

Location **Thatcham Court High Road London N20 9QU**

Reference: **22/3458/FUL** Received: 4th July 2022
Accepted: 4th July 2022

Ward: Barnet Vale Expiry 29th August 2022

Case Officer: **Mansoor Cohen**

Applicant: Mr Jeremy, James and Julian Margolin

Proposal: Erection of a 3 storey building to provide 2no self-contained flats following demolition of the existing bin and general store. Associated parking, cycle store, refuse and recycling store

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

Site Location & Block Plan - 20003-GRA-ZZ-ZZ-DR-A-PL001 Rev 5
Existing Site Plan - 20003- GRA-ZZ-ZZ-DR-A-PL002 Rev 4
Existing Ground Floor/Roof Plan - 20003-GRA-ZZ-ZZ-DR-A-PL003 Rev 4
Existing Front/Side Elevations - 20003-GRA-ZZ-ZZ-DR-A-PL004 Rev 4
Existing Rear/Party Wall Elevations - 20003-GRA-ZZ-ZZ-DR-A-PL005 Rev 4
Existing Sections - 20003-GRA-ZZ-ZZ-DR-A-PL006 Rev 4
Existing 3D Views - 20003-GRA-ZZ-ZZ-DR-A-PL007 Rev 4
Proposed Site Plan - 20003- GRA-ZZ-ZZ-DR-A-PL008 Rev 4
Proposed Floor Plans - 20003-GRA-ZZ-ZZ-DR-A-PL009 Rev 4
Proposed Front/Side Elevations - 20003-GRA-ZZ-ZZ-DR-A-PL010 Rev 4
Proposed Rear/Party Wall Elevations - 20003-GRA-ZZ-ZZ-DR-A-PL011 Rev 4
Proposed Sections - 20003-GRA-ZZ-ZZ-DR-A-PL012 Rev 4
Proposed 3D Views - 20003-GRA-ZZ-ZZ-DR-A-PL013 Rev 4
Swept Analysis Plan - 20095 TR001 Rev A
Design & Access Statement and Planning Statement (Greco and Rabin July 2022)

ROAVR Environmental, Arboricultural Implications Assessment, dated 20/09/2020

Tree Protection Plan dwg no 20_5837_09_27

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

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

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies D3, D4, D5 and D6 of the London Plan 2021.

- 4 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the Tree Protection Plan (ROAVR Environmental 20_5837_09_27 Site: Thatcham Court, 10 High Road, London, N20 9QU report and Tree Protection Plan dwg no 20_5837_09_27) approved has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G7 of the London Plan 2021.

- 5 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning

Authority prior to the occupation of the hereby approved development.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and G7 of the London Plan 2021.

- 6 Prior to occupation of the development the proposed parking spaces within the parking area as shown in Drawing No. 20003-GRA-ZZ-ZZ-DR-A-PL008 - Rev. 4 submitted with the planning application and the access to the parking area from public highway shall be provided. The access to the parking spaces shall be maintained at all times. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012 and policy T6 of the London Plan 2021.

- 7 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, before the development hereby permitted is occupied, 2 (long stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of cycles in connection with the approved development.

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

- 8 a) No development or site works shall take place on site until a 'Demolition and

Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

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

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

2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

- 11 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy SI5 of the London Plan 2021.

- 12 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policy SI2 of the London Plan 2021.

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

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

- 14 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).

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

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

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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.

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

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

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

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

- 4 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

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

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

- 5 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 6 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 licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licences or email highwayscorrespondence@barnet.gov.uk.

OFFICER'S ASSESSMENT

1. Site Description

The application site is located on the eastern side of the High Road, between the junctions with Buckingham Avenue and Thatcham Gardens, and is occupied by a three/four storey block of 31 residential flats. The flats are set on a landscaped plot which includes some mature trees, and a row of lock up garages and an amenity area are located to the rear. These ancillary facilities are accessed from Buckingham Avenue.

The immediate area is residential in character and the rear of the site abuts dwellings on Thatcham Gardens and Buckingham Avenue. The blocks are finished in brick with white uPVC windows. There are blocks of flats opposite the site, and the wider areas also contains flat complexes. Thatcham Court is approximately 200m to the north of Whetstone Town Centre, and a parade of shops is located opposite, across the road entrance to Buckingham Avenue.

2. Site History

Reference: 20/4703/FUL

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

Decision: Refused

Decision Date: 02.12.2020

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

Reason: The proposed development, by reason of the contrasting material finish, colour and visual appearance would have a discordant and would not relate sympathetically with the host building, resulting in a scheme which would be visually jarring, causing harm to the character and appearance of the existing building which would be out of keeping and detrimental to the character and appearance of the site and the wider locality. As such would be contrary to policies CS1, CS5 and CS NPPF of the Adopted Core Strategy (2012) and policy DM01 of the Local Plan Development Management Policies DPD (2012).

Reference: 21/0730/FUL

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

Decision: Refused

Decision Date: 22 July 2021

Appeal Decision: Dismissed on 21 February 2022, ref: APP/N5090/W/21/3282190

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

Reason 1: The proposed development would fail to provide an appropriate mix of units, which would fail to contribute towards the identified shortfall of family units within the Borough or create inclusive and sustainable communities contrary to policy CS10 of Barnet Council's Core Strategy (adopted) 2012; policy DM08 of Barnet Council's

Development Management Policies (adopted) 2012; and policy H.10 of the London Plan (2021).

Reason 2: The proposed development by reason of its height, bulk and scale would have a discordant appearance and would not relate sympathetically to the host building and would detrimentally harm the character and appearance of the site, the street scene and the wider surrounding area. As such the proposal is contrary to policies CS1, CS5 and CS NPPF of the Adopted Core Strategy (2012) and policy DM01 of the Local Plan Development Management Policies DPD (2012).

3. Proposal

The application seeks planning permission for the 'Erection of a 3 storey building to provide 2no self-contained flats following demolition of the existing bin and general store. Associated parking, cycle store, refuse and recycling store'.

This is a revised application following the refusal of consent for application 20/4703/FUL (as above) and subsequent to this refusal of 21/0730/FUL. The latter being subject to an appeal decision (referenced above) in which the appeal was dismissed on 21 February 2022.

This application seeks to overcome the reason of refusal considered by the Inspector and differs in the following manner:

- A reduction in height to three storeys (previously four storeys)
- Recessed front elevation to align with the adjacent existing building line
- Variations in architectural detailing, fenestration and projecting balconies

The new build would measure 7m in width, 10m in depth and a height of 8.75m to its flat roof. Rooftop mounted solar panel which produce an overall height of 9m.

The material finish would largely resemble those proposed in the previous application being of a red blend facing bricks with a running bond pattern and featurette green glazed bricks to all elevations. White aluminium framed windows and doors are proposed to the previously proposed grey colour.

The proposal would provide 2no. one bedroom units to the first and second floor with ancillary facilities on the ground floor, and 2 parking spaces within the green landscaped area fronting the building. Projecting balcony areas would feature to the front elevation.

4. Public Consultation

Consultation letters were sent to 120 neighbouring properties. a total of 37 responses were received comprising 37 letters of objection. The responses received can be summarised as follows:

- Concern about disruption and disturbance particularly during the construction phase
- Increase in housing when there are lots of new builds in the locality
- Against the maximisation of revenue when current buildings are not maintained
- Concerns of over-development of the site.
- Concerns of overshadowing to garden area
- Concern about loss of open space and trees. Green space around the building for the benefit of residents will be lost.
- Concern about loss of area to dry linen area and leaseholder rights to this area

- Breach of leaseholder rights to plots of garden areas and rights of access
- Concerns regarding level of refuse/recycling bins
- The space for the current bins and additional bins will cause further congestion, increase traffic and make it very difficult for refuse collecting.
- Concern about increased parking, which will lead to increased parking stress in the wider area, congestion and pollution with no provision of electric charging points.
- Concern about loss of daylight/sunlight to adjoining residents and its importance to health and well-being.
- Concerns of loss of privacy and overlooking for adjoining flats.
- Concern that the proposal does not address refused schemes and only makes minor amendments.
- Repetitive applications for similar development
- Proposal will undermine local character and not match the existing building
- Out of keeping with the existing building, particularly projecting balconies, differing colour facing brick and overall design
- Building would be higher than the existing building
- One bedroom units would not contribute towards family housing
- Increased pressure on local services.
- Concerns of subsidence/structural integrity
- Concerns over loss of tenants and thereby income due to construction works
- Concern the design will be out of place amongst 20th Century development
- Concern the proposal would impact on the rights of leaseholders by building over gardens and demolishing the bin store/drying area.
- The dwellings will be too close to an electrical sub-station and has the potential to cause serious health issues for any residents.
- Concern about impacts on the health of residents, particularly elderly residents.
- Concern about highway safety and vehicles being able to safely enter the site.
- The proposal will lead to a loss of trees and greenery.
- Inaccuracies noted within the submission relating to the central courtyard as opposed to individual gardens/patios.

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

I note that, to date, there are 26 objections to the application. Many of these mention the fact that the proposed building is not in keeping with Thatcham Court or the surrounding area; and is an over-development of the site.

Although the developer has reduced the height of the building from that which was refused on appeal, the same issues of concern remain, including the reduction in the area of green space available to the residents of Thatcham Court; lack of parking being provided which will add to the difficulties in the surrounding area; and the loss of the clothes-drying area because many residents of Thatcham Court do not have access to clothes drying facilities and that there are no launderettes nearby.

There are also comments relating to being overlooked causing a loss of privacy and also obstructing their light.

I note that the reasons for refusal of the 2021 application, I believe that this latest application fails to address these reasons for refusal. I would therefore be grateful if the planning committee would take the views of local residents into consideration before reaching a decision. Please also inform them that I share my constituents' concerns about the application and believe it should be refused.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was updated on 20 July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth. 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, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

Barnet's Draft Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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 and the stage that it has reached.

Supplementary Planning Documents

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of Proposals

Planning History

As detailed above this application follows the refusal of consent for a similar style scheme under application 21/0730/FUL. This application was subject to the scrutiny of the Planning Inspectorate, in which the appeal was dismissed primarily on mass, size and scale. The Inspectors decision forms a material consideration in the assessment of this application. Any new submission would need to adequately address the previous concerns which will be discussed in greater detail under the character and appearance section below.

Principle of development

Flats/Previously Developed Land

Under the previous application the following was stated within the officers delegated report:

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

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

Density

Under the previous application the following was stated;

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

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

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

and;

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

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

In accordance with London Plan policies, higher density development in this location is therefore deemed acceptable subject to the considerations further detailed.

Unit Mix

The LPA considered the previous scheme would fail to provide an appropriate mix of units by only providing one bedroom units and therefore not meeting the identified shortfall of family homes. This aspect was subject to review by the Planning Inspectorate, relevant extracts are provided below:

Paragraph 5: "Policy CS4 of the CS sets out that successful communities shall be created by, amongst other provisions, seeking to ensure the delivery of a range of dwelling sizes and types of housing including family and lifetime homes, that meets identified housing priorities. Policy DM08 of Barnet's Local Plan Development Management Policies (September 2012) (the DMP) indicates homes with four bedrooms to be of highest priority and homes with three bedrooms to be of medium priority."

Paragraph 6: "The proposal that is before me would exclusively deliver one-bedroomed flats, which does not align with Council priorities that are centred upon the provision of family-sized units of accommodation. Nevertheless, the site under consideration is of limited size and its constraints do not readily lend it to accommodating multiple units of larger accommodation. When also factoring in the modest number of additional units to be provided, I find that the intended housing mix would not undermine the Council's delivery priorities. Indeed, the 3 additional flats proposed would make valid contributions in the senses of promoting market choice and meeting housing need."

In this context, the proposal differs by providing 2no. one bedroom units as a result of the reduction in scale. Taking into consideration the Inspectors comments and the site

constraints it is considered that the proposal would contribute to the boroughs housing mix and needs.

Conclusion

Taking all of the above matters into consideration, and as previously considered, the principal of this development is considered acceptable subject to further considerations as set out below.

Character and appearance

Development proposals are required to reflect the character of their street and the scale and proportion of surrounding houses. This is supported by Policy DM01 of Council's Development Management Policies which states that development should understand local characteristics and 'preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The differences between this application and the previously refused application are as follows:

- A reduction in height to three storeys (previously four storeys)
- Recessed front elevation to align with the adjacent existing building line
- Variations in architectural detailing, fenestration and projecting balconies

The Inspector stated the following in respect of the refused scheme:

Paragraph 10: "The stepped building heights that can currently be observed to Thatcham Court are sympathetic to the makeup of the site's surroundings and ensure that the central section is set away from low-rise residential development. In contrast, the four-storey building that is proposed, which would exceed the overall height of the central section, would fail to respect the transitions in building height that can currently be observed. Furthermore, being stepped closer to the highway when compared to the three-storey part of Thatcham Court that it would sit alongside, the new building would occupy a particularly prominent position in the streetscene."

The Inspector therefore concluded:

Paragraph 11: "Therefore, whilst a relatively limited extent of new hardstanding is proposed and the intended architectural style, fenestration and external-facing materials of the new building would be suitably sympathetic to the current composition of Thatcham Court and its immediate surroundings, the height, scale and visual prominence of the proposal would be excessive and lead to an unduly bulky, discordant and over-dominant form of development materialising."

To this end, this application has sought to overcome these concerns by reducing the overall scale of the building by one storey, and setting back the front elevation to align with the adjacent front building line of Thatcham Court.

The effect of these amendments result in a more streamlined development that would be more akin to a continuation of the existing building and conforming to the adjacent building height whilst allowing a degree of variation articulated through projecting balconies and fenestration detailing. It is noted that due to the parapet top the height would marginally protrude (0.3m) beyond the flat roof of the existing building, however, this is considered to be modest in scale and the overall proportions, mass, bulk and scale would respect the existing building and acceptably integrate into street scene.

The Inspector considered the architectural style and facing materials would be 'suitably sympathetic' to the existing building. This scheme does not differ in this respect and officers consider, the use of materials to include the red blend facing brick, green glazed bricks, white framed windows and balconies all to be characteristic of the existing building and draw sufficient reference from the materiality of the existing building to assimilate acceptably. Further details of materials to ensure a high quality finish can be secured by way of a condition.

With regards to the new hardstanding within the green verge fronting Buckingham Avenue, the Inspector considered this to be relatively limited. The hardstanding in this application has been further reduced as result of the reduced parking provision to suit the number of units. This facilitates an area fronting the car parking spaces to provide replacement tree planting and therefore soften the visual impact of the development as a whole. This aspect is therefore considered acceptable.

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

The proposal does include a replacement tree fronting the parking spaces and details of this and the surrounding hard and soft landscaping can be secured by way of a condition.

In summary, it is considered that reduced scale and alignment with the existing building (front and back) aptly overcome the previous reason for refusal and ensure the new building respects the proportions and scale of Thatcham Court.

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

The previous schemes were not considered to result in adverse impact to neighbouring occupiers. The current scheme is reduced in scale and depth and therefore, it is not considered that the previous assessment would differ in this respect. Nonetheless, this assessment is outlined below.

The new building would align with the front and rear elevation of the building it adjoins, as such it is not considered that any harm would arise to the existing adjoining neighbours by way of overshadowing, loss of light or creating a sense of enclosure.

Whilst some loss of sunlight would be had to the rear garden areas, this would be to a limited extent and not so adverse so as to render these spaces as deficient and unusable.

The northern wing of Thatcham Court would be set in excess of 25m from the rear elevation of the new building thereby complying with the 21m minimum separation distance required.

To the east lies no.2 Buckingham Avenue, a two storey detached dwelling house. Its flank elevation abuts a row of garages associated with Thatcham Court. The flank elevation of the new build would be set some 15m from the neighbouring flank and therefore would not result in an adverse impact in terms of overshadowing or loss of light.

In terms of privacy and overlooking, the proposal features front projecting balconies, which are set approximately 2.7m from the adjoining residents. Given this separation distance, it is not envisaged that any demonstrable harm could arise in this regard. In addition, a condition can be imposed to apply privacy screening that would suitably mitigate any contended impact.

It is noted that no.2 Buckingham Avenue does not feature any upper floor windows in its flank elevation facing the development therefore the narrow style flank windows facing this neighbour do not pose any concerns of overlooking or loss of privacy. It is also highlighted that these serve as secondary windows for either a kitchen or hallway thereby limiting any impact.

Living standards for future occupiers

Floor Area:

The London Plan (2021) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum internal space requirements for residential units.

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

1 Bed/1 person: London Plan requirement = 39m² - 47m² provided.

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

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

Each bedroom measures 11m² in floor area and measures in excess of 2.15m in width, therefore exceeds the requirements for a single bedroom.

Floor to ceiling height:

The London Plan 2021 states that a minimum ceiling height of 2.5 metres is required for at least 75% of the gross internal area of a dwelling.

A floor to ceiling height of 2.4m is provided throughout each of the flats which falls short of the required standard. The submitted Design & Access Statement states this is to maintain floor to floor heights that are closely aligned to that of Thatcham Court, and to not exceed the adjacent roof level. It is noted that the floor to ceiling height achieved would exceed that of the nationally prescribed space standards which requires 2.3m. Taking this into consideration along with any increase in height which would likely compromise the scale and design of the building and fail to integrate with the existing building, in this instance, this aspect is considered acceptable.

Light/outlook:

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

Both units would be dual/triple aspect with ample glazed areas to ensure an acceptable level of outlook and daylight / sunlight.

Amenity Space:

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

The proposed two units are served by an individual balcony area providing 5m² of private amenity space per unit. The required provision is 15m² per unit (30m² in total). In previous applications, it was considered that the shortfall of outdoor amenity space was considered acceptable due to the existence of access to public amenity spaces such as Brook Farm Open Space and the proximity to the town centre and public transport links to other areas of public amenity provision. Furthermore, Thatcham Court is set in a landscaped plot, which in itself could act as ancillary communal open space for all residents.

Officers note in addition, that London Plan Standards set a minimum of 5m² of private outdoor amenity space for 1-2 person dwellings which this proposal would comply with.

Taking into consideration all of the above and the single occupancy of each unit, it is considered that the amenity provision is acceptable.

Accessibility:

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

Highways

Buckingham Avenue, N20 is a predominantly residential road comprising up to two-storey detached and semi-detached residential properties, whilst there is a mix of residential, commercial, retail and business office units on the A1000 heading south. The site lies on the edge of Whetstone Town Centre and in close proximity to local amenities and shops.

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

The proposal is for the demolition of the existing single storey bin storage building and to erect a three-storey building consisting of 2 x 1 bedroom 1 person residential flats. A total of provision of 2 off-street car parking spaces will be provided to the southern side of the building footprint in proximity to the private driveway entry, equating to one space per unit.

No changes are being proposed to the existing vehicular access. The grass verge proposed to be used as the new car parking area appears to be maintained privately. The applicant has provided a swept path analysis which shows that both spaces can be safely accessed and egressed.

Highways have reviewed the provision and confirmed this to be acceptable and in accordance with Policy DM17.

Despite neighbouring objections, given a parking space per unit is provided, it is not considered that there would be any additional demand for on street parking spaces from these units, that would result in unacceptable highway impact or congestion.

Cycle Parking and Storage:

A dedicated cycle storage area would be located within the ground floor of the new building and accessed from the front elevation. In accordance with London Plan standards, a provision of two cycle spaces would be required which could be adequately accommodated within the proposed store.

Refuse/recycling Storage:

A dedicated bin store would be located within the ground floor of the new building and accessed from the rear elevation. This somewhat resembles the existing provision arrangement. The submission has been reviewed by the street scenes team who have confirmed the new store would be capable of accommodating the refuse/recycling bins for Thatcham Court and the proposed development and therefore acceptable. Further details of the refuse strategy and collection arrangement will be sought out through a condition.

Third Party Representations

Mainly addressed in the report. Other matters are addressed as follows:

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

As previously noted, Environmental Health have advised that the main concern is from live electricity, but in this case the sub-station is enclosed within a locked ancillary store building. The electro-magnetic fields at a distance of 4.0m would have no serious impact.

- Concern about loss of area to dry linen area and leaseholder rights to this area
- Breach of leaseholder rights to plots of garden areas and rights of access

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

issue, should a condition not be used.

- Inaccuracies noted within the submission relating to the central courtyard as opposed to individual gardens/patios.

This is duly noted and acknowledged. It is however noted that both the existing and proposed block plans annotate this area as 'Existing courtyard with individual gardens / patios', thereby acknowledging these private areas. The proposal does not incorporate any delineated changes to this area.

- Concern about loss of open space and trees
- The proposal will lead to a loss of trees and greenery.

As per the tree survey, the proposal does not require the loss of any on site trees and will provide a new tree fronting the proposed two car parking spaces. The loss of green space is very modest and reduced from the previous scheme in which the Inspector considered was acceptable. Details of the proposed new tree to soften the visual impact can be agreed by condition.

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

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

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

It is acknowledged that a number of elderly residents have raised concern with this proposal. Officers have judged the scheme on its planning merits and conclude that an acceptable development could be provided, subject to conditions. This will include conditions to manage disturbance during demolition and construction phases.

- Concern about loss of daylight/sunlight to adjoining residents and its importance to health and well-being.
- The proposal will lead to a loss of privacy for adjoining flats.
- Overshadowing of adjoining garden areas.

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

- Increased pressure on local services.

The small scale nature of the proposal would not unduly impact local services. Any approval would be subject to a Community Infrastructure Levy (CIL).

- Against the maximisation of revenue when current buildings are not maintained
- Concerns of subsidence/structural integrity
- Concerns over loss of tenants and thereby income due to construction works

These are not a material planning consideration.

- Concern that the proposal does not address refused schemes and only makes minor amendments.
- Repetitive applications for similar development

The amendments suitably overcome previously raised concerns. It is the applicants prerogative to submit applications so long as these are materially different, as is the case for this scheme.

6. Equality and Diversity Issues

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

7. Conclusion

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

