

Location 111 And 113 Edgwarebury Lane Edgware HA8 8NA

Reference: 22/2157/FUL Received: 22nd April 2022
Accepted: 22nd April 2022

Ward: Edgware Expiry: 17th June 2022

Case Officer: Dominic Duffin

Applicant: Mr & Mrs Devender and Neeta Kumari Arora

Proposal: Demolition of existing detached dwellings and construction of a part two, part three storey building comprising of 8no. self-contained flats. Associated amenity space, basement parking, and surface drop off point, refuse and cycle storage.

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:

Location Plan

Existing and Proposed site plans - 111-113_HA8 8NA_GA001 Version 4.1

Existing and Proposed block plans - 111-113_HA8 8NA_GA002 Version 4.1

Proposed overall ground floor / site plan - 111-113_HA8 8NA_GA003 Version 4.1

Proposed floor plans - 111-113_HA8 8NA_GA004 Version 4.1

Proposed Basement Plan - 111-113_HA8 8NA_GA005 Version 4.1

Existing and Proposed front (east) and side (north) elevations - 111-113_HA8 8NA_GA006 version 4.1

Existing and Proposed Rear (west) and Side (north) elevations - 111-113_HA8 8NA_GA007 Version 4.1

Proposed 3d street view - 111-113_HA8 8NA_GA008 Version 4.1

Proposed Sections - 111-113_HA8 8NA_GA010 Version 4.1

Proposed refuse collection strategy plan - 111-113_HA8 8NA_GA011 version 4.1

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.

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. The scheme should include details in the informative "Soft Landscaping" as attached to this decision, in order to ensure ecological enhancements.

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 development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy SI.13 of the London Plan 2021.

8 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.

9 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).

10 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development - including but not limited to externally generated traffic/mixed use noise - and measures to be implemented to address its findings has been submitted to and approved in writing 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

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policy D14 of the London Plan 2021.

11 The level of noise emitted from the plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and D14 of the London Plan 2021.

- 12 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing 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.

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policies D13 and D14 of the London Plan 2021.

- 14 Prior to any above ground works (excluding demolition) a Biodiversity Net Gain assessment and supporting plan that demonstrates biodiversity net gain including watercourses and details of landscape enhancements shall be submitted and approved by the local planning authority.

a) This document shall include details of habitat creation, enhancement measures for biodiversity gains that accord with the submitted DEFRA Metric calculation within the Biodiversity Net Gain Assessment (Arbtech Consulting, November 2022). This shall be incorporated into the scheme of the hard and soft landscaping, of the development. This scheme will include details of existing trees to be retained and size, species, planting heights, densities, positions of any soft landscaping, and habitat enhancements such as bird and bat boxes log piles etc appropriate to location 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 and biodiversity enhancements shall be carried at the most optimal time for wildlife and plantings. All works must be completed within 12 months after occupation before the end of the first planting and seeding season and when most optimal for when following

occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Informative:- No works shall be undertaken during outside of the species-specific activity period. Guidance can be found within BS 8683: 2021 A process for designing and implementing biodiversity net gain and BS42040:2013: Biodiversity - Code of practice for planning and development, and documents provided by the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Royal Town Planning Institute (RTPI) for approval.

Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01 & DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G5, G6 & G7 of the London Plan 2021 and Environment Act 2021

- 15 Prior to occupation of the development hereby approved, at least 2 x Habitat Bat Boxes (or similar) shall be installed into the newly constructed building as outlined within the submitted Bat Emergence and Re-entry Survey Report (Arbtech Consulting, August 2022), 2 x Woodcrete bird boxes, 1 x Apex Robin box (or similar) shall be installed within the building and/or retained rear boundary trees nearby (as appropriate), and at least 1 x Eco Hedgehog Nest Box, and 1x sunken log pile are to be installed on the boundaries of the site in accordance with the recommendations of the approved Preliminary Ecological Appraisal (May 2022) and guidance with 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA) as appropriate. Details on the specifications, location, aspect, and position of these species' enhancement measures shall be submitted by the applicant for approval by the Local Planning Authority.

Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

- 16 Prior to occupation of the development a) details of the location of at least 2 x hedgehog link gap (13cm x 13cm) at the base of the boundary fencing shall be submitted and approved by the local planning authority.

b) Prior to occupancy the approved hedgehog link must be installed in the base of the boundary fencing to ensure continued access for commuting hedgehogs through the garden. Photographs of the hedgehog gaps are to be submitted as evidence of compliance which shall be approved by the local planning authority.

Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01 & DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G5, G6 & G7 of the London Plan.

- 17 a) The building shall not be occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation 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).

- 18 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 Authority. Thereafter, before the development hereby permitted is occupied, 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 bicycles 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.

- 19 Prior to occupation of the development the proposed parking spaces, including disabled bays, within the parking area as shown in drawings no. 111-113_HA8 8NA_GA005 R.2.01 submitted with the planning application and the access to the parking area from the public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 20 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 20% passive electrical charging facility. 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 T.6 of the London Plan.

- 21 Notwithstanding the plans submitted, prior to occupation of the development, details of the passing places, access ramp gradient leading to the basement car parking area, car park layout, including the access to the parking area from public highway and the car ramp warning (signal control) system, including maintenance contract details, together with headroom clearances along the ramp and within the parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details. The gradient shall not exceed 1:10 otherwise the gradient would need to be constructed in accordance with the guidelines in IStructE Design recommendations for multi-storey and underground car parks.

Reason: In the interests 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.

- 22 a) No above ground works shall commence, other than demolition works, until the applicant has submitted an application under Section 278 of the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed by the Highways Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

b) The approved highway works shall be implemented before the development is first occupied.

Reason: To ensure that the works on 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.

- 23 All off-site highway works shall be carried out fully implemented to the satisfaction of the Local Highway Authority prior to first occupation of the 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

- 24 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.

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.

- 25 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

- 26 a) Before the development hereby permitted is first occupied, details of privacy screens (rear gardens/balconies) 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).

- 27 Before the building hereby permitted is first occupied the proposed window in the south elevation facing 109 Edgwarebury Lane shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 28 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.

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

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

- 30 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.

- 31 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).

- 32 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 Polices document (2012), Policy SI 2 of the London Plan (2021) and the 2016 Mayors Housing SPG.

- 33 No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure in accordance with Policy SI 13 of the London Plan 2021.

- 34 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).

Informative(s):

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

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 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.

- 4 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.

- 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 It is recommended that the creation of the modified grassland should utilise species rich seed mix or turf. This mix should consist of a ratio of 70/30 native grass to flowering plants as such flowering plant species and grasses provide high value to pollinating insects including bees, butterflies. An example of a potential species rich meadow seeding mix includes Boston Seed Dual Purposed Wildflower Meadow Seed Mix BSXM 70/30 and for the amenity lawn Emorsate Seed Strong Lawn Grass Mixture EG22.

Any proposed tree and shrub planting should incorporate native species rich plantings and consist of native berry producing shrub species such as hawthorn, blackthorn, spindle, field maple, hazel, and hornbeam. A best practice approach would be to apply a '10-20-30' formula to develop a diverse tree/hedge population - no more than 10% of any species, 20% of any genus or 30% of any family. These species will provide ideal foraging and sheltering habitats for a variety of species including nesting birds, invertebrates, and foraging mammals. In addition, night scented plants should also be incorporated into a detailed planting schedule where feasible. An extensive list of suitable plant species can be found on the RHS advice page <https://www.rhs.org.uk/advice/pdfs/plants-for-bats.pdf>. The provision of bat friendly planting is in Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

- 7 If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Highways Development Control Team.
- 8 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that photographic survey shall be undertaken of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

To receive a copy of our Guidelines for Developers and an application form please contact: highway.development@Barnet.gov.uk. Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW, due to the current Covid-19 global pandemic, we have limited access to our offices, we therefore request that all new applications and requests be made via email.

- 9 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 10 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale London NW9 4EW.
- 11 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 12 Prior to commencement of works, the applicant will be required to obtain the necessary licenses and traffic orders from the Highways Authority. The applicant must contact the Council on 0208 359 2000 for any necessary Highways Licenses.
- 13 The applicant is advised that emergency services need to be consulted to ensure that the new development proposal meets the emergency access requirements.

- 14 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.

- 15 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.
- 16 Avoid all vegetation clearance during the active nesting bird season. If this cannot be reasonable avoided and any tree / vegetation clearance required to be removed during the active nesting bird season and cannot reasonable be avoided, then a nesting bird check must be conducted prior to commencement of clearance by a suitably qualified ecologist. Any active birds' nest that are discovered are to have an appropriate 5m protective buffer is to be place around the nest and the nest is to be retained until such time that the chicks have fledged.

There is a risk that nesting birds maybe negatively impact by the proposed clearance works should the works commence during the active nesting bird season.

Nesting birds and their active birds' nests are protected from damage of disturbance under the Wildlife and Countryside Act 1981, as amended (section 1). Generally, trees, buildings and scrub may contain nesting birds between 1st March and 31st August inclusive. It is considered that nesting birds are likely to be present between the above dates. You are advised to seek the advice of a competent ecologist prior to undertaking any works which could affect nesting birds during the period outlined above.

- 17 No artificial lighting near to or shining onto any boundary trees and shrubs is to occur pre/during and post development. Any artificial lighting scheme is to be designed to minimize the impact it has on potential bat roosting and commuting. Lighting should be in line with the BCT lighting guidelines (Bats and Lighting in the UK (Bat conservation trust, 2018) <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>). Any such artificial lighting should be of low level, be on downward deflectors and ideally be on PIR sensors. Using LED directional lighting can also be a way of minimizing the light spill affecting the habitat. No up-lighting should be used. This will ensure that the roosting and commuting resources that the bats are likely to be using is maintained.

OFFICER'S ASSESSMENT

1. Site Description

The application site is located on Edgwarebury Lane close to the junction with Edgware Way, within the Edgware ward. It contains 2 x two-storey detached dwellinghouses (No's 111 & 113). The surrounding area is predominantly residential in character, consisting of detached buildings comprising flats and single family dwellinghouses. Given the location adjacent to Edgware Way, the properties bookend a run of properties along the western side of Edgwarebury Lane.

The properties are served by residential gardens to the rear and beyond this, properties in Ashcombe Gardens run parallel to the site. Parking forecourts are located to the front of the dwellings.

The site is not within any conservation area, nor does it contain any listed buildings. The site has a PTAL Rating of 2.

2. Relevant Site History

Reference: 19/0110/FUL

Address: 111 Edgwarebury Lane, Edgware, HA8 8NA

Decision: Refused

Decision Date: 8 March 2019

Description: Conversion of existing dwelling into 6no self-contained flats following part single, part two storey side and rear extensions, demolition of the existing garage and part of first floor, roof extension involving new pitched roof, rear dormer window and front and side facing rooflights, changes to fenestration and creation of new window openings (amended description)

Reference: 19/4390/FUL

Address: 111 Edgwarebury Lane, Edgware, HA8 8NA

Decision: Refused

Decision Date: 9 October 2019

Description: Conversion of existing dwelling into 4no self-contained flats following part single, part two storey side and rear extensions, demolition of the existing garage and part of first floor, roof extension involving new pitched roof, rear dormer window and front and side facing rooflights. Associated amenity space, refuse storage, cycle store and provision of 3no. off-street parking

Reference: H/01767/11

Address: 113 Edgwarebury Lane, Edgware, HA8 8NA

Decision: Approved following legal agreement

Decision date: 25 November 2011

Description: Conversion of property into 5 self contained flats including ground floor front, side and rear extensions, first floor front, side and rear extensions and a rear dormer window to facilitate a loft conversion. Provision of 4 off-street parking spaces and refuse and recycling facilities.

Reference: 21/6300/FUL

Address: 111 and 113 Edgwarebury Lane, Edgware, HA8 8NA

Decision: Withdrawn

Decision Date: 11.04.2022

Description: Demolition of existing detached dwellings and construction of a part two, part three storey building comprising of 8no. self-contained flats. Associated amenity space, basement and surface parking, refuse and cycle storage.

3. Proposal

The application seeks planning permission for the demolition of the existing detached dwellings and the construction of a part two, part three storey building comprising of 8no. self-contained flats. Associated amenity space, basement parking, and surface drop off point, refuse and cycle storage.

The following unit mix would be provided;

- 3 no. 3 bedroom flats
- 3 no. 2 bedroom flats
- 2 no. 1 bedroom flats

Car parking facilities (7 spaces) would be located at basement level.

There will be a separate entry and exit point for all vehicles using the existing 2 dropped down kerbs along Edgwarebury Lane.

Private amenity space would be provided by balcony areas/private gardens for ground floor units and a communal garden at the rear/side of the site.

The proposed building has a predominantly pitched roof design, articulated as two dual-pitched roofs, a glazed link element with a flat roof in the centre, and catslide elements. The proposed materials are a mix of brick and render, with glazing to the link element and balcony balustrades.

4. Public Consultation

Consultation letters were sent to 71 neighbouring properties.

14 responses have been received, comprising 14 letters of objection.

The objections received can be summarised as follows:

- Traffic getting in and out of the development at a busy inter-section will also be difficult and disruptive.
- The 8 Flat proposed plan is not suitable considering the property's location, as it is literally next to a signalled junction on the busy Edgwarebury Lane/A41 intersection
- The proposed traffic light system for the underground drive appears to be an accident waiting to happen with 8 households (7 parking spaces) using the narrow entrance/exit.
- Over-development of the plot
- Environmental issues and increased pressure on local services
- Negative effect on the existing wildlife on the property by removing trees
- Impact on daylight/sunlight and privacy at neighbouring properties
- Concerned about the impact it will have on the drainage of the "Edgwarebury Ditch" due to building of a basement
- Concerned about the deep excavation for the basement
- Large and overbearing rear windows
- Loss of garden land
- Out of character with the existing pattern of development
- Poor level of accommodation for future occupants
- The front of the building is out of character with the houses on Edgwarebury Lane.
- Concerned about the implications for damage to my property during and after construction
- Proposal crosses boundary onto our property. The Application Form (Ownership Certificates) incorrectly states that the applicant is the sole owner of the land to which the application relates. I object to this statement given the shared passage between 109 and 111 which has incorrectly been subsumed in the proposal as belonging to 111. The proposal shows a fence would be built along the building of 109. As owner of 109, I object to the fence as it takes away my rights to the shared passage which deprives me of my legal ownership rights and secures it for 111.
The proposal shows secured access gate that deprives me of my legal ownership rights to the shared passage. This misappropriation of land and rights cannot be allowed.
- 7 parking space for 8 dwellings with 2/3 bedrooms is likely to be inadequate
- The storage of 8 dwellings refuse on my border will adversely impact my ability to use the garden. It will also cause concern for odours.
- Removal of a cluster of large coniferous trees on the properties, which currently provide a privacy screen from neighbours and sound barrier against traffic noise
- The proposed planting of Conifer trees would exacerbate the current nuisance from the existing 5 overgrown conifers (depriving my property of light and overhanging significantly on my property)
- There will be considerable noise disturbance from 8 flats

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 in July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2021

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS2, CS3, CS4, CS5, CS6, CS9, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy 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 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents 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 and the stage that it has reached.

Supplementary Planning Documents

Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States developments 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 it states that developments 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.
- *Delivering Skills, Employment, Enterprise and Training from Development through S106 (2014)*
- *Barnet Trees Policy (October 2013)*
- Planning Obligation SPD (adopted April 2013)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of Development;
- Unit Mix;
- Impact on the character and appearance of the application site, the street scene and the wider locality;

- Impact of the proposal on the amenity of neighbouring residents;
- Impact of the proposal on the amenity of future occupants of the development;
- Highway and Pedestrian Safety;
- Refuse and Recycling;
- Trees, Ecology and Biodiversity;
- Sustainability.

5.3 Assessment of proposals

Principle of Development

The existing buildings have no particular designation and there is no objection in principle to demolition, subject to the provision of residential accommodation and its replacement with a high-quality building.

The proposal would comprise a flatted use to replace the existing 2no single dwellinghouses. The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

In this instance, weight is given to the presence of flatted uses within the local area, including the building opposite at Apollo Court and the site location adjacent to Edgware Way. Additionally, it is noted from the planning history on the site that an application (ref H/01767/11) for conversion of No. 113 to flats was granted in 2011; and applications at No. 111 in 2019 (refs 19/0110/FUL and 19/4390/FUL), although refused, did not object to the conversion to flats in principle. Taking these factors into consideration, officers do not object in principle to a flatted use in this location.

Unit Mix

National and London Plan 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 development provides the following mix of units:

- ??3 no. 3 bedroom flats
- 3 no. 2 bedroom flats
- 2 no. 1 bedroom flats

The proposals would provide 3 of 8 units as three bedroom (37.5%), the mix of accommodation is considered appropriate.

Impact of the proposal on character and appearance of the application site, the street scene and the wider locality.

Development proposals involving the redevelopment of sites 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 supporting text to Barnet's character policy, DM01, states that new development will need to demonstrate an understanding of local character. Proposals which are out of keeping with the existing character will be refused. However, the policy should not be used to restrict well-designed development which meets other requirements within the Core Strategy.

Policy D3 of the London Plan 2021 - "Optimising site capacity through the design-led approach" states at part A;

"All development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity (as set out in Policy D2 Infrastructure requirements for sustainable densities), and that best delivers the requirements set out in Part D".

With regards to D3;

Part 1 in "Form and Layout" outlines that development proposals should;

1) enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

Part 11 "Quality and Character" states that proposed schemes should;

11) respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.

Section 12 "Achieving well-designed places" of the NPPF states at Paragraph 126 that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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.

Paragraph 130 outlines that Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture and layout and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Paragraph 134 confirms that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions taking into account any local design standards or style guides in plans or any supplementary documents. Conversely, where the design of a development accords with clear expectations in plan policies, this should attract significant weight

Context will therefore be of high importance involving a site-by-site assessment.

The site is located on the corner of Edgwarebury Lane and Edgware Way - a major arterial road. The property opposite at Apollo Court is a three storey contemporary building with a flat roof design and large elements of glazing to the front elevation. It also benefits from underground car parking with associated railings and ramp which front Edgwarebury Lane. The presence of this development and Edgware Way to the north distinguish the site context somewhat compared with the traditional detached housing to the south on Edgwarebury Lane.

The applicant has also highlighted that the properties on the opposite corners of Edgwarebury Lane and Edgware Way have also been converted to flats by way of substantial extensions to the original buildings. In this context, it is considered that there is some scope for intensification of the existing development on site.

With regards to the immediate surrounds, it is therefore the case that flatted developments are a component part of the streetscene. However, the Apollo Court scheme is not considered to be sympathetic to the local character and its appearance is considered to detract from the streetscene and local character. Any development at the host site should seek to enhance local character, with respect to the form, scale, and appearance of surrounding buildings.

There is another example on the road of a flatted development facilitated by the demolition of two dwellings (89-91 Edgwarebury Lane) located 100m to the south of the site, on the corner with Fairview Way. This application, allowed on appeal, granted consent for a 7-unit scheme (APP/N5090/W/16/3150330). This scheme much more successfully assimilates into the existing setting, in terms of form, scale and appearance, and any redevelopment of 111-113 should follow this approach as opposed to that taken at Apollo Court.

A number of houses in the vicinity have been extended, however the character is of fairly symmetrical buildings with a consistent building line, with hipped roofs and a brick finish. The front building line of the proposed development would be consistent with that of the neighbouring properties, the footprint of the proposed building is only modestly increased with respect to the existing development on site, and its design would reflect the materials and some other architectural detail that is characteristic of this part of Edgwarebury Lane, such as projecting front gables, the brickwork finish, and fenestration details. The proposal would have a fairly symmetrical appearance centrally, which is keeping with the character along the road, and to some degree retains the appearance of a pair of semi-detached dwellings, albeit it is a full three storey.

One clear difference with the scheme at No's 89-91 (Handel House) is that a "full" third floor would be included, as opposed to units accommodated in the roof, and the scheme would have the appearance of a three-storey building. With the glazed circulation link, underground parking access, and central doorway entrance the scheme is much more overtly a block of flats, in line with the appearance of Apollo Court, as opposed to Handel

House. In some ways the building would be more prominent than Apollo Court in that it includes a roof form above.

In that respect the building would benefit from bookending the row of properties on this side of the road, and the existence of the three-storey property opposite at Apollo Court. However, in the use of materials and form the proposal is more in keeping with the character along the road. The building steps down on the southern side to the lower scale development evident along Edgwarebury Lane. Plans demonstrate that the gabled projections on the northern flank and rear elevation would maintain the ridge and eaves level consistently.

The assessment involves a balancing of the fact the property is at the end of the row of properties on this side of Edgwarebury Lane and is opposite a three-storey development. As discussed above the principle of a new build flatted development can be accepted. The building would be an additional storey above the development in this run of properties. The proposal would use materials and have aesthetic elements which would be in keeping with the character along the road.

In light of the above considerations, it is considered that, on balance, the proposed scheme is acceptable and would not cause harm to the character and appearance of the area.

Impact of the proposal on the amenity of neighbouring residents

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbour's amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential 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.

The site shares a side boundary with No. 109 to the south. The plans have been amended in the course of the application, having initially proposed to develop the alleyway between no.109 and 111, with access gates to the rear. The plans now indicate the shared access to the rear would be maintained for occupants of both properties.

The flank wall of the proposal maintains a 2-metre gap to the flank wall of the adjoining No.109. The front building line would also be maintained. This would ensure a suitable relationship between the properties along the flank and to the front.

The rear of the building does contain a section which would extend beyond the main rear wall (excluding single storey projection) of No.109 by 4.4m and ground floor and 2.9m at first and second floor. However, it retains a gap of 4.2m to the common boundary and

would have no adverse impact on amenity. Balconies providing private amenity space at this boundary can be screened to negate impact on the amenity of neighbouring occupants. A close boarded fence along the common boundary would provide adequate screening at ground floor level for both properties to guard against loss of privacy.

The site shares a rear boundary with neighbouring properties on Ashcombe Gardens. It is noted that the plans show that existing conifer trees along the rear boundary, which currently provide screening, would be removed and replaced with new planting. The Sustainable Design and Construction SPD states that a minimum of 10.5 metres separation distance should be provided between habitable windows and neighbouring amenity spaces to avoid harmful overlooking. The rear of the proposed building is approx. 13.75 metres from this boundary. This distance exceeds that minimum standard and is considered to be acceptable. The recommended 21.0m between elevations is also maintained. There is no requirement for the applicant to retain trees for screening purposes, and it is also noted third party comments outline impacts with overgrown trees on the boundary blocking light. The proposed distances are acceptable without the existing screening in place.

Consideration for the impact of the proposed intensification of the use of the site, which would increase from two to eight households, with associated comings and goings, noise and disturbance, and the impact of the proposed vehicular access to the rear garden. However, weight is given to the adjacent highway and the noise impacts of this. On balance, officers consider that any adverse impacts would be limited, and could be sufficiently mitigated through planting to the rear boundary.

Impact on amenity of future occupiers

In terms of the amenity for future occupiers, the Local Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. The London Plan and Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

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 A - 3 bed/6 person - 95 sq. m

Flat B - 3 bed/6 person - 98 sq. m

First Floor:

Flat C - 3 bed/5 person - 90 sq. m

Flat D - 2 bed/3 person - 61 sq. m

Flat E - 1 bed/1 person - 39 sq. m

Second Floor

Flat F - 2 bed/3 person - 67 sq. m

Flat G - 2 bed/3 person - 61 sq. m

Flat H - 1 bed/1 person - 39 sq. m

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.

All the units are dual aspect and would provide good levels of outlook.

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 scheme would have a requirement for 165 sq. m of private amenity space.

Each unit is served by a small private space, either a balcony, or in the case of ground floor units, small rear garden areas. A communal area to the side and rear of the building would provide approximately 280 sq. m of amenity space. It is noted that the upper floor

units are served by private space below the requirement of the unit (5 sq. m per habitable room). This is mitigated by the large communal area, which is usable and a benefit of the scheme. Edgwarebury Park is also a short walk from the site (200m) The scheme provides adequate private amenity space for future occupants.

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). 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:-

It is not considered that the scheme would 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 is appropriate.

Highways

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

Other sections of Policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

The council's Highways Officer has commented on this submission and his considerations are discussed below.

The proposed 7 car parking spaces (inclusive of 2 disabled spaces) complies with London Plan policy T.6.1 requirement of up to 6.75 spaces. At least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces.

As per drawing no. 111-113_HA8 8NA_GA005 R.2.1 the applicant is proposing to retain 2 of the existing dropped kerbs, however, the existing middle access must be reinstated back into public footway. An application must be made to the Development Control Team prior to the commencement of any works on the public highway and existing crossovers will require strengthening (heavy duty construction) to ensure that they will be able to withstand the daily load of 8x vehicles accessing and egressing the site, a condition has been included below.

The underground car parking provides over 8.5m between banks of parking bays and over 12m across the car park, this should provide sufficient space for vehicles to turn safely.

During construction works a habitual crossing will be required for construction vehicles in order to protect the public footway and any services lying beneath the crossover.

Cycle parking spaces complies with The London Plan policy. Details of cycle parking provision including design / layout should be conditioned.

The application is recommended for approval subject to the following conditions and informatives.

Trees and Soft Landscaping

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

As discussed above, the submission outlines that the existing Conifer trees along the rear boundary of 111 Edgwarebury lane would be removed. These trees are not protected and are overgrown and of low amenity value. The proposal would provide new planting and a communal amenity area laid to lawn. Details of hard and soft landscaping could be secured by condition with potential ecological enhancements also secured through the agreed planting.

Ecology and Biodiversity

Ecology:

No objections on ecological grounds as the findings of the Bat Emergence and Re-entry Survey Report (Arbtech Consulting, August 2022) did not confirm the presence of roosting bats. Both Preliminary Ecological Appraisal (May 2022) and the Bat Emergence and Re-entry Survey Report (Arbtech Consulting, August 2022) stated that the vegetation and buildings on site had the potential to support nesting birds and any works would need to avoid the nesting bird season (March 1st to August 31st) inclusive. The PEA report also stated that the garden has potential to support foraging and commuting hedgehogs,

therefore, continued access for hedgehogs will be required in the form purpose cut holes in the base of the boundary fencing. A low impact lighting strategy will be required as part of the proposed works to ensure that any artificial lighting will not negatively impact any foraging or commuting bats along the boundary trees/vegetation of the site.

The provision of species enhancement measures within the recommendations of the submitted PEA and PRA is welcomed, which include the following:

2 x Woodcrete bird nest boxes

1 x Purpose built hedgehog house

1 x Sunken log pile

2 x Integrated bat roost boxes e.g. Habibat Bat Box, and 1FR Schwegler Bat Tube (or similar design).

The inclusions of species enhancement measures will provide ideal resting/sheltering habitats and aid the movement of bats, birds, invertebrates and hedgehogs on site. The inclusion of the recommendations can be incorporated into a future planning condition (prior to occupancy).

Soft landscaping:

It is advised that any future planting schedule for the proposed play lawn consist of a ratio of 70/30 native grass to flowering plants as such flowering plant species and grasses provide high value to pollinating insects including bees, butterflies. An example of a potential species rich seeding mix includes Boston Seed Dual Purposed Wildflower Meadow Seed Mix BSXM 70/30.

It is recommended any proposed hedge and tree planting consist of berry producing shrub species such as hawthorn, blackthorn, spindle, field maple, hazel, and hornbeam. A best practice approach would be to apply a '10-20-30' formula to develop a diverse tree/hedge population - no more than 10% of any species, 20% of any genus or 30% of any family. These species will provide ideal foraging and sheltering habitats for a variety of species including nesting birds, invertebrates, and foraging mammals.

Night scented plants should also be incorporated into a detailed planting schedule where feasible. An extensive list of suitable plant species can be found on the RHS advice page <https://www.rhs.org.uk/advice/pdfs/plants-for-bats.pdf>. The provision of bat friendly planting is in Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

It is expected that provision both species rich planting to compensate the loss of individual trees and

hedges and the inclusion of species enhancement measures (nest boxes) will be sufficient to provide a net benefit to biodiversity.

Biodiversity Net Gain:

The applicant submitted a Biodiversity Net Gain Assessment and calculations (Arbtech Consulting, November 2022) and the ecologist has no objections to findings. The expected BNG score of 47.09% net gain in habitat units and a 565.61% net gain in hedgerow units is significantly greater than the yet to be mandated statutory requirement of 10% Biodiversity Net Gain under Schedule 14 of the Environment Act 2021. The proposed development with it provision of introduced shrub (0.001ha), modified grassland (0.046 ha), urban trees (0.1139 ha), tree lines (0.069 km) and ornamental hedges (0.069 km) will

contribute towards biodiversity net gain within the borough. It is recommended that the modified grassland be subject to infrequent mowing and mown in a mosaic pattern in order to achieve a diverse sward height and thus meet target criteria two to achieve a good condition for the proposed modified grassland e.g. "Sward height is varied (at least 20% of the sward is less than 7 cm and at least 20% is more than 7 cm) creating microclimates which provide opportunities for insects, birds and small mammals to live and breed." To ensure that Net Gain will be achieved onsite a Biodiversity Net Gain Plan will be required to be submitted, approved, and adhered to for the minimum period 30 year.

The ecologist recommends that proposed works be approved on ecological grounds subject to the conditions and informatives. The application can be conditioned accordingly.

Environmental Health Comments

The Environmental Health section of the council have reviewed the submission and provided comment (as below);

As the proposed development is close to a busy junction leading on to the A41 noise and air quality mitigation will be required. There will need to be good acoustic glazing and ventilation on rooms that face A41 as well as Edgwarebury Lane, and some good clean ventilation with filters or sources of air away from A41 for rooms that face the road. As there will be basement parking and deep excavation involved, the contaminated land condition should be added, should the desktop study show that there is no elevated contamination then no further investigations will be required.

Flood Risk and Drainage

The site is in Floodzone 1 where policy directs new developments as it has the lowest risk of flooding. Whilst some concern has been raised about flood risk owing to the excavation of a basement, there is nothing to suggest that the digging of a basement would increase flood risks at this site. It is not considered that a Basement Impact Assessment is required, and the future use of the basement should not pose any risk to future or neighbouring occupants.

National standards for SUDs require the Council as Lead Local Flood Authority (LLFA) to be satisfied that development meets the minimum standards of operation and that there are clear arrangements in place for on-going maintenance over the lifetime of the development. Suds details can be agreed by condition.

Owing to the location of sewers nearby, Thames Water have suggested a Piling Method Statement is secured by condition.

Sustainability

In respect of carbon dioxide emission reduction, the London Plan requires that the proposal is designed to achieve a 10% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy SI.2 of the London Plan (2021) and the 2016 Housing SPG's requirements and a condition could be attached to ensure compliance with the Policy.

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 SI.2 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. The submission includes solar panels as part of the overall sustainability provision. This can be secured by condition.

Refuse/Recycling

The waste strategy for this application is acceptable to the Street scene collections team and can be secured by condition.

5.4 Response to Public Consultation

It is considered that the majority of third-party comment have been addressed within the report. Further comment is provided below.

- Traffic getting in and out of the development at a busy inter-section will also be difficult and disruptive.
- The 8 Flat proposed plan is not suitable considering the property's location, as it is literally next to a signalled junction on the busy Edgwarebury Lane/A41 intersection
- The proposed traffic light system for the underground drive appears to be an accident waiting to happen with 8 households (7 parking spaces) using the narrow entrance/exit.
- 7 parking space for 8 dwellings with 2/3 bedrooms is likely to be inadequate

Officer Comment: The application has been assessed by the Highways section of the council and considered acceptable from a highway safety and parking perspective, subject to conditions.

- Over-development of the plot
- Loss of garden land
- Out of character with the existing pattern of development
- Large and overbearing rear windows
- The front of the building is out of character with the houses on Edgwarebury Lane

Officer Comment: The principle of flats at this location is considered acceptable, given existing flatted development and it is suitable for an intensification in use. The proposed design, and specific elements of the design are acceptable.

- Environmental issues and increased pressure on local services
- Negative effect on the existing wildlife on the property by removing trees

Officer Comment: The proposal has been assessed by an ecologist and considered acceptable.

- Impact on daylight/sunlight and privacy at neighbouring properties

Officer Comment: the proposed design and layout is considered to have paid close attention to existing development to ensure no serious adverse impacts on amenity.

- Concerned about the impact it will have on the drainage of the "Edgwarebury Ditch" due to building of a basement
- Concerned about the deep excavation for the basement

Officer Comment: the site is in Flood Zone 1 where new development is directed by policies with the NPPF.

- Poor level of accommodation for future occupants

Officer Comment: The scheme provides a good standard of accommodation for future occupants - as discussed above.

- Concerned about the implications for damage to my property during and after construction
- There will be considerable noise disturbance from 8 flats
- The storage of 8 dwellings refuse on my border will adversely impact my ability to use the garden. It will also cause concern for odours.

Officer Comment: The details of the construction phase can be agreed through conditions, the level of noise disturbance from 8 flats would not seriously impact on the amenity levels of adjoining residents. There is no reason that refuse storage/removal could not be dealt with in a way that causes no issues, details of refuse/recycling removal/storage can be agreed by condition.

- Proposal crosses boundary onto our property. The Application Form (Ownership Certificates) incorrectly states that the applicant is the sole owner of the land to which the application relates. I object to this statement given the shared passage between 109 and 111 which has incorrectly been subsumed in the proposal as belonging to 111. The proposal shows a fence would be built along the building of 109. As owner of 109, I object to the fence as it takes away my rights to the shared passage which deprives me of my legal ownership rights and secures it for 111.

The proposal shows secured access gate that deprives me of my legal ownership rights to the

shared passage. This misappropriation of land and rights cannot be allowed.

- The most egregious that directly affects me is the assertion by the developers that the property of 109 Edgwarebury Lane is a shared open forecourt. This is not the case. The proposed development border and property boundary lines are not clearly discernible on the application making it difficult to raise all specific issues. Any encroachment on the rights of 109 Edgwarebury Lane is not agreed with the owners of 109 Edgwarebury Lane.

- The proposed revised plan continues to assume that the shared passage would be shared by 109 Edgwarebury Lane and 8 other households. This is a change to the use of the passage that I object to. It is unclear whether the proposals intend to erect a fence in the shared passage that would infringe on my rights to use the passage.

Officer Comment: The applicant has provided amended plans which now confirm the development would only extend across half of the alleyway between No.s 109 and 111 Edgwarebury Lane. The revision shows a separate access for No.109 would be retained. Details of boundary fencing can be agreed by condition. A Land Registry planning confirming ownership of half the alleyway has been received the proposal does not encroach across, or beyond the red line of ownership.

- Removal of a cluster of large coniferous trees on the properties, which currently provide a privacy screen from neighbours and sound barrier against traffic noise
- The proposed planting of Conifer trees would exacerbate the current nuisance from the existing 5 overgrown conifers (depriving my property of light and overhanging significantly on my property)

Officer Comment: This matter has been discussed within the man body of the report.

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

In light of the above appraisal, it is considered the proposed development is acceptable. It is therefore recommended for APPROVAL subject to conditions.

