The orientation of the nearest of these dwellings to the site is such that their flank walls face the site. These do not contain habitable room windows. As such, the proposed development will not facilitate harmful overlooking with the neighbouring dwellings. Proposed balcony areas will face towards No.9, but rear amenity areas would remain sufficiently private.

A submitted Daylight/Sunlight Survey (Right to Light) confirms there would be no serious loss of daylight/sunlight to existing windows or private amenity areas bordering the site, and with the potential to be impacted.

Additionally, existing trees on this boundary provide some additional screening between the sites. Subject to these being retained, as can be ensured through conditions, it is considered that the proposed development would not be unduly harmful to the residential amenities of the properties on McReady Road.

In conclusion it is considered this increase in density, over the extant scheme, could be facilitated without causing undue impact on the amenity of adjoining residents.

Highways and Parking:

The site fronts directly onto the Friern Barnet Lane, Whetstone and it lies just on the edge of the town centre and it is flanked by a mixture of commercial and residential properties. The site is not in a CPZ but there are waiting restrictions in the vicinity of the site. The site lies in area with a PTAL rating of 3 (average) and 7 bus routes can be accessed from stops within 5 minutes walking distance of the site and the nearest bust stop is directly in front of the site. Totteridge and Whetstone tube station on the northern line is 11 minutes walking distance from the site.

Replacement of the existing building with a new development comprising 20 residential units. Based on Policy DM17, (2xstudio, 11x1 bed, 4x2bed & 2x3bed) will attract a maximum allowable parking provision of between 6 - 23 spaces. Based on the PTAL rating of 3 (average), the provision of 15 car parking spaces, including 2 disabled spaces will be acceptable to Highways officers.

It is noted parking standards in the London Plan 2021 would attract a maximum provision of 15.5 spaces.

The proposed provision of 14 spaces including 3 disabled bays leaves a shortfall of 1 parking space over local standards. Overnight parking surveys have been carried by the applicant in accordance with Lambeth Methodology and this showed that there were 73 spaces available in the area of which 25 spaces were on Friern Barnet Lane. Daytime surveys were also carried out on 20 July 2021 and this showed that out of a potential 157 spaces, 144 were occupied by cars and 13 spaces were available on-street including 7 on Friern Barnet Lane. Highways therefore consider that it is likely that the displacement of 1 vehicles can be accommodated on-street and unlikely to have a discernible impact on local parking conditions.

The internal layout of the site is satisfactory and it appears a minimum aisle width of 6 metres is ensured behind the parking spaces. It is proposed to retain the northern access and close the southern access to the site. The southern access will therefore need to be reinstated to footway. The southern access will therefore need to be reinstated to footway. This involves work on the public highway for which a s184 licence is required.

The location of cycle parking is not ideal as cyclists manoeuvring their bicycles from the cycle store will come into conflict with vehicles travelling up/down on the internal road. A safety audit of the internal layout is therefore requested. The gates should be set back at least 5 metres from the edge of the public highway. Also, there appears to be a pinch point on the bend on the internal road by the first disabled bay and so a drawing showing the swept paths of a vehicle negotiating this pinch point is requested prior to determination. Proximity of the northern access to that of Alma School has been raised as an issue. This is because of the potential turning conflicts that may result. While the number of vehicles movements generated by the development is low, because of the presence of school children and heavy pedestrian movements during the morning peak, Highways will request that a safety audit of access is arranged by the applicant. Highways would accept if this was attached as a planning condition.

A Safety Audit has been submitted (Cole Easdon) and following the findings of the audit, highways have requested a contribution of £15,000 towards associated highway works, given the close relationship with the school. The applicant has agreed this contribution.

Based on London plan standards, a minimum of 32 long stay cycle parking spaces and 2 short stay spaces is required. 42 cycle parking spaces are proposed which is acceptable. Long stay cycle parking should be provided in a secure, covered, lockable and enclosed compound. Elevations of the cycle store, dimensions of the store and gaps between stands have not been provided. Details of cycle parking are requested by way of a planning condition.

Based on London Plan standards, it is requested the 20% of spaces are provided with active electric charging points and the remaining 80% of spaces are fitted with passive infrastructure. This equates to 3 active and 11 passive electric charging points. This is to be secured by way of a planning condition.

Refuse storage and arrangements for roadside collections as set out in the transport statement and shown on the ground floor block plan and are acceptable. Elevations of refuse store are requested and this can be secured by way of a planning condition.

A demolition and construction management and logistics plan as well as highway condition surveys are requested by way of planning conditions.

A residential travel plan has been submitted by the applicant. A contribution of 5k is requested towards travel plan monitoring and a sum of £3,000 towards travel plan incentives (£150 per household) are requested. Given local concerns relating to parking in the area the travel plan is welcomed. The recommendations in the travel plan can be secured via a s106 agreement

Highways would raise no objection subject to the s106 contribution of £15,000 towards highway works (a contribution of 10k for pedestrian improvements and 5k for parking restrictions), £5,000 towards travel plan monitoring and £3,000 towards travel plan incentives as well as the conditions discussed above.

Trees and Biodiversity

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that trees should be safeguarded and that proposals will be required to include hard and soft

landscaping. This policy also states that when considering development proposals, the Council will seek the retention and enhancement, or the creation of biodiversity.

Trees

The council's Trees Officer has been consulted and provided comment;

"Trees located on the adjoining land are protected by an area Tree Preservation Order (TRE/BA/86/A1) dated 2014 and are shown as T1 to T5 on the applicant's plan. The proposal requires the loss of a poor quality holly tree in at the front of the site, which would need to be replaced with a similar tree species. The impact on the trees growing on adjoining land is broadly acceptable if all aspects of the submitted Arboricultural Method Statement and Tree Protection Plan are fully implemented. The site is level and there should be no level change issues as parking is proposed on the ground floor".

These measures can be secured by conditions.

Ecology

An Ecological Impact Assessment (ECOSA December 2020) has been submitted. The development does not fall into any of the categories listed by Natural England that would require consultation.

The report states that 'Overall the building is assessed as having negligible suitability for roosting bats and none of the trees contained any features suitable for roosting bats and are all assessed as having negligible suitability for roosting bats' Therefore, further bat surveys are not required. The ecologist confirms that the information submitted is acceptable, conditions relating to nesting birds, bat boxes and ecological enhancements are recommended.

Recommendations

If at any time following the start of demolition works, a bat roost or evidence of a bat roost is observed, all work would need to cease until a suitably licensed bat ecologist has been consulted and advice sought on how best to proceed under current laws and legislation. Where a bat roost is identified, destruction of the roost would usually need to be covered by a European Protected Species (EPS) Licence obtained from Natural England. The planning authority would need to have sight of any mitigation strategy developed for a licence application in order to address their obligations under The Habitats and Species Conservation Regulations 2018 (as amended). If demolition is delayed for more than one-year after the date of the bat survey (August 2020), repeat bat surveys should be undertaken.

Drainage Comments

The LLFA request a Flood Risk assessment, as, though the site is in Floodzone 1, it is within a Critical Drainage Area. The LLFA have commented on an updated Flood Risk assessment and raise no objections. Recommendations contained within could be agreed by condition.

Environmental Health

The Environmental Health section of the council has been consulted and raise no objection subject to conditions. These include requirements regarding acoustic mitigation, air quality neutral and air pollution mitigation measures, and contaminated land risk assessment.

Refuse/Recycling

The bin provision and storage area is acceptable to the Street Scene Operations team.

MET Police

The Crime Prevention Officer has reviewed the submission and concludes no objection to this proposal, and would respectfully request that a planning condition is attached to any approval, whereby this development must achieve Secured By Design accreditation, prior to occupation. Any approval could be conditioned accordingly.

Sustainability

In respect of carbon dioxide emission reduction, the updated Energy Statement (SHA Environmental) advises that the scheme has been designed to achieve at least a 35% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is to comply with the requirements of the London Plan (2021), Policy SI2. and a condition would be attached to any permission to ensure compliance with this Policy. It is noted photovoltaic panels are incorporated into the scheme on the roof of the building. The indicative report advises that a 100% saving on carbon emissions can be made.

Policy SI.2 of the London Plan notes that carbon reductions must be achieved on-site as far as possible and a cash contribution for the shortfall will only be considered in circumstances where it has clearly been demonstrated that no further savings can be achieved on-site. The London Plan has set a carbon price of £95 per tonne calculated over 30 years. The submission indicates the scheme could make a 100% reduction and as such no in lieu payment has been included.

In terms of water consumption, a condition would be attached to any permission to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy SI5 of the London Plan 2021.

The proposed development therefore could be conditioned to meet the necessary sustainability and efficiency requirements of the London Plan in the event of an approval.

Barnet and Mayoral Community Infrastructure Levy:

The proposed development is liable for charge under the Barnet Community Infrastructure Levy (CIL) and is liable for charge under the Mayoral CIL.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sqm 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 sqm on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

5.4 Response to Public Consultation

- Concern that the proposal will result in loss of amenity to the adjoining school, in terms of privacy, overlooking and overshadowing, causing a significant infringement on amenity. Fourth floor balconies provide an open aspect over the school boundary.

It is considered that the scheme has been designed to prevent overlooking of the school, and suitable measures could be agreed by condition.

- Additional height, bulk and scale over the approved 9-unit scheme is total out of character for the area.
- Proposal looks out of place in a suburban setting.
- 3 storey is the maximum height suitable along this road.

An analysis of the additional built form has been carried out within the report, the submission has been reduced to a similar form as the 9 unit scheme.

- The dwelling mix is contrary to adopted and emerging policy and does not provide family sized dwellings.
- Loss of community/employment space is inappropriate.
- The proposal would result in the loss of a community/health facility contrary to policy DM13.

Addressed within the Principle of Development section.

- The proposed development would significantly exacerbate existing problems and add very considerable road safety danger next to a school and for the children at the school. It is clear that the parking provision for the proposed development is inadequate.
- Concern about disruption to drop off at adjoining school - parking level provided is inadequate.
- Daytime parking in this area is under maximum stress including along Friern Barnet
- The school needs this space for additional parking. The Friern Barnet Lane is currently unusable with the amount of cars using it along with Alma primary.
- Inadequate attention seems to have been paid to the issue of congestion in Friern Barnet Lane. The upper section of the Lane, including the application site, is frequently blocked as the two streams of traffic are simply unable to pass one another.

Professional highways advice has been provided on these matters and raise no concern subject to conditions and s106 obligations.

The scheme provides an acceptable level of parking. There can be no compulsion on a private landowner to provide overspill parking for the school

- The proposed development provides zero affordable housing and instead proposes a negligible payment in lieu of £23k.

Addressed within the report, following negotiations on viability.

- The outdoor amenity space provided falls short of the minimum required by the Council's standards for external amenity space, pursuant to Policy DM02

- This is an over-development of a small plot.
- The proposed dwellings are under-sized.

As discussed above, the council should, when balancing material considerations be mindful of a policy desire to increase density and use previously developed land more efficiently, when the opportunity arises.

- Concern about disruption during construction and potential instability issues with adjoining buildings.

Conditions can be used to limit disruption during construction and a Party Wall Agreement would be put in place with regards to ensuring neighbouring sites are not put at risk.

- The proposal will entirely overlook our garden area.
- The proposal will overlook adjoining properties and cause a loss of daylight/sunlight.

It is considered that the scheme design, and the use of conditions, will prevent serious overlooking of adjoining plots.

- The proposal will overshadow the playground.

Any level of overshadowing would not seriously compromise the amenity or usage of the playground area, the proposed bulk is similar to the extant scheme.

- Daytime parking in this area is under maximum stress including along Friern Barnet Lane, causing road traffic, obstructions along the carriageway for buses and emergency vehicles and additional pollution.
- The issue in this area is daytime parking and not overnight parking, as considered in the parking surveys submitted.
- Parking surveys are flawed and were undertaken during the pandemic.
- The education, welfare and safety of Barnet's children is paramount. The proposed development will adversely affect all three so far as the children of Alma Primary are concerned.
- No consultation between the Community Security Trust (CST) and the developer

It is not considered this scheme would adversely affect the education, welfare and safety of children at the adjacent school.

- Refuse strategy will result in bins stored on the street

The Highways Section raise no objection to the proposed refuse collection and storage arrangements. The bin provision and storage area is acceptable to the Street Scene Operations team.

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 the proposed level of development can be accepted. The concerns of residents are noted, but the level of parking is deemed acceptable and it is considered this proposal could be facilitated within the local area without undue harm to the existing amenity of the local community. In light of the above it is therefore recommended consent is granted subject to conditions and s106 contributions.