

Location **Land Adj To 12 Hadley Highstone And Rear Of 14 Hadley High Stone Barnet EN5 4PU**

Reference: **23/1334/FUL** Received: 27th March 2023

Accepted: 28th March 2023

Ward: High Barnet

Expiry 23rd May 2023

Case Officer: **Zakera Matin**

Applicant: Mr And Mrs P Griffin

Proposal: Erection of a two storey dwelling. Demolition of the existing clad store. New vehicular access from Mill Close with new entrance gate. Replacement of hard surfacing at front with landscaped front garden.

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,
Heritage Statement,
Landscape Plan,
521722-4,
521722-5 Rev F,
521722-6 Rev B,
Material detail.

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 The development shall be implemented in accordance with the material details submitted and approved under this condition.

Roof tiles- Clayhall Hamlet Mix by Heritage Clay Tiles Limited

Bricks - Heritage Blend by Wienerberger by The Reclaimed Brick Company

Painted timber windows and doors by Mumford and Wood

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 The development shall be implemented in accordance with the level details shown in 521722-5 Rev F and 521722-6 Rev B 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) 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.

7 a) 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, in the interests of promoting cycling as a mode of transport and to safeguard the visual amenities of the building and surrounding area, in accordance with Policy T5 and Table 10.2 of The London Plan (2021), Barnet's Local Plan Policies CS NPPF, CS1 and CS9 of Core Strategy (Adopted) September 2012, and Policies DM01 and DM17 of Development Management Policies (Adopted) September 2012.

- 8 Prior to commencement of the development, parking layout plan showing the provision of 1 parking space for the new dwelling and 2 spaces for the existing dwelling and dimensions of all existing, redundant and proposed crossovers shall be submitted to and approved in writing by the Local Planning Authority. A s184 licence will need to be obtained by the applicant for all works on the public highway including the proposed modifications to the existing accesses. The designated parking spaces shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet.

- 9 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
- c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and G5 and G7 of the London Plan 2021.

- 10 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard

BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

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

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

11 a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and G5, G6 and G7 of the London Plan 2021.

12 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.

A: 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:

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.

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: To enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD 2016 and Policy HC1 of the London Plan 2021.

- 13 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevations facing no. 14 shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 14 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
- b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat
- c) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM16, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 15 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).

- 16 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 the London Plan 2021 and Mayors Housing SPG.

- 17 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 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), the London Plan (2021) and the Mayors Housing SPG.

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A to E of Part 1 of Schedule 2 of that Order shall be carried out within the area hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 19 Prior to commencement of the development details of the vehicular sight line to the either side of the proposed site access with the Public highway shall be submitted

to and approved in writing by the Local planning Authority. The access is thereafter to be constructed in accordance with the approved details and be maintained free of all obstructions over a height of 0.6 metre above the level of the adjoining highway.

Reason: In the interests of highway and pedestrian safety in accordance with London Borough of Barnets Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 20 No works on public highway including creation or modification of a vehicular access or reinstatement of a redundant crossover to footway as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

The applicant will be expected to enter into with the Highways Authority under Section 184 Agreement of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

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.

- 21 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for active Electric Vehicle Charging facilities and passive Electric Vehicle Charging facilities.
- b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with the London Plan 2021.

- 22 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).

- 23 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 the London Plan 2021.

Informative(s):

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

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.

- 2 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(as Amended).
- 3 Informative: 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.
- 4 Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.
- 5 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the

development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

- 6 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the councils Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.
- 7 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 work.

- 8 The applicant advised that if the development is carried out, where possible, the applicant should seek to improve the existing pedestrian visibility splays at either side of the vehicular crossover in accordance with Manual for Streets (MfS).

OFFICER'S ASSESSMENT

The application is referred to committee because of number of objections received.

1. Site Description

The application site is located between 12 and 14 Hadley Highstone. The site is part of 12 Hadley Highstone comprising of a shed and hard surfacing at front and parking area and rear garden at the rear.

The area is characterised by two storey detached and semi-detached properties. The site is located within conservation area.

No 12 Hadley Highstone features hard surfacing and parking at front. No 14 features front garden.

2. Site History

Application: 17/0119/FUL

Proposal: Conversion of existing dwelling into 5no self-contained flats with rooms in roofspace. Part single, part two storey rear extensions. New entrance doors. Associated amenity space, parking, cycle store, refuse and recycling store.

Decision: Refused and allowed in appeal in 05.01.2018

3. Proposal

The application seeks permission for a new dwelling on the side of no. 12 Hadley Highstone, with shared parking for both the existing and new dwelling at the existing rear parking area, removal of existing shed at front, replacement of hard surfacing at front with landscaped front garden. A new vehicular access is proposed from Mill corner to provide access to rear parking.

4. Public Consultation

Consultation letters were sent to 35 neighbouring properties.

11 objections received as below:

- The Monken Hadley Conservation Area Advisory Committee objects to this application and stated that, it is unclear how the garage at the back will be allocated between the two properties and it is quite likely that the turning circle into one of the garages would be too tight to allow access. Also the new vehicular access onto Mill Close could be hazardous to pedestrians and cars. We consider that this is over-development of the site and will not enhance the Conservation Area.
- Hendon and District Archaeological Society commented that, "The Heritage Statement submitted with the application acknowledges that the site is in an area of archaeological interest, but does not discuss the implications of this. In fact, the proposed development is close to where the Battle of Barnet may have been - for instance, a ditch has been found very near which may be part of the Enfield Chase/Gladmore Heath boundary (hence the name 'Boundary Close'). The work proposed could reveal relevant evidence for this historic event. Historic England, to whom I am copying this, will advise on an archaeological condition."
- The access to the narrow and bidirectional Mill Corner lane is fundamentally unsuitable for the proposed development, as its limited width and high traffic flow pose significant safety risks to both pedestrians and vehicles.
- Impact on daylight for 14 Hadley Highstone
- potential impact on water drainage in Mill Corner
- The construction of the proposed development would not contribute to the aesthetic appeal of the historic conservation area.
- The proposed garages would create noise and disturbance for the garden of 18 Hadley Highstone Barnet
- Driving in and out of Mill Corner is a tricky manoeuvre and it is only made possible by the fact you can currently clearly see whether there is a car trying to use the road.

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.

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

Relevant London Plan Policy: D1, D4, D6, D7, T5, T6, SI 2, SI 5.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS13.
- Relevant Development Management Policies: DM01, DM02, DM04, DM06, DM08, 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 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:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Provision of suitable accommodation for future occupiers
- Provision of waste recycling and cycle parking
- Sustainability and Accessibility
- Highways and parking.
- Impact on trees
- Archaeology

5.3 Assessment of proposals

The current proposal has been amended to remove hard surfacing and parking from front of the existing and new dwelling. Garage structure has been removed from the rear.

Impact on the character and appearance of the existing site, street scene and wider locality

Policy CS5 Protecting and enhancing Barnet's character to create high quality places' seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design. Policy DM01 states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The NPPF supports this and stipulates that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation but instead development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

Policy CS5 states that, " We will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design."

Policy DM06 states that, Development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet. Conservation Areas are defined as areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. If a site lies within a Conservation Area or is located nearby, planning permission will not be granted where development proposals neither preserves nor enhances the character or appearance of that area.

SPD Residential design guide in paragraph 6.12 states that, "Proposals for new residential development should respond to the distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context."

Paragraph 6.13 goes on to state that, "New development should recognise the scale, massing and roof form of surrounding buildings and reflect these where they are a positive attribute of the area's character. Consideration should be given to the grouping of buildings, roof pitches, the detailing of eaves and gables, chimney stacks and the size/siting of any dormer windows. New development should reflect the existing building lines and rhythm of the street."

It further states that, "great care should be taken when incorporating contemporary design into the existing urban fabric. New and old buildings can co-exist without negatively influencing the character of the area, but new development should always sit comfortably with its neighbours."

It is noted that, the proposal would be similar in architectural style with no.12 and 14 utilizing similar hipped roof form and front gable projection. The proposal would be traditional in design with fenestration similar to the neighbouring properties and sympathetic to the conservation area.

The proposed ridge height of the dwelling would be lower than no.12 and marginally higher than no.14 following the slope of the road. It would be 10 m in depth, 6.4m wide and 8.9m maximum height at ridge. Eaves would be at similar height of the eaves of no.14 at 5.4m.

Paragraph 6.11 of the SPD states that, "The amount of set back should be determined by the surrounding character and road hierarchy. In case of infill areas, replication of existing pattern of set backs should be taken into account." The proposal would maintain sufficient gap with neighbouring no.12 and 14. The proposal would be sited 2m from the flank wall of no.14 Hadley Highstone and 2m from the flank wall of no.12 Hadley Highstone. The proposed set back from the side boundaries would comply with the guidance contained in SPD Residential Design Guide (2016).

It is noted that the front building line of the proposed dwelling would line up with the front of no.12 and set back from no.14. Existing front hard surfacing and parking would be replaced with front garden for both the existing dwelling no.12 and new dwelling. Shared parking would be provided at the rear existing parking area with a new vehicular access from Mill Corner.

Council's conservation officer was consulted on the proposal. The officer informed that the site is located at Monken Hadley Conservation Area. The officer commented that the

proposal will need to demonstrate that the new house sits comfortably within this space and enhances the streetscene. The officer recommended removal of front hard surfacing and enhancement of the frontage with soft landscaped front garden which is sympathetic to this part of conservation area.

The proposal has been amended during the course of the application, by removing the front hard surfacing, introducing front garden, providing shared parking at the rear existing parking area, removal of the proposed garage structure from the rear.

Councils Conservation officer is satisfied with the amendments provided. The proposal is considered an improvement over the existing situation where the front of the property is hard surfaced. The introduction of front garden would enhance the streetscape and contribute to the character of the conservation area.

Overall, it is considered that the new dwelling would sit comfortably within the site and street scene and would relate well with the neighbouring properties due to acceptable scale, design and adequate separation gap from the side boundaries and neighbouring dwellings. It is not considered that the proposal would have any detrimental impact on the character along the street and the conservation area.

Impact on the amenities of neighbours

Policy DM 01 states that, Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

It further mentions that,

"Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well being of the boroughs residents."

The two storey rear building line would project 3m from the two storey rear wall of no.14 and sited 2m away from the two storey flank wall of no.14. At ground floor it would project 3.9m on the side of no.14 from the rear building line of no.14. The proposal would be sited to the north east in relation to no.14 and not considered to cause significant overshadowing or overbearing impact for that property because of acceptable depth.

There would be a flank wall window serving a stair at first floor facing no.14. A condition would be attached for obscuring glazing and non-opening windows 1.7m above the finished floor level to prevent any overlooking for the neighbouring occupiers of no.14.

The rear building line would be sited 0.9m from the rear wall of no.12 and sited 2m from the two-storey flank wall of no.12. In this context the proposal is not considered to cause any overshadowing or overbearing impact for no.12.

It is noted that the proposed garage structure has been removed from the rear parking area sited at the rear garden of no.14. It is noted that the existing parking is located at the rear garden of no.14 and in this context additional parking for the new dwelling at the same location is not considered to cause any additional noise for no.14.

The relationship with property no.8 at the rear would be similar to the existing situation and the proposal would not have any additional overlooking, overbearing or privacy impact for

property at the rear.

Neighbours expressed concern regarding vehicular access from Mill Corner. It is noted that Mill Corner is an existing vehicular access for properties no. 1 to 8 Mill Corner. Highway officer assessed the submitted access and did not find it hazardous for pedestrian and vehicles. The officer requested parking layout showing dimension. A condition is attached to address this.

It is not considered that the proposal would have any detrimental impact on the amenities of neighbouring occupiers subject to attached conditions.

Provision of suitable accommodation for future occupiers

In terms of amenity for future occupiers, the 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 proposed 2-bedroom 4 person family dwelling with Gross Internal Floor Area (GIA) of 100 sqm would comply with minimum required. The double bedrooms would be more than required 11.5 sqm which would meet the minimum standard. There is space for sufficient storage.

The rooms would benefit from good outlook and receive adequate daylight and sunlight.

To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, London Plan 2021 requires a minimum ceiling height of 2.5m for at least 75% of the gross internal area so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space. The proposal would meet the standard in this regard.

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. The Sustainable Design and Construction SPD advises that for a dwelling with 5 habitable rooms needs to provide 55 sqm of outdoor amenity space. The proposed rear gardens would measure 55 sqm for the new dwelling and would meet the SPD requirements.

The proposal would retain 97 sqm rear garden for no.12 which is adequate for a dwelling with seven or more habitable rooms.

It is considered that the proposal would provide suitable accommodation for future occupiers.

-Waste Recycling

Paragraph 11.10 of the Residential Design Guidance SPD 2016, states that, "Waste and recycling storage can cause a nuisance to neighbours and future occupiers, by reason of odour and noise, and can be visually intrusive in the streetscene. Waste and recycling storage areas should be integrated within the building or provided on-site and screened within an enclosure or by landscaping avoiding garden areas in front of dwellings."

The submitted drawings show refuse bins near the shared parking accessed by a side

access from the street. A condition is attached for detail for then bins.

Accessibility and Sustainability

The application scheme is required by Policy D7 of the London Plan (2021) to meet Building Regulation requirement M4(2). The submitted drawings show that the proposed development can be adopted to meet this requirement, and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the proposed scheme has to designed to achieve 10% CO2 reduction to comply with the requirements of Policy SI 2 of the London Plan 2021 and a condition is attached to ensure compliance with the Policy.

In terms of water consumption, a condition is attached to require the dwellinghouse 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 (20 21).

Highways and Parking

Policy CS9 of the Barnet Core Strategy 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 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

Councils Highway officers were consulted on the proposal and the officer informed that, the site fronts onto Hadley Highstone (A1000). It is not in a CPZ but there are single yellow lines that operate between 8am-12 midnight, 7 days a week. The site has a public transport accessibility level (PTAL) rating of 0 (poor) on a scale of 1-6 where 1=poor and 6=excellent accessibility. However, one bus route (399) can be accessed from stops with 3-4 minutes walking distance from the site.

The proposal consists of the erection of 1 -2 bed property. The parking requirement for the site based on policy DM17 is between 1- 1.5 spaces. The officer informed that 1 car for the new 2 bed and 2 cars for existing No. 12 would be acceptable.

A minimum of 2 long stay cycle parking spaces needs to be provided for the new dwelling. No cycle parking spaces are shown on the proposed plan. A condition is attached for details of cycle parking and storage.

The proposed development will involve construction works therefore a condition for construction logistics plan is attached.

Highway requested a revised parking drawing with dimension for parking and access from Mill Corner. The applicant subsequently provided revised drawing with dimension.

Highway has no objection subject to attached conditions.

Trees

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 trees 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.

National Planning Policy Framework revised 2018 also emphasises on protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.

Councils Arboriculturist was consulted on the proposal who comment that, a replacement Yew tree was proposed in the past at the rear near the access to the car parking, which was not provided. The officer indicated location for the replacement Yew tree near the rear vehicular access.

The officer further informed that 1 ash tree will be removed to facilitate the current proposal. As such the value of the ash tree must be provided in accordance with G7 of the London plan 2021 and an equivalent value of new tree planting must be provide, if its loss is considered acceptable. The quality of this tree is fairly low, as it has been reduced in height. Replacement trees would provide better longer term benefits and this should be detailed on a landscape plan for the development area.

The officer has no objection subject to conditions for Hard & Soft landscaping, Tree protection and method statement and Landscape management.

Archaeology

NPPF Section 16 and the London Plan (2021 Policy HC1) recognise the positive contribution of heritage assets of all kinds and make the conservation of archaeological interest a material planning consideration. NPPF paragraph 194 says applicants should provide an archaeological assessment if their development could affect a heritage asset of archaeological interest.

NPPF paragraphs 190 and 197 and London Plan Policy HC1 emphasise the positive contributions heritage assets can make to sustainable communities and places. Where appropriate, applicants should therefore also expect to identify enhancement opportunities.

Paragraph 205 of the NPPF says that applicants should record the significance of any heritage assets that the development harms. Applicants should also improve knowledge of assets and make this public.

English Heritage was consulted on the proposal. Their comments area as below:

The site is located within the Chipping Barnet Archaeological Priority Area, and within the Battle of Barnet Registered Battlefield. Roman and medieval artefacts recovered from the area indicate that settlements existed here in those periods. Archaeological excavation to the immediate south of the site has revealed a large boundary ditch or watercourse, infilled in the early Post Medieval period, which may represent the boundary of Enfield Chase.

Given the close proximity of the site to known archaeological remains and its location within the historic settlement core and close to a mill, it is possible that further archaeological remains survive below ground and may be affected by the proposed development.

The development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that a two-stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

An archaeological field evaluation involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent, quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches. A field evaluation report will usually be used to inform a planning decision (pre-determination evaluation) but can also be required by condition to refine a mitigation strategy after permission has been granted.

A written scheme of investigation for the evaluation should be enhanced to include historic mapping, background information and GLHER data.

A pre commencement condition is attached to address this issue.

5.4 Response to Public Consultation

Addressed in the report.

Garage has been removed from the rear garden of no.14,16 and 18.
Condition for Drainage strategy has been attached to address any drainage issue.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the conservation area. The development is not considered to have an adverse impact on the amenities of neighbouring or future occupiers and Highways. This application is therefore recommended for approval.

