

**Location** **202 High Street Barnet EN5 5SZ**

**Reference:** **22/4361/FUL** Received: 29th August 2022  
Accepted: 30th August 2022

Ward: High Barnet Expiry 25th October 2022

**Case Officer:** **Mansoor Cohen**

Applicant: Darren Cooper and Michael Wernickle

Proposal: Demolition of existing car showroom and erection of a three storey plus basement building comprising of commercial use at ground floor and basement levels, 4no. self-contained duplex flats at first and second floor levels and 1no. mews house to the rear with associated refuse storage and cycle store

### **OFFICER'S RECOMMENDATION**

Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the 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)

### **RECOMMENDATION I:**

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. Amendment to the Traffic Management Order:

A contribution of £2,392.01 towards the amendment of the Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing CPZ parking permits.

4. Parks and Open Space Improvement Works in lieu of amenity space:

Contribution of £4,000 Index Linked towards the improvement and enhancement of Old Courthouse Recreation Ground within the London Borough of Barnet as identified by the Parks and Open Spaces Officers or such other appropriate officer to be allocated between any or all of the following objectives in such proportions as the Council in its absolute discretion considers appropriate:

- (a) Provision of drainage to playing pitches and grounds of amenity land
- (b) Buildings and fencing improvement within Parks and Open Spaces
- (c) Project Management Consultation for improvements
- (d) Improvements to sports courts
- (e) Improvements to children's play area
- (f) Safety in parks including soft and hard landscape improvements
- (g) Disability access improvements.

5. Cycle Parking Contribution:

Contribution of £3,300 towards the provision of off-site cycle parking/storage in lieu of on site provision for the commercial unit.

6. Monitoring of Legal Agreement:

Contribution of £1,500 towards monitoring of the legal agreement.

## **RECOMMENDATION II:**

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

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

2019-D001-S0-P0

2019-S100-S0-P1

2019-S101-S0-P0

2019-P100-S0-P2

2019-P101-S0-P4

2019-P102-S0-P5

2019-P103-S0-P4

2019-P104-S0-P2

2019-P110-S0-P0

2019-P200-S0-P6

2019-P201-S0-P1

Daylight and Sunlight Report (Neighbouring Properties), dated 11 November 2020

Heritage Statement, dated October 2020  
Noise Assessment, dated 6 November 2020  
Energy & Sustainability Statement, November 2020  
Vision Control Film, dated 5 December 2022  
Design & Access Statement Revision P5, dated November 2022

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 until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies D4, D5, D8 and G7 of the London Plan 2021.

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

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

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

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

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

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

6 a) Notwithstanding the approved plans, before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be 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 the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy T5 and Table 10.2 of The London Plan (2021) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted)

September 2012.

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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and Policies D6 and SI7 of the London Plan 2021

- 8 Prior to commencement of the development, a basement impact assessment report shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall proceed subject to the satisfactory outcome of the basement impact assessment.

Reason: In the interest of highway/construction 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.

- 9 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the wholesome 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. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

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), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies D6 and D7 of the London Plan 2021.

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

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 12 Before the building hereby permitted is first occupied the proposed first and second floor window(s) in the side elevation facing 204 High Street 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).

- 13 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- B. Where appropriate, details of a programme for delivering related positive public benefits; and
- C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: Reason: To enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012)

- 13 Before the building hereby permitted is first occupied the proposed first floor window in the rear of elevation of 'House 1' facing Nesbitts Alley shall be fitted with Vision Control Film as shown on drawing no. 2019-P110-S0-P0 and detailed in the supporting documents and shall be permanently retained as such thereafter.

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

- 14 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/>

Reason: In the interest of good air quality in accordance with Policy DM04 of the Barnet Local Plan Development Management Policies (2012) and Policy SI1 of the London Plan 2021.

- 15 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).

- 16 Prior to the first occupation of the development or the use first commencing hereby approved, the recommendations within Section 8 of the Noise Assessment report by Hawkins Environmental (dated 6 November 2020) submitted with this application, shall be implemented in their entirety and retained as such thereafter.

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016), and Policies D13 and D14 of the London Plan 2021.



- 17 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the commercial premises within the development as measured within habitable rooms of the hereby approved residential units shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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 mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or 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 the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (2016), and Policies D13 and D14 of the London Plan 2021.

- 18 a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 19 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.

- 20 a) Prior to the installation of any external plant in connection with the development hereby approved, a report shall be 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 shall be 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.

- 21 The level of noise emitted from any plant installed 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.

### **RECOMMENDATION III:**

- 1 That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:
- 2 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31st May 2023, unless otherwise agreed in writing, the

Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not provide a legal agreement to mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and highway safety, contrary to Policy T6.1 of the London Plan (2021), Policy CS9 of the Adopted Core Strategy and Policy DM17 of the Adopted Development Management Policies DPD

2. The proposed development would fail to provide adequate private amenity space for the occupiers of the development contrary to Council's standards set out within the adopted Sustainable Design and Construction SPD (2016). The lack of a formal undertaking to meet the costs in lieu of this shortfall, would mean the development would fail to provide adequate mitigation, contrary to Policies DM01 and DM02 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

**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. 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](http://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](mailto:cil@barnet.gov.uk).

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

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by

telephoning 0208 359 4500.

- 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 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
  - o Wheel washing
  - o Dust suppression methods and kit to be used
  - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
  - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
  - o Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.
  - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
- 7 If as part of the basement development there is a proposal to discharge ground water to the public network, a Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 8 If a concrete lorry is operated from the public highway then the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

- 9 The applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.
  
- 10 Written schemes of investigation will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site is located on the eastern side of the High Street. It contains a flat roofed building approximately 24.2 metres wide.

Buildings in the surrounding area range predominantly from single-storey to three-storeys in height, comprising commercial uses at ground floor and some residential uses on the upper floors. Nesbitt's Alley runs along the rear site boundary and contains a mix of residential and non-residential uses.

The site lies within the Chipping Barnet Town Centre and forms part of its secondary retail frontage.

The site is within the Monkey Hadley Conservation Area. It does not contain any listed buildings, although there are statutory and locally listed buildings within close proximity of the site. The site also lies in the Archaeological Priority area of Chipping Barnet.

### **2. Site History**

Reference: 20/5512/FUL

Address: 202 - 204 High Street, Barnet, EN5 5SZ

Decision: Refused

Decision Date: 13 May 2021

Description: Demolition of existing car showroom and erection of a three storey plus basement building comprising of commercial use at ground floor and basement levels, 4no. self-contained duplex flats at first and second floor levels and 2no. mews houses to the rear with associated refuse storage and cycle store

Reason 1: The proposed development, by virtue of its scale, proximity to neighbouring properties, and placement of habitable windows, would result in harmful overlooking and an

unacceptable loss of privacy to the detriment of the residential amenities of neighbouring occupiers including 6a Nesbitt's Alley, contrary to Policy D6 of the London Plan (2021), Policy CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012), the Residential Design Guidance SPD (2016), Sustainable Design and Construction SPD (2016) and The Mayors Housing Supplementary Planning Guidance (2016).

Reason 2: The development by reason of poor outlook and a lack of privacy for the proposed houses, and a significant shortfall of outdoor amenity space for all units, would result in a sub-standard form of residential accommodation, detrimental to the residential amenities of future occupants, contrary to Policies D3 and D6 of the London Plan (2021), Policy CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policies DM01 and DM02 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012), the Residential Design Guidance SPD (2016), Sustainable Design and Construction SPD (2016) and The Mayors Housing Supplementary Planning Guidance (2016).

Reason 3: No off-street parking is proposed to serve the proposed development and the development fails to provide either a parking survey demonstrating sufficient on-street capacity or a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Adopted Development Management Policies DPD (2016) and the Planning Obligations SPD (2013).

Appeal Status: Dismissed  
Appeal Date: 24 May 2022

Reference: B/00698/13  
Address: 202 - 204 High Street, Barnet, EN5 5SZ  
Decision: Refused  
Decision Date: 8 October 2013  
Description: Demolition of existing car showroom and construction of two storey building including rooms in the basement and roofspace to provide restaurant on the ground floor/basement (A3) and a retail unit (A1) and 6no. self contained flats on the floors above. Provision of cycle storage area and refuse  
Appeal status: Dismissed  
Appeal date: 08 October 2013

### **3. Proposal**

This application seeks planning permission for "Demolition of existing car showroom and erection of a three storey plus basement building comprising of commercial use at ground floor and basement levels, 4no. self-contained duplex flats at first and second floor levels and 1no. mews house to the rear with associated refuse storage and cycle store".

The proposal follows a previously refused scheme which was subsequently dismissed at appeal and seeks to overcome the reasons for refusal. Principally this scheme reduces the number of mew houses from 2 to 1 towards the rear half of the site. Other alterations within this scheme relate to internal layout configuration, outdoor amenity space provision, fenestration and façade detailing.

The proposed building is a three-storey building including rooms in the roofspace. It would provide a commercial unit (Use Class E) at ground floor and basement level, 4no self-



contained split-level flats at first and second floor levels, and 1no self-contained dwellinghouse to the rear at ground and first floor levels.

The proposed building largely occupies the footprint of the site save for an area towards the rear to serve as outdoor amenity space for the house. The front element of the building would be three storeys in scale set with a double pitched roof forming two side gables, whilst the rear consists of a two storey element with a pitched roof and a part single part two storey flat roofed outrigger.

The three storey element would have a ridge height of approximately 10.8 metres whilst the two storey element would be 7.8m.

The commercial unit has a total GIA of 356.7 sqm, including the basement level. The following residential units would be created:

- Flat 1 (first/second floor) 2-bedroom/4 person, 82.6 sqm;
- Flat 2 (first/second floor) 2-bedroom/4 person, 87.5 sqm;
- Flat 3 (first/second floor) 2-bedroom/4 person, 89.4 sqm;
- Flat 4 (first/second floor) 2-bedroom/4 person, 92.0 sqm;
- House 1 (ground/first floor) 2-bed/4-person, 111 sqm.

Entrance to the flats would be from the front elevation along the High Street whilst the house would have an independent access from the rear of the site along Nesbitt's Alley.

#### **4. Public Consultation**

Consultation letters were sent to 116 neighbouring properties. A site notice was posted on 8th September 2022. A press notice was published on 8th September 2022. A total of 10no representations were received including from The Barnet Society and MP Theresa Villiers, consisting of 9 letters of objection and 1 neutral comment from Hendon and District Archaeological Society. Representations are summarised below:

Objections:

- Previous reasons of refusal still applicable
- Concerns of impact on the Conservation Area and character and appearance of the locality
- Overdevelopment of the site
- Concerns over size of commercial unit
- Concerns of overshadowing and loss of light to neighbouring properties
- Concerns regarding impact on surrounding highways and parking
- Concerns of noise and disturbance from the development
- Concerns of overlooking and loss of privacy to neighbouring occupiers
- Concerns of the living standards of future occupiers
- Concerns regarding structural damage to neighbouring buildings
- Concerns regarding impact on sewerage network
- Discrepancies between elevation plans and D&A Statement.

Neutral comment:

-Site is within an Archaeological Priority Area, and on a previous (refused) application for this site (20/5512/FUL) Historic England asked for an archaeological condition to be imposed if it were granted. They may wish to repeat this request.

#### **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 Government's 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, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06, DM08, DM11, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the 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 Draft Local Plan (Reg 22) 2021

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

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan,

while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

### Supplementary Planning Documents

Residential Design guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the site, street scene and the wider locality with particular reference to the Monken Hadley Conservation Area;
- Whether harm would be caused to the living conditions of neighbouring occupiers.
- Whether satisfactory living standards would be provided for future occupiers; and
- Whether harm would be caused to highway safety.
- Refuse and recycling
- Accessibility and sustainability

## **5.3 Assessment of proposals**

### Preamble

This application follows a previously refused scheme which was subject to the scrutiny of the Planning Inspectorate. The appeal was dismissed with a decision issued on 24 May 2022. This submission seeks to overcome the concerns raised by the Inspector. The Inspector's findings form a material consideration in the assessment of this application and will be referenced where relevant, however principally concluded the proposal would not result in material harm to the living conditions of neighbouring occupiers (dismissing refusal reason 1), poor outlook would result for house 2 and inadequate amenity space for both houses (upholding refusal reason 2) and the car free development would be acceptable subject to a legal undertaking to restrict future occupiers from obtaining parking permits (relating to refusal reason 3).

### Principle of development

As per the previous application, the principle for the erection of a three-storey building providing commercial and residential uses is considered to be acceptable. The existing building has no particular architectural merit, a finding re-enforced by the Inspector. As such, there are no reasons that would warrant an objection in principle to its loss. The proposed commercial use at ground floor would ensure an active frontage is retained and that the vitality of this section of the High Street and wider Town Centre is preserved.

The proposed residential uses above and to the rear are broadly in keeping with the pattern of development in the surrounding area. Furthermore, there is no objection in principle to a use involving flats in this location, given its town centre siting with proximity to local amenities.

Whether harm would be caused to the character and appearance of the site, street scene and the wider locality with particular reference to the Monken Hadley Conservation Area

Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The Act also requires special interest to be given to the desirability of preserving a listed building and any features or architectural interest it possesses.

Policy HC1 of the London Plan 2021 states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed.

Policy CS5 of the Core Strategy (2012) states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'.

Policy DM01 of the Council's Development Management Policies (2012) 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'.

Policy DM06 requires all development to have regard to the local historic context. Proposals affecting heritage assets should demonstrate the significance of the heritage asset; the impact of the proposal on the setting of the heritage assets and how the benefits outweigh any harm caused to the heritage assets.

The previous application was found to have an acceptable impact on the character and appearance of the Conservation Area and locality. The current submission does not materially alter the front façade with the primary changes relating to rear half of the site as a result in the reduction of one house. This therefore reduces the level of built form on the site. Fenestration detailing and boundary treatment to the rear were modestly amended to align with comments provided by the council's Heritage officer and to produce a high quality appearance.

For completeness, the officer report to the refused scheme stated as follows in this regard:

"The proposed building is a three-storey building fronting the High Road. Although it is taller than the adjacent property at 200 High Street, the ridge height is in line with the three-storey building at No. 198. As such, it would not be noticeably out of keeping with the scale or pattern of development in this section of the High Street. Following amendments received during the course of the application, the front elevation is considered to be sympathetic to the appearance and design of surrounding buildings, including a sense of harmony between eaves heights and the scale and positioning of fenestration. The inclusion of chimney stacks to each flank are in keeping with the character of the conservation area. Additionally, the design of the frontage at ground floor is consistent with the active frontages on the High Street.

The proposed building steps down in height towards the rear. This is in keeping with the smaller scale of built form on Nesbitt's Alley and avoids an undue overbearing impact on Nesbitt's Alley.

Overall, the proposed development is considered to have an acceptable impact on the local character and streetscene. Additionally, taking into account the limited value of the existing

building, it is considered to preserve or enhance the character of the Monken Hadley conservation area. As such, the proposals would be in accordance with relevant planning policy in this respect, including Policy DM01 of the Development Management Policies DPD."

It is further highlighted that the Inspector in paragraphs 25 -26 of the appeal decision considered 'The proposed scheme would reflect the general scale and mass of existing local buildings and would consist of architectural detailing that would suit its context. As such, the proposal would preserve the character and appearance of the conservation area. Furthermore, in respect of No 151-153 High Street, a grade II listed building, the Inspector stated the proposal 'would make a positive contribution to the character of the street and therefore would preserve the setting of the listed building'.

In summary, the proposed development is considered to have an acceptable impact on the character and appearance of the locality and heritage assets.

#### Whether harm would be caused to the living conditions of neighbouring occupiers

Policy DM01 of the Local Plan states that any schemes must protect the amenity of neighbouring residents. It is necessary to assess the impact of all new development on neighbouring amenity, including impact on light, outlook, privacy and causing a feeling of overbearing.

As previously, the proposed development is not considered to result in an unacceptable impact to the residential amenities of the occupiers to the south on the High Street, such as Nos. 200 and 198. It should be noted that as a result of the removal of one house at the rear, there would be particularly less bulk, mass and scale in respect of this neighbouring relationship. In addition, the submitted daylight assessment demonstrates the development would accord with BRE guidance in respect of these neighbours and therefore not result in acceptable overshadowing or loss of light.

To the rear of the site beyond the dividing Nesbitts Alley lies a restaurant and hotel as well as nos. 6 & 6a Nesbitts Alley which form an L shaped building with a central courtyard. Nos. 6 & 6a respectively are orientated parallel and perpendicular in relation to the subject site. The proposed rear curtilage of the site is approximately 13 metres from the front elevation of the neighbouring properties at 6/6a Nesbitt's Alley and approximately 17m from facing windows.

It is noted that within the refused scheme, weight was attached to the potential use of 6/6a as residential dwellings given Prior Approval applications, references 18/6398/PNO and 18/6397/PNL, consented its conversion from offices to residential use. Since this time a further consent, reference 20/3130/FUL approved alterations to no.6 to provide three floors including lower ground floor as offices (B1 use). Officers recent site visit confirms this latter permission has been implemented and its use operating as offices. Taking into consideration its use as offices, no harm would arise by way of overlooking or a loss of privacy as a result of the proposed development.

In respect of no.6a which lies perpendicular to the site, the Inspector considered that only limited and oblique views would be provided into the windows of this neighbour. Officers consider the current scheme would be materially the same in this respect and would therefore not result in harm to this neighbour.

In any event, the proposed rear boundary wall and planter would largely screen views to both nos 6 & 6a from House 1 at ground floor level and the only facing window at first floor level would be fitted with View Control Film (VCF) which would obscure views to these neighbouring windows. It is noted that the approach to use VCF was considered acceptable by the Inspector. A condition can be imposed to ensure the VCF is implemented and retained as such thereafter prior to occupation of the dwelling.

In terms of noise and disturbance, the proposal is sited within a busy thoroughfare and the Chipping Barnet Town Centre and therefore such activity would acceptably assimilate into the vicinity.

In conclusion, the proposed development is not considered to result in an adverse impact to neighbouring occupiers.

#### Whether the proposal provides a satisfactory living environment for future occupiers

The development would create a total of 5no self-contained dwellings. The gross internal area of the units would be as follows:

- Flat 1 (first/second floor) 2-bedroom/4 person, 82.6 sqm;
- Flat 2 (first/second floor) 2-bedroom/4 person, 87.5 sqm;
- Flat 3 (first/second floor) 2-bedroom/4 person, 89.4 sqm;
- Flat 4 (first/second floor) 2-bedroom/4 person, 92.0 sqm;
- House 1 (ground/first floor) 2-bed/4-person, 111 sqm.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that it makes a positive contribution to the borough.

The London Plan (2021) and Barnet's policies and Sustainable Design SPD (Oct 2016) sets out the minimum GIA requirements for residential Units, in this instance a 2-bedroom/4 person across two floors would require a minimum GIA of 79sqm.

As per above, all units would exceed this requirement.

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;
- Double bedroom: minimum area should be 11.5 m<sup>2</sup> and at least 2.75m wide.

The proposed bedrooms comply with these minimum standards.

The sustainable design and construction SPD also states that a minimum ceiling height of 2.5 metres for at least 75% of the dwelling area is strongly encouraged. The proposed cross section drawing demonstrates this requirement would be met.

#### *Light/Outlook/Privacy*

In terms of the amenity for future occupiers, the Council would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation.

The proposed flats at first and second floor level are dual-aspect and are considered to provide adequate levels of light, outlook and privacy.

In respect of the previously refused scheme, the Inspector considered that house 2 would suffer a substantial sense of enclosure and lack of outlook given the tall elevation end of no.6a Nesbitts Alley. To this end, the current scheme has resolved this concern with the removal of house 2 from the proposal and with House 1 largely facing onto the central courtyard.

House 1 would be dual/triple aspect and owing to its multiple glazed windows is considered to provide sufficient outlook for future occupiers. Given no.6 consists of office use and no.6a would be perpendicular to this dwelling in combination with the VCF facing window, it is considered that an adequate level of privacy would be afforded to occupiers of this dwelling.

### *Amenity*

The Council's Sustainable Design and Construction SPD (2016) (SPD) seeks flats to have access to 5sqm of outdoor amenity space per habitable room and for houses with 4 habitable rooms, to have access to 40 sqm. The guidance also states that where the standards, for high density flatted development are not met, the Council will seek a Planning Obligation to offset such a shortfall. Also, Policy D6 of the London Plan seeks flats to have access to 5 sqms of private outdoor space for 1-2 person dwellings and one sqm extra for each additional occupant unless there are higher standards within a Council's Development Plan.

In accordance with the SPD, each flat would require 20sqm of outdoor amenity space. The four flats would not benefit from any outdoor amenity space given the constraints of the site, however, the Inspector considered that due to comparatively generous size of these units, high street location providing easy access to local amenities would offset the deficiency of outdoor space. In addition and in accordance with the Planning Obligations SPD (2013), the applicant is willing to enter into a legal agreement to secure a contribution of £4000 towards improvement of local parks in lieu of the shortfall of amenity space for the flats. Taking the above into consideration, this aspect is considered acceptable.

In respect of the house, 46sqm of outdoor amenity space would be provided to the rear of the dwelling. It is also noted that the GIA of this dwelling at 111sqm would greatly exceed the minimum required GIA of 79sqm. Officers are therefore satisfied that a sufficient level of outdoor amenity space would be provided for these future occupiers.

Overall, the proposed development, would provide an acceptable standard of accommodation for future occupiers.

### Whether harm would be caused to highway safety

The site is in a PTAL score of 0 (worst) but areas adjacent to the site to the west on High Street have a PTAL of 3 (average). In total, 7 bus routes can be reached within 3 minutes walking distance of the site. There are parking restrictions in the form of double yellow lines and parking bays on the High Street. The site is in a CPZ which operates from Mon-Sat, between 8am and 6.30pm.

The proposal will result in the provision of 356.7sqm of A1 commercial use at basement and ground floor level and 4 self-contained flats plus 1 mews house providing a total of 5x2bed units. The residential element will generate a maximum parking demand of 5-7.5 spaces and the commercial element at a ratio of 1 space per 50 sqm has been applied which

equates to 7 spaces. However, given that the site is in a CPZ and in a town centre location, Highways would accept no parking provision at the site provided the applicant is willing to enter into a section 106 agreement with the Council to deny residents of the development the right to purchase CPZ permits.

This approach was also considered acceptable by the Inspector. The applicant has confirmed they are willing to enter into such an agreement. As such, the proposed car free development is considered acceptable subject to completion of this legal agreement.

Highways have stated that the proposed development is unlikely to generate a significant number of vehicle trips and so the network impact of the scheme is expected to be low.

Highways have recommended that although the commercial floorspace does not exceed 1000sqm, a travel plan is requested to encourage the use of sustainable transport use alongside a travel plan monitoring contribution of 5K is recommended. Officers do not consider that such an obligation would meet the tests of necessity or reasonableness given it does not meet the policy threshold. In addition, parking permit restrictions will ensure sustainable modes of transport are utilised.

#### Cycle parking:

Based on London Plan cycle parking standards a minimum of 10 long stay and 2 short stay cycle parking spaces are required for the residential uses and 4 long stay and 7 short stay spaces for the commercial element. 10 cycle parking spaces are proposed for the residential use within a dedicated internal area of the building.

No cycle parking is shown for the commercial premises, however this can be adequately accommodated within the commercial floorspace. The applicant has stated the precise location and details of the cycle cannot be provided as this will be dependant on future tenants of the premises. Highways have stated that if cycle parking space cannot be provided within the commercial element of the development a s106 contribution of £3,300 towards cycle infrastructure in the town centre may be acceptable.

Officers are content with either of the two approaches and thus a legal obligation and applicable conditions can be secured to ensure one of the two options are realised.

#### Refuse storage:

The proposed development includes the provision of refuse stores for the proposed commercial and residential uses within the building envelope. A condition requiring the applicant to sign a waiver for refuse vehicles may be required if collections will take place from Nesbitt Alley. Further details including servicing arrangements and suitable collection points can be secured through a condition

#### Accessibility and Sustainability

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 5 of the London Plan (2021).



A condition would also be attached requiring that the development achieved a reduction in carbon emissions in accordance with Policy SI2.

The proposed development therefore could be conditioned to meet the necessary sustainability and efficiency requirements of the London Plan if approved.

### Other matters

The site also lies in the Archaeological Priority area of Chipping Barnet. The Greater London Archaeological Advisory Service (GLAAS) have been consulted on this application, as per the previous application, in order to safeguard any potential archaeological remains they have recommended a pre-commencement condition to govern an evaluation of the site and if necessary a full investigation. This condition will be imposed to any approval.

Environmental Health have recommended conditions relating to noise insulation, air pollution mitigation and contaminated land. The recommended conditions will be applied to any approval.

Thames Water have requested a 'Piling Method Statement' condition to be applied in the event of an approval to prevent and minimise the potential for damage to subsurface sewerage infrastructure. The recommended condition will be applied.

## **5.4 Response to Public Consultation**

Mainly addressed in the report.

- Concerns over size of commercial unit  
The proposed unit consists of one commercial floorspace albeit with two separate entrances. In any event, each unit would remain suitably sized.
- Concerns regarding structural damage to neighbouring buildings  
This is not a material planning consideration.
- Concerns regarding impact on sewerage network  
Thames Water have not objected to the proposal subject to conditions.
- Discrepancies between elevation plans and D&A Statement  
CGI images within the D&A Statement are for illustrative purposes only. For added clarity a caveat statement to this effect has been included within the revised D&A Statement.

## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

Having taken all material considerations into account, it is considered that the proposed development would have an acceptable impact on the character of the site, street scene, locality and heritage assets. The proposal would not adversely impact neighbouring

occupiers or the highway network. This application is therefore recommended for approval subject to conditions and the completion of a legal agreement.

